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ADOPTION COMPETENCY CURRICULUM



NATIONAL CHILD WELFARE
RESOURCE CENTER
for Adoption

At **Spaulding**
for Children

-A Service of the Children's Bureau-

**Family Assessment & Preparation
Participant's Handouts**

Family Assessment and Preparation

Objectives:

- *To build skill in the family identification, preparation and assessment process.*
- *To review concepts and tools in the family assessment and preparation process.*
- *To identify different issues related to family preparation and assessment in kinship/relative adoptions, foster parent adoptions, and newly recruited family adoptions.*
- *To consider the strengths of adoptive families in order to empower them.*

Competencies: Participants will be able to:

- *Write a family profile or home study and assessment using a family empowerment model.*
- *Complete an assessment of the family's suitability for a specific child/youth or child/youth with certain characteristics.*
- *Identify the content necessary in preparing current caregivers (foster parent or relative) to transition from fostering to adopting.*
- *Develop a plan for recruiting families for children/youth who will not be adopted by relatives or foster parents.*

Content Outline

This module will cover the following:

- Content and process for completing the Family Profile or Home Study and Assessment.
- Specifics of family identification, preparation, and assessment for different categories of adoptive families such as, kinship/relative, current foster parent, and newly recruited families.





State/Agency Family Profile/Home Study/Social History Assessment and Placement Policies

(Provide State's own specific formats and policies for family assessments and adoption placement policies.)





Family Preparation and Assessment Techniques

Take about 20 minutes to answer the following questions:

Which family preparation and assessment activities and techniques have you used?

What impact have these techniques had on the prospective adoptive family's sense of power and engagement in the process?

How have these techniques helped you to make a professional assessment of the family's ability to adopt a specific child/youth and identify the resources and supports they would need to make the adoption successful for all members of the family?





Assessment Checklist

Collecting information and discussing it with the family is not making an assessment. An assessment answers the “So what?” question. This helps to clarify how the information is useful and relevant in determining the ability of this family to care for the children/youth in their home.

Assessment is a continuous process. As you gather information, you are constantly asking and answering these questions:

- What do I know?
- How is this information useful for assessing this family for the specific child/youth or the specific type of child/youth the family is seeking to adopt?
- What more do I still need to know?
- Why do I need to know this?
- What do I recommend be done, based on the information that I have?

Each section of information gathered for the (*insert and use State-specific name for Family Profile/Home Study/Social History and Assessment*) should be assessed to ensure that you have collected sufficient information to document whether the family meets the basic, legal requirements for adoption in your State and can meet the needs of the specific child/youth or type of child/youth being considered for adoption.

In addition, after you have collected the requisite information, the following elements should be the focus of the assessment:

- What is their capacity to keep the child safe?
- How do they solve problems as a family and as individuals?
- What role does each member perform in the family? How might introducing new children/youth impact these roles?
- How does the family communicate both within and outside the family?
- How do family members express feelings of love, joy, sadness, fear, happiness, disappointment, loss and grief?
- How engaged is each family member to the whole family unit and to individual members of the family?
- Which behavioral controls are used between family members and outsiders?
- What are the family members’ understandings of adoption?
- What is their individual and collective interest in and motivation to adoption?
- What is their individual and collective level of commitment to the specific child/youth or type of child/youth?
- What is their individual and collective understanding of the child/youth’s future or anticipated needs, and willingness to commit to meeting those needs?
- Which interventions with the child/youth and the family are necessary to ensure that adoption by this family would be successful?
- Given what you know about this family, do you recommend that the family be approved to adopt the specific child/youth or type of child/youth they are seeking to adopt?

Epstein, N.B. Bishop, D.S., & Levin, S. (1978). The McMaster of Family Functioning. *Journal of Marital and Family Therapy*, 4(4), 19-31.





Parenting Roles, Responsibilities and Issues: Nonrelated Foster Parenting and Kinship/Relative Foster Parenting

Jot down notes to respond to the following questions:

What are the differences in parenting roles and responsibilities, if any, between Mr. and Mrs. Williams, Mrs. Ernestine Harris, and Aunt Lorita?

What are the similarities?

How do these different roles and responsibilities affect the relationship between the caregiver and the Harris children?

Your concerns and issues regarding kinship care.





Reactions to TPR

	Use in Assessment and Preparation
<p>Harris Children</p> <p>Isaiah:</p> <p>Michael:</p>	<p>Isaiah:</p> <p>Michael:</p>
<p>Ernestine Harris</p>	
<p>Lorita Webster</p>	
<p>Mr. & Mrs. Williams</p>	
<p>Christine Harris</p>	





Discussing a Permanency Plan

Jot down your answers to the following questions as you watch the DVD, Can't "We All Just Get Along?":

What were some of the concerns of the families and how did the caseworker address those concerns?

How did racial and cultural differences impact the meeting?

How have your own cultural views surfaced or been challenged in your work as a child welfare practitioner?

What would you have done differently?

What other ways that you have found successful in handling the first?

What are your next steps?





Legislation and Court Decisions That Elevated The Place of Relative/Kinship Care

Federal Level

1978 - The Indian Child Welfare Act, Public Law 95-608: Strengthens the role played by tribal governments in determining the custody of Indian children; specifies that preference is given first to placements within the child/youth's family/tribe, second to other Indian families. Efforts to preserve Indian culture and to keep Indian children/youth connected to tribes.

1979 - Miller v. Youakim – 440 U.S. 125: Ruled that relatives are entitled to foster care benefits if eligibility criteria met.

1980 - The Adoption Assistance and Child Welfare Act, Public Law 96-272: Mandated placement of children/youth as close to their communities of origin as possible, in the most family-like setting consistent with the child/youth's best interest and needs; required reasonable efforts to prevent unnecessary placements and to reunify children/youth with their birth parents and/or families; established adoption as an alternative, permanent plan for children/youth who could not be returned to birth parents; required that decisions about permanency be made within 18 months of a child/youth entering care.

1988 - L.J. vs. Massinga Consent Decree: Maryland court required the State to assure that children/youth in custody of the State and in kinship care have access to specialized services that were previously available only to children/youth in foster care.

1996 - The Personal Responsibility and Work Opportunity Act of 1996, Public Law 104-193: Requires that States must consider giving preference to adult relatives over nonrelatives when determining placement for a child/youth.

1997 - The Adoption and Safe Families Act, Public Law 105-89: requires that relatives meet the same foster care eligibility requirements as nonrelatives; exceptions to time frames for filing TPR petitions may be granted at the option of the State if the child/youth is cared for by a "fit and willing" relative who can provide a "planned, alternative, permanent, living arrangement."

2000 - Child and Family Services Reviews: Places greater emphasis on locating and assessing paternal relatives as placement options.

State Level

(Trainer: Insert and discuss relevant State-specific legislation and cases.)





Nonadoption Options for Relatives/Kin

Trainers: Make State specific.

Relative/kinship care includes **formal or child welfare system placements, informal placements and legal guardianship placements.**

In formal or child welfare system kinship/relative care, the child/youth is placed with the relative under the supervision of a child welfare agency after the court has determined that the child/youth has been abused or neglected. The relative who cares for the child/youth in formal care can be a licensed foster parent and can receive the same compensation and support services as a nonrelated foster parent or may not be licensed and be compensated under a State funding system or TANF. In most states, formal kinship/relative care is subject to the same requirements as nonrelated foster care. *Children/youth in the child welfare system who are placed with relatives are in foster care.*

In informal kinship care, the child/youth is placed in the home of a relative by the birth parent without any court involvement. In this case, the relative takes responsibility for primary care of the child/youth outside of the supervision of the child welfare system. A further distinction has been made between two types of informal care—*private* and *voluntary*.

