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HP800.20 TITLE: PLACEMENT AND POST PLACEMENT MONITORING UNTIL FINAL ADOPTION 96.50 (a, b, c, d, e, f, g, h)

POLICY: The agency or person takes all appropriate measures to ensure that the transfer of the child takes place in secure and appropriate circumstances, with properly trained and qualified escorts, if used, and, if possible, in the company of the prospective adoptive parent(s) 96.50 (a). The Agency monitors and supervises placement and post-placement to make sure the placement remains in the best interest of the child and that applicable standards and reporting requirements are met 96.50(b). The agency secures finalization in keeping with applicable laws as required.

PURPOSE: To monitor and protect the stability of the placement in the best interest of the child. According to the laws of the child's country of origin, the Convention regulations and the post-placement requirements of the adoptive family's state.

SCOPE: The procedures outlined below will apply to every client/family who has engaged the Agency for child-placement services from a Convention country.

PROCEDURE:

1.0 GENERAL GUIDELINES

- 1.1 The Agency will engage the services of only trained U.S. and in-country personnel affiliated with or working cooperatively with the Agency to assist transfer of the child.
- 1.2 The agency will work to ensure that at least the number of home visits required by state law or by the child's country of origin are performed 96.50(b).
- 1.3 The agency will work to ensure that the number of post-placement and post-adoption reports required by state law, agency policy or the child's country of origin are completed.
- 1.4 When required a consent to adopt shall not be issued if a family is not in compliance with the post-placement requirements of all involved parties.

2.0 POST-PLACEMENT AND POST-ADOPTION SERVICES

- 2.1 The Agency provides adoptive families with post-placement assistance and post-adoption reports and services as mandated by the Hague Convention of 1993, the child's country of origin and the laws of the State of Kentucky 96.50 (g), the state of Missouri and/or any other state(s) where the agency becomes licensed.

- 2.2 The Agency and/or its foreign providers monitor and supervise the child's placement to insure that the placement is in the best interest of the child during the time spent in the child's country of origin.
- 2.2 The Agency works cooperatively with outside agencies such as home study and /or child placing agencies to ensure that adoptive families receive appropriate post-placement and post-adoption services according to Convention, country of origin and regulations.
- 2.3 ABI has a staff member designated to oversee Post-placement and Post-Adoption issues, ensure deadlines are met, provide initial support and resources and to keep the Executive Director up to date on any problems or unusual circumstances after a child has arrived in the US with the adoptive family.

1.0 ADOPTION CRISIS INTERVENTION AND COUNSELING

- 3.1 In the event of an adoption crisis, the Agency Executive Director, and the social service staff are available for counseling and recommendations for adoptive families in the post-placement and post-adoption phases of their placement. The agency makes an effort to provide or to arrange for counseling by an individual with appropriate skills to assist a family in dealing with problems in the placement 96.50 (c).
- 3.2 The Agency maintains a resource list of local adoption and mental health professionals to be available to residents of the state(s) where the agency is licensed for additional counseling or assistance as this information is made available to the agency.
- 3.3 If the adoptive family does not reside in Kentucky, Missouri or another state where the agency is licensed or has used another home study and/or child-placing agency, the agency will work cooperatively with outside agents to provide assistance to the family.

4.0 DISRUPTION OF THE PLACEMENT AND RE-PLACEMENT OF THE CHILD

- 4.1 In the event of a post-adoption disruption for a Kentucky resident, the agency, if serving as the Primary Provider in the case, will assist in the replacement of the child, in accordance with the laws and regulations of the State of Kentucky Department of Health and Family Services
- 4.2 In the event of a disruption of a placement for a family outside of Kentucky, the agency, if serving as the Primary Provider in the case, will work cooperatively with the family, their home study and/or placing Agency, as well as the Department of Social Services of their home state and the agents of ICPC if necessary, to assist in the replacement of the child. In the event that the child has entered the US under the guardianship of ABI, the agency shall be responsible for immediate intervention, which shall consist of the following possibilities:
 - a. If the agency believes the child is in danger law enforcement shall be immediately contacted and steps taken to ensure the safety of the child.