- Private kinship care occurs when an arrangement is made between parties without the involvement of the child welfare system at all.
- Voluntary kinship placements exist where there is initial involvement with a child welfare agency, but then the child/youth is placed in the care of a relative without ongoing involvement of the child welfare system. (Geen, 2003)
- According to the National Survey of American Families (NSAF), the number of voluntary kinship care placements is approximately one and a half times greater than the number of formalized kinship placements. (Ehrle & Geen, 2002; Geen & Clark, 2001)
- In addition, children/youth who have come to the attention of the child welfare system and have been placed in the home of a relative (whether in kinship foster care or in voluntary kinship care) make up only 28% of all children/youth living with a relative. The remaining 72% are in private kinship care. (Ehrle, Geen, & Clark, 2001)
- This reveals that most children/youth who reside in the home of a relative have not come to the attention of child welfare agencies.
- They are also not eligible for the same monetary compensation received by formal kinship caregivers who are licensed or certified foster parents.

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In legal guardianship kinship/relative placements, the relative or fictive kin is appointed by the court to take on specific legal rights, responsibilities, and decision-making powers of a parent (enrollment in school, medical decision making) in regards to a minor child/youth (Find Law, 2005). This appointment can be made either with or without the consent of the birth parent. This type of care arrangement is becoming an increasingly popular option for kinship families (Testa, 2001). Guardianship, unlike adoption, does not sever the legal relationships between the parent and the child/youth. (Find Law, 2005)

Furthermore, new federal and State policies seem to make obtaining legal guardianship a more viable option for kinship caregivers. (Testa, 2001)

Among the factors promoting this option are monetary compensation/subsidized guardianship for caregivers obtaining guardianship under specific circumstances that are different in each State, legal services available to assist related and nonrelated persons in completing the necessary paperwork, and agency support systems that allow kin to receive training from others who have guardianship.

There are two variations of legal guardianship available in some States. They are:

- **Co-guardianship** allows a parent who cannot be an active parent to retain custody of her/his children, if a relative is able to help. In these cases, the court appoints a relative as co-guardian with the legal authority to parent the child/youth. The court may appoint more than one relative, giving children/youth the support of a network.
- **Standby Guardianship** is a legal arrangement that permits a parent to arrange for a person to serve as the guardian of his/her child/youth upon the parent's incapacity or death. Standby guardianship is effective for terminally ill parents and their children/youth.

In our State, guardianship options are:

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Kinship Perspectives and Issues

As you watch the DVD, jot down the different perspectives on the following:

Involvement with the child welfare system.

Relationships with birth parents and other family members.

Reasons for choosing guardianship versus adoption.

Your concerns and issues regarding kinship care.





Preparing and Assessing Relative Caregivers for Adoption

Jot down notes to respond to the following questions:

What are Mrs. Harris' concerns related to the children's birth mother and father?

What are Mrs. Harris' concerns about her *ability* to provide care for each of the children?

What are Mrs. Harris' concerns about her *desire* to provide care for the children?

What are the techniques that Kate Woodbridge uses to gather information and to engage Mrs. Harris in self-assessment?

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What does Kate Woodbridge know about Mrs. Harris at this point?

What additional information does Kate Woodbridge need in order to make a comprehensive assessment of Mrs. Harris as a prospective adoptive parent for Isaiah, Michael and Elizabeth?



Common Issues in Preparing and Assessing Kin for Adoption

Ambivalence/Lack of Commitment to Adoption

As you know, parental rights have been terminated. This means that we no longer will work with the child/youth's birth parents to return the child/youth to them, but we have begun looking for others to become parents to the child/youth by adoption.

Possible questions to ask the relative:

- How do you feel about the termination?
- Do you believe that it was a good decision for the child/youth?
- Do you feel that it was a good decision for the birth parent(s)?
- How will this affect your caring for the child/youth?
- How do you feel about adopting the child/youth?

Role/Boundary Redefinition

Changes in the caregiver's roles and boundaries occur not only with respect to the child/youth, but also to the child/youth's birth parent(s). Relationships with the birth parent(s) are redefined as the kinship caregiver undergoes a transformation from supporter to primary caregiver, from advisor to decision maker, and from friend to peer to authority figure.

Possible questions to ask the relative:

- How will you redefine roles, authority and relationships?
- What relationship do you envision the birth parents having with the child/youth after adoption?
- Are you comfortable telling the birth parents that they cannot have contact with the child/youth?
- What would make you limit or prohibit such contact?
- Can you live with the feelings of disloyalty, betrayal, etc. the birth parents and the child/youth might try to impose on you?
- If the birth parents show up for visits either high or intoxicated, what will you do? How will you handle this with the child/youth?

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- What will you do when a birth parent claims that you took his/her son or daughter away from him/her?
- What assistance might you need in making the post adoption contact with the birth parent least harmful to the child/youth and to the entire family?

Loss and Grief in Changing Relationships

The relative mourns for himself/herself as well as for the birth parent who has lost rights to the child/youth. The situation causes both of them to change their life plans. It makes the relative question whether he/she could have done more to help the birth parent to keep the child/youth.

Possible questions to ask the relative:

- How do you feel about taking on the role of parent for the child/youth?
- If you had control over the situation, what would you do?

Anger and Resentment

The kin/relative might be angry with the birth parents for failing to do the things necessary to get the child/youth returned to them. The relative might resent having to carry the birth parents' responsibility for the child/youth. It is important to acknowledge these feelings, to normalize them, to validate them, and to ensure that they are directed away from the child/youth.

Possible questions to ask the relative:

- How do you feel about taking on this responsibility for the child/youth?
- Many relatives who adopt become angry with the birth parents. How will you handle the anger and resentment that you might feel now or in the future about taking on this responsibility?

Fantasies about Parents – Child/Youth Reunification

Many kinship caregivers express the hope of seeing the birth parents and the child/youth reunited and continue to hope for this even after termination of parental rights. Such fantasies might become problematic if the caregiver is unable to accept the reality of the birth parents' needs and limitations or is unable to protect the child/youth from the birth parents due to fantasies and denial about the birth parents' limitations and capabilities.

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It is understandable that you wish that your family member who is the birth parent could continue to parent his/her child/youth; but that cannot happen now that parental rights have been terminated. It is up to you to protect and to parent the child/youth.

Possible questions to ask the relative:

- How are you going to deal with your desire to have your loved one resume parenting while protecting the child/youth?
- What is your plan for the child/youth?
- What do you view as the differences between your remaining the child/youth's foster care parent versus becoming the child/youth's adoptive parent?
- What do you think are the differences from the child/youth's point of view?

Overcompensation

Many kinship caregivers feel extreme empathy and sympathy for the child/youth and birth parents, given their history (domestic violence, neglect/abuse). They might feel that the system failed to help their loved ones. Consequently, the caregivers might try to “make up” for the child/youth's past losses or traumas, but in so doing, might overcompensate. The caregiver's task is to provide the child/youth with balance.

Possible questions to ask the relative:

- What does the child/youth need from you?
- What did the child/youth miss or not receive from the birth parents?
- How do you intend to give the child/youth what was missed?

Competition with Birth Parents

Many caregivers sometimes feel forced into competition with birth parents in order to disprove the birth parents' accusations that the caregiver is “unfit” or “no better able to raise a child/youth.” Others feel a need to prove to the courts or agencies that they are more qualified than the birth parents to raise the child/youth. Some want to prove to the child/youth that they are able to provide better care for him or her than the birth parent(s).

Possible question to ask the relative:

- What do you think accounts for your ability to parent this child/youth when the birth parents could not?

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Intrusion into the Family

Kin/relative caregivers have a tendency to question the need for intrusion into their family business necessitated by family profiles/home studies/social histories and assessments and legal requirements for adoption. Many view these as unnecessary intrusions into family privacy. You should validate these feelings while explaining the need for the information.

Explain in this way: “This information is needed to show that the child/youth is safe with you; that you are the best person to care for the child/youth permanently; and that you should receive ongoing financial support for the child/youth. Clearly this involves asking for personal information; but this information is available only to you, the courts, and my superiors and team members who help me to complete a thorough and accurate assessment.”

Possible questions to ask the relative:

- Can we continue to talk about these things?

Morbidity and Mortality

As more and more grandparents and, in some cases great-grandparents are adopting, the issue of planning for the child/youth’s care in the event of illness or death becomes more crucial. This is a subject to be explored in any adoption, and it is especially important in kin/relative adoptions to ensure that a “stranger placement” is not required at a later time when the youth is older.

Possible questions to ask the relative:

- Who will take care of the child/youth if you should become seriously ill or die?
- How will this person or these persons be involved in the child/youth’s life now or after the adoption?

Adapted from Joseph Crumbley’s presentation Maintaining Family Ties, Lansing, MI, 2004.



Decision: Should I Continue to Consider this Relative for Adoptive Placement?

Are there barriers precluding adoptive placement with this relative?

What can be done to eliminate or to mitigate these barriers?

Are there any concerns that cannot be overcome?

Which other options might be pursued to maintain the continuity of the relative placement and/or relationship?

What does agency policy or procedure require me to do?





Lorita DVD: Preparing and Assessing Kin by Choice for Adoption

Jot down notes answering these questions:

How does Lorita's experience as a foster care impact her motivation to adopt the Harris children?

How does Lorita's experience as a foster child impact her relationship with Kate Woodbridge and Lorita's attitude toward the Family Profile/Home Study/Social History and Assessment process?

Why is Lorita considering adopting the Harris children?

What are Lorita's concerns about her *ability* to provide care for each of the children?

What are Lorita's concerns about her *desire* to provide care for the children?





Foster Parent Adoption: Differences and Similarities

How is nonrelated foster parent adoption different from and similar to adoption by relatives/kin or newly recruited families?





Implications in Foster Parent Adoption

What are the implications with regard to the movement toward adoption by *nonrelative foster parents*?

What are the implications for the *birth family*?

What are the implications for the *child welfare system*?

What are the implications for the *child/youth*?

What are the implications for the *foster care or adoption worker*?





Building Partnerships: The Foster Care Worker, Adoption Worker, Foster Family, and Birth Family

Which strategies could you use to build partnerships with foster care workers or treatment workers?

Which strategies could you use to build partnerships between Kate Woodbridge and the Mr. and Mrs. Williams?

Which strategies could you use to build partnerships between and among the birth family (Christine Harris), the foster family (Williams family), and the adoption worker (Kate Woodbridge)?





Preparing and Assessing Foster Parents for Adoption

Jot down notes to answer the following questions:

Why are Mr. and Mrs. Williams' considering adopting the Harris children?

What are Mrs. Williams' concerns about her ability to provide care for each of the children?

What are Mr. Williams' concerns about his ability to provide care for each of the children?

What do other members of the Williams family recommend that they consider? How do these recommendations influence what you do with Mr. and Mrs. Williams and your final assessment of them as prospective adoptive parents for the Harris children?





Assessing Mr. and Mrs. Williams

You have 30 minutes to do the following and to discuss your answers with your team:

Based solely on the information that you have from the DVD, what you know about the Harris children, and what your agency policy is with respect to adoption by foster parents, do you agree on an assessment of Mr. and Mrs. Williams as the appropriate adoptive parents for Elizabeth, Michael and Isaiah? Make sure to justify your assessment by basing it on the information presented.

Identify information that needs further exploration for you to make a better assessment.

Identify other techniques that you might you have used to gather information to assess Mr. and Mrs. Williams.

Describe how this assessment is similar to and different from the assessment of Ernestine Harris, the children's grandmother; and Lorita Webster, the children's "aunt."





My Thoughts about Adoption

Older People (At what age do I consider parents too “old” to adopt?)

My thoughts about elderly couples adopting are:

Single Parents

My thoughts about single parents adopting are:

Cross-cultural Adoption

My thoughts about cross-cultural adoption are:

Keeping Siblings Together

My thoughts about keeping siblings together are:

Foster Families Who are Dependent on the Agency

(expect the caseworker to solve all problems)

My thoughts about foster families who are dependent on the agency are:





Summary Profile: Brenda and Steve Early

Brenda and Steven Early have been approved for adoption of children ages 6 through 10 with minimal behavioral problems and developmental disabilities. The Earlys have been married five years. They have wanted children; but are unable to conceive. They would like to adopt three or four children over the next three years. They are 30 and 32 years of age respectively. Both are employed professionally—he is an attorney and she is a college professor in social work. They have talked about Brenda taking a sabbatical for one year if they were to adopt. They have no immediate family in the area. Brenda's parents are deceased. She has one brother who is an officer in the U.S. Army stationed in Germany. He is not married. He visits once a year. Steven's father lives with Steven's older sister in California. His mother is deceased. Steven visits his father twice a year. The father does not travel. Steven's sister is divorced with one 16-year-old son. They have several good friends who would provide care for any adopted children when necessary and when Brenda returns to work. Brenda's work schedule is flexible. She would schedule her classes at times so that she could be with the children before and after normal school hours. Steven works long hours—frequently he does not get home until 9 or 10 p.m. He states that he would try to reduce his hours at least during the first six months of the adoptive placement.

The Earlys have a four bedroom home in an upper middle class neighborhood. He is Jewish but does not regularly participate in services. She is Catholic and participates in services every Sunday. They would raise the children in the Catholic faith.

Summary Profile: Jacob and Sara Smart

Jacob and Sara Smart are siblings who are 8 and 7 years of age respectively. They have been placed in the same foster home since they were released from the hospital after birth. The foster mother is 63 years old. She does not want to adopt them because she thinks she is too old and her health is failing—she has insulin dependent diabetes. She wants to make sure the children are adopted before she is unable to care for them. She is unmarried and has no adult children whom she might rely on to take care of Jacob and Sara. She has talked with some of her friends about the possibility of adopting them, but none have stated that they would.

The children's mother died three years ago. According to the foster mother, their mother's adopted sister continued to visit the children for about a year after the mother's death. Then she moved out of state. She had talked about possibly having the children placed with her before she moved. The aunt sends the children birthday cards and Christmas presents. The foster mother says that no other relatives have visited or contacted the children since she has had them. The children's mother and aunt were placed in foster care and adopted by the same family when they were 12 and 11 years old.

The children have two different fathers. Jacob's father was never identified. Sara's father acknowledged paternity and voluntarily released his parental rights six months after she was born. He stated that he could not see himself bringing a bi-racial child into his family. He is White; the mother was bi-racial—Black/White. His family was contacted before Sara was placed in foster care. They stated they wanted nothing to do with the child because she was bi-racial.

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Jacob is in the second grade. He receives As and Bs. He especially likes and does well in math and science. He has no behavior problems. He has tested above normal on cognitive tests. He has no known health problems. He is in the top percentile in physical development. Sara is in the first grade. She likes reading, music, and science. She has tested below average on cognitive tests. She is legally blind, has chronic anemia and frequent colds. Both children are well behaved in the home, community, and school. They have attended the Methodist church two blocks from their home since placement.

They call the foster mother, “grandma.” She has talked with them about being adopted by someone else because she is “sick.” She has told them that she will always be their “grandma.” The children want to be adopted; but they would like the new family to live close by so they can continue to go to the same school and church and visit her “every day.” Jacob would like a dad who will play basketball, football, baseball and soccer with him; help him build things; and take him fishing. He would like a mom who can cook as well as grandma. He wants his sister adopted by the same people. Sara wants a mom who will take care of her forever and help her to do things. She isn’t sure about a dad. She wants to be with Jacob.

Using Jacob’s and Sara’s Profile, identify the issues you would focus on with the Earlys as you and they determine if Jacob and Sara should be introduced to them for adoption. Discuss possible responses from them and how you would address those responses and how you would assess them in relation to the Earlys’ suitability to adopt Jacob and Sara.

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Earlys and Smarts: Child-Family Visitations

Now let's assume that we concluded that the Earlys, Jacob and Sara should meet. Jacob and Sara have been visiting weekly from Friday after school until Sunday for about three months. Based on your assessment, the visits have been going well, but Jacob has said that he is concerned that the Earlys live so far from his current foster mother (about 30 minutes by car), and that Mr. Early is frequently working and does not get home until after he goes to bed when they are visiting. He really wanted a father to "play with me." Sara also is concerned that the Early's home is so far from their current foster home; she would have to change schools and friends. Also, some of the kids in the Early's neighborhood and at church don't want to play with her because she is blind and Black. The Earlys have expressed some concerns about Sara's school performance; but said they would get her additional tutoring and provide more opportunities for learning outside the school environment. Jacob seems overly protective of his sister, and they would like to see him "act more like a child."