- b. If the agency does not believe the child is in immediate danger, ABI will work with the adoptive family, supervised provider and applicable social services to ensure the child is safe and cared for until the agency can arrange for physical transfer of the child into the agency's care.
- c. If the adoptive family can maintain the care of the child safely and is willing to do so this is the preferred option until the agency can make the transfer.
- d. Agency social services staff are willing and available to travel to take physical custody as required in a disruption situation for a child under the legal guardianship of the agency.
- e. ICPC will always be consulted and informed in the event of a cross state transfer of a child.
- f. Upon receiving the physical custody of a child the agency shall place the child with an approved agency foster home, a foster home approved by another licensed agency, a licensed child-caring facility in Kentucky or potentially in a state approved foster home if necessary.
- g. The agency shall enroll the child in appropriate social service programs for which the child may be eligible.
- h. ABI will consult with the sending country and the US Central Authority with regard to any re-homing of the child and shall follow all applicable requirements.

- 4.3 The Agency will assist families in adoption disruption crisis in a timely manner to aid in the prompt alternative re-placement of a child.
- 4.4 If the agency has guardianship or assumes custody of the child, the agency will be assuming responsibility for making another placement of the child 96.50 (d).
- 4.5 The agency acts promptly and in accord with any applicable legal requirements to remove the child when the placement may no longer be in the best interest of the child, to provide temporary care, to find an eventual adoptive placement for the child and, in consultation with the Secretary, to inform the Central Authority of the child's country of origin about any new prospective adoptive parent(s) 96.50 (e).
- 4.6 In all cases where removal of the child from a placement is considered, the agency considers the child's views when appropriate in light of the child's age and maturity, and when required by State law, obtains the consent of the child prior to removal 96.50(e)(1).
- 4.7 The agency does not return from the US a child placed for adoption in the US unless the Central Authority of the country of origin and the Secretary have approved the return in writing 96.50 (e)(2). The agency will treat this as a last option and will seek alternative adoptive placement diligently before considering returning a child.

5.0 CONTRACT

- 5.1 The Agency Business Agreement signed by the prospective adoptive parent(s) includes information regarding the agency's responsibilities if a placement for adoption is disrupted. This plan addresses the following:

- a. Who carries legal and financial responsibilities for transfer of custody in an emergency or in the case of impending disruption and for the care of the child;
- b. If the disruption takes place after the child has arrived in the US, under what circumstances the child will as a last resort, be returned to the child's country of origin, if that is determined to be in the child's best interests;
- c. How the child's wishes, age, length of time in the US and other pertinent factors will be taken into account; and
- d. How the Central Authority in the child's country of origin and how the Convention Secretary will be notified 96.50 (f).
- e. Informs the prospective adoptive parent(s) regarding how many and when post-placement reports are required by the convention country, and/or agency policy;
- f. The requirement that the prospective adoptive parent(s) must provide all necessary information to complete the post-placement reports, be present for the reports, provide pictures for the reports; and
- g. Discloses who will prepare the reports and what the fees are that will be charged 96.50(g).

6.0 FINALIZATION OF ADOPTION

6.1 The agency takes steps to ensure that an order declaring the adoption final is sought by the prospective adoptive parent(s) and entered in compliance with Section 301(c) of the IAA (42 USC 14931 (c)) and notifies the Secretary within thirty days of receipt of the court decree of adoption 96.50 (h).

- **42 U.S.C. 14931(c)** Condition on finalization of Convention adoption by State court: In the case of a child who has entered the United States from another Convention country for the purpose of adoption, an order declaring the adoption final shall not be entered unless the Secretary of State has issued the certificate provided for in subsection (a) of this section with respect to the adoption.
- **General statute KRS 199.585 Recognition of Foreign Adoption – Registration in Commonwealth of Kentucky when KRS 199.470 petition required :** (1) The Commonwealth of Kentucky shall recognize a decree, judgment or final order of adoption issued by a court or other governmental authority with appropriate jurisdiction in a foreign country when the child to be adopted has been approved for US citizenship, or a otherwise provided by federal law. (2) Upon presentation of an original decree, judgment or final order of adoption issued by a court or other governmental authority with proper jurisdiction in a foreign country, the secretary shall issue, within thirty (30) days a certified notice that the foreign adoption is registered in the Commonwealth of Kentucky.