Mr. Early admits that he has been working during the weekend visits and has not had the time to spend with the children that he had hoped. He doesn't see his work schedule changing significantly in the near future. However, he hopes to be able to work at home more than he has in the past so he can "break for dinner with the children." He had expected to have most of Sunday with the children, but Mrs. Early insists on taking them to church on Sunday mornings and spending an hour with the church's children's group after services. Mrs. Early is fervently Catholic and thinks that the children should begin to learn about the Catholic faith with other children their ages. Further, they expect to enroll them in the school operated by the church. Participation in the children's group now gives them an opportunity to become acquainted with some of the children before they begin school. Mrs. Early has been the primary caregiver for the children during the visits. She picks them up on Fridays and has dinner with them and the current foster mother before going home. She puts the children to bed on Friday's usually before he gets home. Mr. Early assists with putting them to bed on Saturday nights. He has gone with them to a water park on two or three Saturdays. He and Mrs. Early take the children to the foster home on Sundays about 4 p.m. because the foster mother invited them to have dinner at the foster home early in the visitations, and they have continued to enjoy dinner with her and the children. They have a very good relationship with the foster mom and want her to remain involved in the children's lives because they know how much the children love her and she loves them. They view her as "grandma" to the children. This will be very important to them and the children because both of their mothers are deceased. Mrs. Early says that she has been very helpful in letting her know how to teach Sara to be more independent in the Early's home. They are committed to making sure the children visit her on a weekly basis after the adoption.

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Should This Adoption Proceed?

You would like to move to the next step—confirmation that the adoption should proceed or should not proceed because the children will be getting out of school in the next month and that would be a good time to transition them to the home if it is decided that the Earlys should adopt.

- What issues would be the focus of your discussions with the Earlys? With Jacob? With Sara? With the current foster mother?

- What responses to these issues would lead you to decide that the adoption should proceed?

- What responses to these issues would lead you to decide that the adoption should not proceed?

- What additional preparation activities would you encourage if the decision is to proceed with the adoption.

- How much longer should visits continue? What purpose(s) would be served by continuing visits?



Family Assessment and Preparation References and Other Resources





Elements to be Included in an Assessment

This document offers additional insights concerning what to look for and how to assess the information received in the family assessment.

I. Description of the prospective adoptive parents

(Refer to the handout Family Profile.)

Marital History and Current Status

1. In a two parent household, the extent to which both parents participate in the decision to adopt is important in understanding the level of commitment to that decision by each.
2. In single prospective adoptive parent households, an investigation of his/her significant others.
3. The caregivers' history of relationships will assist the child welfare worker in assessing the caregivers' experiences with loss and the stability of past and current relationships.

Their relationships should be assessed to determine the involvement of other important figures in the child/youth's life, their future role, and any concerns for the child/youth's safety and well-being.

Health Status

- Health status is assessed through updated parents' physical examinations discussion with parents of any limitations because of medical conditions and general observation of the prospective adoptive parents' ability to care for the child/youth.
- Although a history of health problems would not necessarily rule out adoption by the prospective adoptive parents, careful consideration must be given to the following: the extent of the illness or disability and any safety concerns that they might present for the child/youth, the child/youth's age and capabilities in relationship to the age and abilities of the prospective adoptive parents other support systems, and the caregivers' plan of succession for the child/youth in the event of their incapacity or untimely death.

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Employment History

- Employment history is assessed to determine the prospective adoptive parents' stability and financial ability to meet their needs and the child/youth's needs with or without adoption assistance.
- The caseworker should also assess, if necessary, day care arrangements for the child/youth around the prospective adoptive parents' employment.
- Review with the prospective adoptive parent possible employer supports or benefits offered to adoptive parents.

Plan of Financial Support for the Child/Youth

- This is assessed to determine the prospective adoptive parents' ability to financially support the child/youth.
- The worker should determine whether the prospective adoptive parents have established a history of being able to meet their family's basic needs.
- While the child/youth might be eligible for adoption assistance, this is intended to benefit the child/youth, and should not be the family's sole source of income.

Criminal History and Child Abuse and Neglect Registry Checks

- The Adoption Safe Families Act requires that a criminal background history on prospective adoptive parents be conducted through a check of state and federal fingerprint records.
- A criminal history check is important because its results:
 1. Might identify safety concerns for the child/youth that need to be carefully assessed.
 2. Might prevent consideration for adoption.
- Additionally, an ASFA requires Child Abuse and Neglect Registries check be conducted on the prospective adoptive parents and any other adults residing in the home in each state in which they reside in the preceding five years. (Child Welfare Policy Manual, 8.4F dated 7/16/2007)

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II. Understanding of Adoption

- Assessing the prospective adoptive parents' understanding of adoption includes an evaluation of the adoptive parents' understanding of how adoption is different from foster care and different from forming a family biologically.
- The prospective adoptive parents might need help understanding the importance of the child/youth's attachments to birth family members and the impact of loss on the child/youth's behavior and adjustment.
- Even for the child/youth who has been abandoned or who has not had recent contact with the birth family, the discussion of termination of parental rights and adoption could "reawaken" their sense of loss, and they might need to be given the opportunity to grieve their losses.
- Adoption confers additional legal rights and responsibilities for the child/youth on the adoptive parents that they need to understand and be willing to assume.
- The prospective adoptive parents' ability to assume these responsibilities might in part be dependent on their understanding of adoption as a lifelong process and the support available to them through post adoption services, potentially, adoption assistance.

III. Interest and Motivation to Adopt

- The caseworker assesses the prospective adoptive parents' motivation to adopt by engaging the adoptive parents in a preliminary discussion of the child/youth's need for permanency and the potential benefits and risks of adoption.
- The prospective adoptive parents' interest might hinge on their general understanding of adoption and the potential impact it can have on their family.
- Assessing the prospective adoptive parents' motivation to adopt involves reviewing the prospective adoptive parents' expressed reasons for wanting to adopt and determining whether these reasons revolve around meeting personal or family needs as opposed to the child/youth's needs.
- The caseworker will need to assess how well the prospective adoptive parents have successfully resolved past personal issues that might have influenced their decision to adopt.
- Many prospective adoptive parents are motivated to adopt by a combination of factors desiring to build their family through adoption as well as to meet a child/youth's need for permanency, and to become successful adoptive parents.
- However, it is the responsibility of the caseworker to carefully consider motivating factors and to determine which factors might be detrimental to the child/youth.

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- Prospective adoptive parents who appear to be motivated out of a sense of obligation or guilt about a particular child/youth might need the worker’s support to resolve these issues. They might also need the worker’s reassurance and help to transition the child/youth to an adoptive home other than theirs if it is determined to be in the child/youth’s best interests.
- **The following list of motivating factors are more likely to lead to successful adoptions in families:**
 - like children and enjoy the challenge of raising a family.
 - are flexible, patient and able to deal with frustration and are open to change in expectations and lifestyle.
 - are able to view people for what they can accomplish, not what they cannot, and value them according to their own potential.
 - have had contact or experience with people who have wide-ranging abilities and are accepting of diverse behavioral, emotional and physical functioning.
- **The caseworker should assist families to carefully reassess their motivations to adopt when they express the following reasons, which present a poor prognosis for success:**
 - Perceive adoption as a charitable gesture, due to pity or a sense of duty to the child/youth.
 - Perceive adoption as an exciting or romantic way to make a personal or public statement.
 - Pursue adoption of a “waiting child” as a second choice; the waiting period for the child/youth preferred is too long.
 - Place a high value on achievement and success.
 - React poorly to change and stress.
 - Chosen lifestyle is set and adoption of a child/youth from the child welfare system would disrupt important personal or work activities.
 - Have unresolved family issues including marital problems or pressure from extended family to have children/youth.
 - Want a playmate for a child/youth already in their home.

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IV. Willingness to Adopt and Level of Commitment to the Child/Youth

- Assessing the prospective adoptive parents' willingness to adopt involves assessing the caregivers' knowledge and understanding of the specific child/youth or type of child/youth and their background, a review of this information to help the caregiver understand the child/youth's future needs, and an assessment of prospective adoptive parents' ability and willingness to manage those needs.
- The level of commitment of the prospective adoptive parents to the specific child/youth or type of child/youth is measured by the caregivers' demonstrated history of attending to child/youth in general emotionally as well as physically, and their willingness and ability to work through problem areas with the specific child/youth or type of child/youth.
- **The following areas should be assessed:**

Understanding the child/youth's background and history

- The caseworker should ensure that all background information about the specific child/youth or type of child/youth has been shared in writing and reviewed by the caregivers.
- This information is crucial to help the prospective adoptive parents make an informed decision about adoption, as well as to help predict additional resources or interventions that may be needed.

Understanding of the biological family's medical and mental health history

- Once a specific child/youth has been identified for the family to consider, all non-identifying information about the birth family's medical and mental health history should be shared in writing and reviewed with the prospective adoptive parent to help interpret the child/youth's future needs and the prospective adoptive parents' ability and willingness to respond to them.

Demonstrated ability to meet the specific child/youth's needs or type of child/youth's needs

- This should be assessed by considering the prospective adoptive parents' past, current and anticipated ability to care for the specific child/youth or the types of child/youth waiting for adoption and to meet their needs in a comprehensive manner.
- The nature and quality of the prospective adoptive parents' relationship, if any, with the child/youth is also considered.
- The caseworker should assess the prospective adoptive parents' observed and documented ability to manage difficult behaviors or medically complex conditions and their treatment, as well as to nurture the specific child/youth or type of child/youth and provide them with developmentally appropriate care.

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- This assessment is ongoing throughout the visitation process before placement if the child/youth is not currently placed with the prospective adoptive parents.
- This information is used to review and project the caregivers' anticipated ability to meet the child/youth's needs.
- Additional areas that should be assessed include:

Child/youth's identity formation

- The caseworker should ensure that the prospective adoptive parent is knowledgeable and understands the potential difficulty the child/youth might have developing a positive sense of self and self-image. The process of self-discovery can be inhibited for the child/youth if they have not had the opportunities to use their biological family and history as guideposts.
- Being adopted often becomes a defining characteristic for the child/youth, in terms of how they view themselves and are viewed by others. Having this distinction can make the child/youth feel different and apart from their adoptive family and their peers.
- The prospective adoptive parent can be assisted to help the child/youth understand and appreciate their heritage through the use of a Life Book and supporting ongoing contacts with the birth family. The prospective adoptive parent might also need suggestions on ways to help the child/youth enhance their self-image and identity formations.

Child/youth's issues with separation, loss and grief

- Current caregivers might underestimate the significance of separation and loss for the child/youth, especially when the child/youth has been placed with the caregiver for an extended period of time, or the child/youth was placed with the caregivers at an early age.
- It is important that the caseworker helps the prospective adoptive parents acknowledge and understand that the child/youth's behavior and adjustment might be linked to how they perceive their separation from their family and significant others.
- It is also likely that termination of parental rights and adoption might trigger renewed feelings of grief and anxiety for the child/youth about their separations, as might future developmental milestones, although it might have appeared that the child/youth had resolved these issues early on.
- The child/youth might need the prospective adoptive parents' permission to grieve their losses, and the caregivers need help in interpreting the child/youth's behavior and in developing responses that enhance the child/youth's attachment to them.

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- The caseworker should also help the prospective adoptive parents recognize and understand their own history of loss, how they have coped with loss, and its impact on their relationship with the child/youth.
- For example, an infertile couple who have not fully resolved the loss of their “ideal” child/youth might expect their adopted child/youth to replace the child/youth they could not have, with expectations for the adopted child/youth that cannot be met.

Mutual expectations

- The caseworker will need to assess what expectations the prospective adoptive parents might have of the child/youth should they adopt, and what expectations they might have for their family as a result of adoption.
- For example, the child/youth might expect the extended family of the prospective adoptive parents, such as grandparents, will treat them the same as the caregivers’ birth children after the adoption, which might not be the case.
- The caseworker will need to assess what these expectations are and help the prospective adoptive parents confirm or modify the child/youth’s expectations.

V. Understanding of the Child/Youth’s Future or Anticipated Needs

- The caseworker will need to explore with the prospective adoptive parents the implications of the child/youth’s early experiences and background and the resulting service needs the child/youth might have in the future, and assess the prospective adoptive parents’ willingness and ability to provide or access those services.
- The prospective adoptive parents must be fully informed of post adoption service availability, including adoption assistance, in order for them to make the decision of whether or not to adopt.
- The caseworker should address with the prospective adoptive parents, the child/youth’s anticipated needs in the following areas:

Child/youth care plans

- Caseworkers should be aware that employment-related daycare is not funded through adoption assistance, and therapeutic day care services can only be provided through an adoption assistance agreement under conditions specified in department policy.
- Caseworkers should explore with prospective adoptive parents the kind of daycare services they might need for the child/youth and determine if the department policy states that this is covered under the Adoption Assistance Program or if other community resources need to be explored for this service.

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- This is particularly important for prospective adoptive parents who are employed and might need ongoing daycare services, or for prospective adoptive parents whose child/youth has special needs that make obtaining daycare services especially difficult.
- When selecting a child/youth care plan, the prospective adoptive parents and caseworker should review the ability of the child/youth care provider to safely care for the child/youth and manage behaviors presented by the child/youth that could present risk to other children.

Post adoption services

- The caseworker should carefully review and discuss with the prospective adoptive parents the full range of post adoption services that may be available to the child/youth and family following adoption.
- These services are generally explained in the department policy and might also include services funded through other sources.
- Post adoption services would include services such as adoption assistance, search and reunion services, and the Adoption Registry and confidential intermediaries, adoption preservation services, and the post adoption and guardianship information and referral service.

Use of other community resources

- The caseworker should also assist the prospective adoptive parents in exploring and identifying other community resources which would benefit the child/youth or which might be necessary to meet the child/youth's needs.
- Services such as youth groups, special education services, tutoring, social work services, specialized camps, developmental assessments, and some therapies might be offered through public schools, churches, or other community agencies at no charge or through grants.
- Other services might be offered at minimal cost through resources such as other governmental agencies, school districts, park, districts, community colleges or universities.
- Many social service agencies offer services on a sliding scale according to the caregivers' income.
- It is important for the caseworker to work with the prospective adoptive parents in determining the kinds of needs the child/youth might have now and in the future and to access services.

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IV. Approval/Denial to Adopt

- Based on the assessment of the prospective adoptive parents as outlined above, the caseworker and prospective adoptive parent will make a preliminary decision about the prospective adoptive parents' ability and willingness to meet a specific child/youth's or a type of child/youth's needs on a long-term basis and commit to adoption.
- This decision is subject to the approval of the caseworker's supervisor. It is reviewed again to help determine if the adoption plan is appropriate for the specific child/youth when a specific child/youth is identified.

Decision Making and Placement Selection in Adoption Module, provides specific information on placements selection.





Child Welfare Policy Manual

February, 2010

8.4F TITLE IV-E, General Title IV-E Requirements, Criminal Record and Registry Checks

1. Question: Do States have to request information from a "State" maintained child abuse and neglect registry of a U.S. Territory in which a prospective foster or adoptive parent has resided within the last five years in accordance with section 471(a)(20)(C)(i) of the Social Security Act (the Act)?

Answer: Yes. For the purposes of title IV-E, a "State" is defined in 45 CFR 1355.20 as the 50 States, the District of Columbia, Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam and American Samoa. As such, States have to request child abuse and neglect information pursuant to section 471(a)(20)(C)(i) of the Act of any of these territories that maintains a child abuse and neglect registry. However, only those Territories that have an approved State plan under title IV-E are obligated to comply with an incoming request pursuant to section 471(a)(20)(C)(ii) of the Act.

- **Source/Date:** 12/6/2007
- **Legal and Related References:** Social Security Act - section 471(a)(20)(C); 45 CFR 1355.20

2. Question: Does the criminal background check provision require checks at the State level, Federal level, or both?
(Deleted 01/31/2007)

3. Question: Does the criminal records checks provision apply to foster parents and adoptive parents whose licensure or approval predates the passage of the Adoption and Safe Families Act?
(Deleted 09/20/2007)

4. Question: Do the requirements for a criminal records check include checks for any member of the household over the age of 18?

Answer: No. Such a requirement would go beyond the statute.

- **Source/Date:** Preamble to the Final Rule (65 FR 4020) (1/25/00)
- **Legal and Related References:** Social Security Act - section 471 (a)(20); 45 CFR 1356.30

5. Question: Does a "drug-related offense" include an alcohol-related felony conviction?

Answer: The criminal records check provision at section 471 (a)(20)(A) of the Social Security Act would apply in such situations. Alcohol is considered a drug and a felony conviction for an alcohol-related offense is a serious crime. Therefore, unless the State opts out of the provision, an alcohol-related felony conviction within the last five years would prohibit the State from placing children with the individual for the purpose of foster care or adoption under title IV-E.

- **Source/Date:** Preamble to the Final Rule (65 FR 4020) (1/25/00)
- **Legal and Related References:** Social Security Act - section 471 (a)(20); 45 CFR 1356.30
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6. Question: May an Indian tribe elect not to conduct or require criminal records checks on foster or adoptive parents if it obtains an approved resolution from the governing body of the Indian tribe?

Answer: No. Tribes may only receive title IV-E funds pursuant to a title IV-E agreement with a State. A Tribe that enters into such an agreement must comport with section 471 (a)(20) of the Social Security Act (the Act) and section 1356.30 in accordance with the State plan in order to receive title IV-E funding on behalf of children placed in the homes it licenses. Agreements between the State child welfare agency and other public agencies or Tribes permit those entities to have placement and care responsibility for a particular group of the foster care population under the approved State plan. Such agreements do not permit other public agencies or tribes to develop a distinct title IV-E program separate from that operated under the approved State plan.

- **Source/Date:** Preamble to the Final Rule (65 FR 4020) (1/25/00)
- **Legal and Related References:** Social Security Act - section 471 (a)(20); 45 CFR 1356.30

7. Question: Must a State complete the fingerprint-based check of national crime information databases required by section 471(a)(20)(A) of the Social Security Act before placing a child in the home of a prospective foster or adoptive parent?

Answer: No. The State is not required by Federal law to complete the fingerprint-based checks before placing a child in the home of a prospective foster or adoptive parent. Rather, section 471(a)(20)(A) of the Act makes a fingerprint-based check of the national crime information databases an integral part of a State's criminal records check procedures that the State must complete before licensing or approving a prospective foster or adoptive parent.

Although the State may place a child in the home prior to completing the required criminal records check, doing so prior to completing thorough safety checks has serious practice implications. Further, States must still meet other Federal requirements to claim title IV-E foster care maintenance or adoption assistance. Therefore, title IV-E foster care maintenance payments may be paid on behalf of an otherwise eligible child only once the criminal records check has been completed, the records reveal that the parents did not commit any prohibited felonies in section 471(a)(20)(A)(i) and (ii) of the Act, and the foster family home is licensed. Similarly, title IV-E adoption assistance payments may be paid on behalf of an otherwise eligible child only once the criminal records check has been completed, the records reveal that the parents did not commit any of the prohibited felonies, and all other adoption assistance criteria are met.

- **Source/Date:** 01/29/07
- **Legal and Related References:** Social Security Act – 471(a)(20)(A)

8. Question: Must the State conduct the child abuse and neglect registry checks required by section 471(a)(20)(C) of the Social Security Act before placing a child in the home of a prospective foster or adoptive parent?

Answer: No. The State is not required to conduct a check of the State's child abuse and neglect registry before placing a child in the home of a prospective foster or adoptive parent. Rather, a State must check, or request a check of a State-maintained child abuse and neglect registry in each State

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the prospective foster and adoptive parents and any other adult(s) living in the home have resided in the preceding five years before the State can license or approve a prospective foster or adoptive parent.

Although the State may place a child in the home prior to completing the required registry checks, doing so prior to completing thorough safety checks has serious practice implications. Further, States must still meet other Federal requirements to claim title IV-E foster care maintenance or adoption assistance. Therefore, title IV-E foster care maintenance payments may be paid on behalf of an otherwise eligible child only once the criminal records check has been completed, the records reveal that the parents did not commit any prohibited felonies in section 471(a)(20)(A)(i) and (ii) of the Act, and the foster family home is licensed. Similarly, title IV-E adoption assistance payments may be paid on behalf of an otherwise eligible child only once the criminal records check has been completed, the records reveal that the parents did not commit any of the prohibited felonies, and all other adoption assistance criteria are met.

- **Source/Date:** 01/29/07
- **Legal and Related References:** Social Security Act – section 471(a)(20)(C)

9. Question: Does section 471(a)(20) of the Social Security Act (the Act) require the State to conduct a child abuse and neglect registry check on an adult who moves into a licensed/approved foster or adoptive home?

Answer: No. The new child abuse and neglect registry check requirements in section 471(a)(20) of the Act apply to "prospective" adoptive or foster parents, as well as all adults living in the prospective family's home. Thus, once a foster or adoptive home has been approved or licensed by the State, section 471(a)(20) of the Act does not require the State to complete additional child abuse and neglect checks on other adult(s) living in the home.

- **Source/Date:** 01/29/07
- **Legal and Related References:** Social Security Act – section 471(a)(20)

10. Question: Please explain the criminal background check requirements of section 471(a)(20)(A) of the Act and to whom they apply.

Answer: Section 471(a)(20)(A) of the Act places requirements on the State as a condition of the title IV-E State plan and places additional requirements for claiming title IV-E foster care maintenance and adoption assistance payments on behalf of a title IV-E eligible child.

As a condition of the title IV-E State plan, the State title IV-E agency must have procedures for criminal background checks, including fingerprint-based criminal record checks of the national crime information databases for prospective foster and adoptive parents. The State title IV-E agency and its agents, must conduct the checks and otherwise apply the procedures for prospective parents whom it will license or approve to care for a participant in the State's title IV-B/IV-E program (section 471(a)(20)(A) of the Act). Agents of the title IV-E agency include a State licensing authority and any other agency that is under contract with the title IV-E agency to issue licenses or approvals.

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Further, in order for a State to claim title IV-E foster care maintenance or adoption assistance payments for an otherwise title IV-E eligible child, the criminal records check must reveal that the prospective foster or adoptive parent has not been convicted of the prohibited felonies, and in the case of a foster family home, the home must be licensed or approved (section 471(a)(20)(A)(i) and (ii) of the Act). This applies regardless of the entity that licenses or approves the prospective parent (e.g., a private adoption agency, an Indian tribe either with or without an agreement under section 472(a)(2)(B)(ii) of the Act, or a private child placing agency not under contract with the State agency).

- **Source/Date:** April 13, 2007
- **Legal and Related References:** **Social Security Act - section 471(a)(20)(A)**

11. Question: To whom do the child abuse and neglect registry checks for prospective foster and adoptive parents at section 471(a)(20)(C) of the Social Security Act (the Act) apply?

Answer: The State must check any child abuse and neglect registry maintained by a State in which the adults living in the home of a prospective foster or adoptive parent have resided in the preceding five years, for any prospective parent who: 1) will be licensed or approved by the title IV-E agency, another public agency operating the title IV-E program pursuant to an agreement with the title IV-E agency (section 472(a)(2)(B)(ii) of the Act), or any other agency that is under contract with the title IV-E agency to issue licenses or approvals; and, 2) will provide care for a child who is a participant in the State's title IV-B/IV-E programs (section 471(a)(20)(C)(i) of the Act).

- **Source/Date:** April 13, 2007
- **Legal and Related References:** **Social Security Act - section 471(a)(20)(C)**

12. Question: May a State develop alternative procedures for background checks that do not include a fingerprint-based check of the national crime information databases (NCID) or a check of all State-maintained child abuse and neglect registries in which a prospective foster or adoptive parent and other adults living in the house have resided in the past five years?

Answer: A State's general procedures for criminal background checks of prospective foster and adoptive parents prior to licensing or approval as specified in section 471(a)(20) of the Social Security Act, must include conducting fingerprint-based checks of the NCID. The State must also check its own State-maintained child abuse and neglect registry, if it has one, and other State-maintained registries in which adult members of the prospective foster or adoptive parent's home have resided in the last five years. See the Child Welfare Policy Manual (CWPM) Section 8.4F Q/A #29 for case-by-case situations in which States may use an alternative method to obtain fingerprint-based checks of the NCID.

- **Source/Date:** 07/02/07
- **Legal and Related References:** **Social Security Act - section 471(a)(20); CWPM Section 8.4F #29**

13. Question: If a foster parent decides to become an adoptive parent, would the background check provisions of section 471(a)(20) of the Social Security Act (the Act) apply if the foster parent had already undergone the checks to be licensed as a foster parent?

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Answer: It depends. Some prospective parents are "dually licensed" to be a foster parent and/or an adoptive parent and therefore do not need a separate license or approval once initially licensed or approved. In this circumstance, the parent providing foster care does not become a "prospective" adoptive parent and the State would not be required by Federal law to conduct the background checks in section 471(a)(20) of the Act again.

However, if a State has separate licenses or approvals for foster and adoptive parents, then the State must comply with section 471(a)(20) of the Act prior to licensing or approving the foster parent as an adoptive parent. Consistent with the Child Welfare Policy Manual 8.4F Q/A #13, if the State has established an appropriate timeframe that a background check remains valid and such timeframe has not expired for the foster parent seeking approval as an adoptive parent, the State can consider the requirement of section 471(a)(20) of the Act met without conducting a new background check.

- **Source/Date:** April 7, 2008
- **Legal and Related References:** Social Security Act - section 471(a)(20)

14. Question: May a State establish an appropriate timeframe for when a fingerprint-based check of the national crime information databases or a child abuse and neglect registry check must be completed or can remain valid to meet the purposes in section 471(a)(20) of the Social Security Act (the Act)?

Answer: Yes. The statute requires only that the background checks for prospective foster and adoptive parents be conducted prior to licensure or approval (section 471(a)(20) of the Act). Since the statute does not prescribe a specific timeframe for when such checks must be completed or remain valid, the State has the discretion to establish timeframes as it sees fit, so long as the background checks are completed prior to licensure or approval.

- **Source/Date:** April 13, 2007
- **Legal and Related References:** Social Security Act - section 471(a)(20)

15. Question: May a State determine that it will not license or approve a foster or adoptive parent who has a criminal record other than one specified in section 471(a)(20)(A)(i) or (ii) of the Social Security Act (the Act)?

Answer: Yes. The State has the discretion to establish more restrictive criteria for foster or adoptive home licensure or approval than described in section 471(a)(20)(A)(i) or (ii) of the Act.

- **Source/Date:** April 13, 2007
- **Legal and Related References:** Social Security Act - section 471(a)(20)(A)

16. Question: Section 471(a)(20)(C)(i) of the Social Security Act (the Act) requires a State to request a check of information in another State's child abuse and neglect registry in which a prospective foster parent, adoptive parent, or other adult in the home has resided in the preceding five years. With regard to this provision, is the requesting State able to comply with the law if the other State that maintains such a registry denies the request because the provision is not yet effective in the other State?

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Answer: Yes. Section 471(a)(20)(C)(i) of the Act requires the State to request and check a State-maintained child abuse and neglect registry of another State in which prospective foster and adoptive parents and other adults living in the home have resided within the last five years. The requirement is met for the requesting State when the State receives the information from the other State's registry or is denied the request because the statutory provision is not yet in effect in the other State (or does not maintain a registry). If the State's request to check child abuse and neglect information is denied because the other State has an ACF-approved delayed effective date, or the State does not maintain a registry, the State may determine whether to license or approve the prospective foster or adoptive parent in the absence of the information.

A State that maintains a child abuse and neglect registry must comply with another State's request to check information on a prospective adoptive or foster parent and other adult household members (section 471(a)(20)(C)(ii) of the Act) as of the State's specified effective date consistent with section 471(a)(20)(C)(i) and (ii) of the Act. The effective date will vary among the States and may extend into 2008 if a State has an ACF-approved delayed effective date (section 152(c) of Public Law 109-248).

- **Source/Date:** April 13, 2007
- **Legal and Related References:** **Social Security Act - section 471(a)(20)(C);** Public Law 109-248 – section 152(c)

17. Question: Must a State make a registry check request pursuant to section 471(a)(20)(C)(i) of the Social Security Act (the Act) of a State which is not yet required to comply with such a request due to having an ACF-approved delayed effective date for section 471(a)(20)(C)(ii) of the Act?

Answer: Yes. Section 471(a)(20)(C)(i) of the Act requires a State to request a check of information in another State's child abuse and neglect registry in which a prospective foster parent, adoptive parent, or adult in the home has resided in the preceding five years. A State seeking to approve or license prospective foster or adoptive parents must request the information on all adults in the prospective foster/adoptive home, even if the other State that maintains a child abuse and neglect registry has an ACF-approved delayed effective date.

- **Source/Date:** April 13, 2007
- **Legal and Related References:** **Social Security Act - section 471(a)(20)(C)(i)**

18. Question: Section 471(a)(20)(C)(i) of the Social Security Act (the Act) states that "the State shall check any child abuse and neglect registry maintained by the State..." How does this apply if a State does not maintain a child abuse and neglect registry?

Answer: If a State itself does not maintain a child abuse and neglect registry, the State is not required by section 471(a)(20)(C)(i) of the Act to provide information to a requesting State or check further for child abuse and neglect information within the State on the prospective adoptive parent, foster parent or other adults living in the home.

- **Source/Date:** April 13, 2007
- **Legal and Related References:** **Social Security Act - section 471(a)(20)(C)(i)**

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19. Question: How should a State proceed when another State that maintains a child abuse and neglect registry does not respond to an out-of-State request to check a child abuse and neglect registry pursuant to section 471(a)(20)(C)(i) of the Social Security Act (the Act)?

Answer: The State may not approve or license a prospective foster or adoptive home pursuant to section 471(a)(20)(C)(i) of the Act without the results of a State-maintained child abuse and neglect registry check of another State where the prospective parents or other adults in the home have lived in the past five years, unless the results are not provided because the other State has an ACF-approved delayed effective date. A State that believes that another State that maintains a registry is not responding appropriately to an information request for a reason other than an ACF-approved delayed effective date should contact their ACF regional office. ACF may conduct a partial review pursuant to 45 CFR 1355.32(d) to determine the State's compliance with the title IV-E State plan.

- **Source/Date:** April 13, 2007
- **Legal and Related References:** Social Security Act - section 471(a)(20)(C)(i) and (ii); 45 CFR 1355.32(d)

20. Question: How should a State that maintains a child abuse and neglect registry and has an ACF-approved delayed effective date respond to incoming requests for child abuse and neglect registry information on prospective adoptive and foster parents pursuant to section 471(a)(20)(C) of the Social Security Act? Is that State out of compliance with the law if it does not provide the information?

Answer: The statute does not prescribe how a State with an ACF-approved delayed effective date should respond when denying a request for child abuse and neglect registry information from another State. The State is not out of compliance with the statute if it is unable to provide the information in its registry to another State on the adults living in the home of a prospective foster and adoptive parent before the ACF-approved effective date on which it is required to comply.

- **Source/Date:** April 13, 2007
- **Legal and Related References:** Social Security Act - section 471(a)(20)©

21. Question: If a State has verified that another State does not maintain a child abuse and neglect registry, is the State still required by section 471(a)(20)(C)(i) of the Social Security Act (the Act) in every case to make a request to that other State?

Answer: No. The requirement in section 471(a)(20)(C)(i) of the Act to request a check for child abuse and neglect registry information in another State in which the prospective parent or other adult has resided in the preceding five years is inapplicable if that other State does not maintain a child abuse and neglect registry.

- **Source/Date:** April 13, 2007
- **Legal and Related References:** Social Security Act - section 471(a)(20)(C)(i)

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22. Question: Some States have procedures that predicate releasing information from their State-maintained child abuse and neglect registry on the requesting State meeting certain conditions. For example, some States require the requesting State to obtain a notarized release or consent from the prospective foster or adoptive parent and others charge a fee for the information. Is this permissible?

Answer: Yes. The statute does not prohibit a State from establishing procedures or charging fees for another State to access information from its State-maintained child abuse and neglect registry. As long as the State that maintains the registry enables another State to request and check information in that registry, the State is meeting the requirement in section 471(a)(20)(C)(ii) of the Social Security Act. Any fees paid by the requesting State to another State to gain access to information in a State-maintained child abuse and neglect registry pursuant to section 471(a)(20)(C)(i) of the Act may be reimbursed as direct title IV-E administrative costs.

- **Source/Date:** April 13, 2007
- **Legal and Related References:** Social Security Act - section 471(a)(20)(C)

23. Question: If the child will not receive title IV-E foster care maintenance or adoption assistance payments, must a prospective foster parent or adoptive parent who will be licensed or approved by an Indian tribe meet the requirements of 471(a)(20) of the Social Security Act (the Act)?

Answer: No. The requirement at section 471(a)(20) of the Act is applicable to the State's title IV-E plan, with some additional conditions for claiming title IV-E payments and therefore does not extend to Indian tribal licenses or approvals if the child will not receive title IV-E foster care maintenance or adoption assistance payments.

- **Source/Date:** April 13, 2007
- **Legal and Related References:** Social Security Act - sections 471(a)(20)

24. Question: Section 471(a)(20)(A)(i) and (ii) of the Social Security Act (the Act) prohibit a State from claiming title IV-E foster care maintenance payments or adoption assistance payments when prospective foster or adoptive parents have been convicted of certain crimes. Are there any exemptions or exceptions permitted from this requirement, such as the State or Indian tribe under a title IV-E agreement with the State considers the prospective parent rehabilitated or the placement is in the best interests of the child?

Answer: No, there are no exceptions to the requirements at section 471(a)(20)(A)(i) and (ii) of the Act, once the provision is effective in the State. The State, or an Indian tribe under a title IV-E agreement (pursuant to section 472(a)(2)(B)(ii) of the Act) has the discretion to place the child in a home where prospective parents have been convicted of such crimes. However, the State or Tribe may not claim title IV-E foster care maintenance or adoption assistance payments in such cases.

- **Source/Date:** April 13, 2007
- **Legal and Related References:** Social Security Act - sections 471(a)(20)(A) and 472(a)(2)(B)(ii)

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25. Question: Is an Indian tribe that has a title IV-E agreement under section 472(a)(2)(B)(ii) of the Social Security Act (the Act) permitted an exemption or exception to the background check provisions of section 471(a)(20) of the Act?

Answer: No. An Indian tribe with a section 472(a)(2)(B)(ii) agreement must meet the requirements of section 471(a)(20) of the Act for any prospective foster or adoptive parent who will provide care for a child who will receive title IV-E foster care maintenance payments or title IV-E adoption assistance payments.

- **Source/Date:** April 13, 2007
- **Legal and Related References:** Social Security Act – sections 471(a)(20)(A) and 472(a)(2)(B)(ii)

26. Question: Do States have to request information from a child abuse and neglect registry of an Indian tribe in which a prospective foster or adoptive parent has resided within the last five years in accordance with section 471(a)(20)(C)(i) of the Social Security Act (the Act)? Do Indian tribes have to comply with such a request from a State according to section 471(a)(20)(C)(ii) of the Act?

Answer: No to both questions. The references to a State-maintained child abuse and neglect registry in section 471(a)(20)(C)(i) and (ii) of the Act are literal and do not include an Indian tribe.

- **Source/Date:** April 13, 2007
- **Legal and Related References:** Social Security Act - section 471(a)(20)(C)

27. Question: Is a State able to comply with section 471(a)(20)(A) of the Social Security Act (the Act) if the State is unable to take legible fingerprint impressions of the prospective parent to whom the requirements apply?
(Deleted 07/02/2007)

28. Question: For the purposes of section 471(a)(20)(C) of the Social Security Act (the Act), what constitutes a "child abuse and neglect registry maintained by the State"? If a State does not have such a registry, is it required to develop one?

Answer: The State has the discretion to determine whether it has a "child abuse and neglect registry maintained by the State." The law does not require a State that does not maintain a child abuse and neglect registry to develop one, neither does it require a State that currently has a registry to maintain it in perpetuity. States that do not maintain a child abuse and neglect registry are not required by section 471(a)(20)(C)(ii) of the Act to provide child abuse and neglect information to a requesting State on adult members of a prospective foster or adoptive parent's home.

- **Source/Date:** 04/27/07
- **Legal and Related References:** Social Security Act – section 471(a)(20)(C)

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29. Question: What information must a State release from its child abuse and neglect registry to comply with an incoming request from another State for information on an adult member of a prospective foster or adoptive parent's home as required by section 471(a)(20)(C)(ii) of the Social Security Act? For example, may the State release information only on substantiated reports of abuse and neglect?

Answer: The State has the discretion to determine what information to release to a requesting State on the prospective foster or adoptive parent or any adult living in the home of such prospective parent, unless or until we issue regulations on this provision. We encourage States to be as forthcoming as possible to permit States to make appropriate decisions about approval or licensure of prospective foster or adoptive parents.

- **Source/Date:** 04/27/07
- **Legal and Related References:** Social Security Act – section 471(a)(20)(C)(ii)

30. Question: Some prospective foster or adoptive parents have unreadable or missing fingerprints due to their age, disability, or occupation. How can a State comply with section 471(a)(20)(A) of the Social Security Act (the Act) in such cases?

Answer: Section 471(a)(20)(A) of the Act requires States to have procedures for conducting fingerprint-based checks of the national crime information databases (NCID) for certain prospective foster and adoptive parents (see CWPM 8.4F Q/A #9). Those procedures must provide for the State to obtain fingerprints of all such prospective parents and submit them to the NCID.

We are aware that in some limited, case-specific circumstances, a State may not be able to: 1) obtain an individual's fingerprints as a result of the individual's disability; or, 2) obtain legible fingerprints due to low quality fingerprints, as a result of age, occupation or otherwise, thereby making it impossible for the NCID to provide results. Establishing such procedures under the below circumstances satisfies section 471(a)(20)(A) of the Act:

Inability to obtain fingerprints due to a physical disability. The State must comply with section 471(a)(20)(A) of the Act by developing and utilizing a procedure to conduct a name-based check of the NCID or it may develop and utilize another appropriately comprehensive criminal background check process. We expect the State to reserve and clearly state in writing that this alternative procedure is for limited and case-specific situations, such as when a fingerprint specialist has documented that the prospective parent's disabling condition prevents fingerprinting, or the individual does not have fingers.

Inability to obtain results due to low quality fingerprints. The State must comply with section 471(a)(20)(A) of the Act by obtaining and submitting the individual's fingerprints to the NCID. If the individual's fingerprint impressions are rejected by the NCID, the State may instead implement an alternate procedure to conduct a name-based check of the NCID or to use another appropriately comprehensive criminal background check process. We expect the State to reserve and clearly state in writing that this alternate procedure is used only in the limited and case-specific situation described above.

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It is not acceptable for the State to utilize an alternative background check process when fingerprints impressions are of low quality due to the State's lack of technological capacity or use of improper techniques. The Criminal Justice Information Services (CJIS) Division of the Department of Justice and the State's CJIS Systems Officer can assist the State in determining appropriate techniques and technologies to use to take legible fingerprints, including procedures for individuals with abnormalities of the fingers or hands.

- **Source/Date:** 07/02/07
- **Legal and Related References:** Social Security Act – section 471(a)(20)(A)





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