 <b>Department of</b> <b>Children &amp;</b> <b>Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	8 – Adoption (AD)
	<b>Part No./Name</b>	1. – Introduction
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## I. STATEMENT OF POLICY

Adoption is a legal process which seeks to create a new legal family consisting of people who previously were not related as parent and child. The statutes and process take into consideration the need for safeguarding the rights of the parties involved and for promoting the best interest of the child. The effect of the finalization of the adoption is to make the adopted child the legitimate child of the adopting parents.

Adoption in Louisiana of children under the age of **\* eighteen \*\*** is regulated primarily by the following legislation:

- Louisiana Children's Code;
- Federal Public Law 105-89, the Adoption and Safe Family Act;
- Federal Public Law 103-382, the Multiethnic Placement Act;
- Federal Public Law 104-188, the Interethnic Adoption amendment to the Multiethnic Placement Act; and
- Louisiana Administrative Code, Title 67, Part 5, Subpart 8, Chapter 73 Child Placing Agencies.

Children placed for adoption by the Department of Children and Family Services (DCFS) are those children who have come into the department's custody because of abuse and/or neglect and have been made available for adoption through the legal processes of judgment of termination of parental rights or act of voluntary surrender by their parents. A child in DCFS custody who becomes available for adoption retains his foster care status until such time as his adoption is finalized or he leaves foster care and is thus subject to all policies governing a child placed in foster care as well as those special policies pertaining only to children available for adoption.


In accordance with LA. Ch. C. Art. 1040, 1041, 1042, 1145, and 1146 the following shall occur whenever a child is made available for adoption either through the judgment of termination of parental rights or act of voluntary surrender by his parents:

### 1. Filing of Voluntary Act of Surrender

Ch. C. Art. 1131 mandates that within three days after the surrender becomes irrevocable under Article 1123, exclusive of legal holidays, the Department shall file the authentic act of voluntary surrender in the court exercising jurisdiction over the child. The surrender may be filed later than three days after execution only with leave of court for good cause shown.

### 2. LARE Registration and Photolisting

Ch. C. Arts. 1041 and 1145 require that if permanent placement (427-B signed) has not been made within ninety days of a judgment terminating parental rights or a voluntary surrender of a child to the Department, "the child shall be registered by the appropriate child placement agency involved or the state child placement agency with the Louisiana Adoption Resource

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Exchange (LARE) within the department. Any such registration shall not include the surname of the child or otherwise reveal the identities of the blood parents of the child".

The DCFS is mandated to "maintain a list of the registered children. The list shall be updated quarterly and made available to all licensed child placement agencies in the state. Subject to confidentiality requirements of all adoption matters, the department shall use every reasonable method of effecting a permanent placement".

Agency policy requires that all children available for adoption for whom no identified adoptive resource has been found within 60 days of being made available for adoption shall be registered on the AdoptUSKids [www.adoptuskids.org/states/la](http://www.adoptuskids.org/states/la) and DCFS website [www.dcfs.louisiana.gov](http://www.dcfs.louisiana.gov) at the same time the child's photographic packet is submitted for inclusion in the LARE photolisting site.

### **3. Media Recruitment**


Ch. C. Arts. 1041 and 1145 authorizes the use of "media presentation of available children and other means of public solicitation for the purpose of matching potential adoptive parents with available children" providing that the use of the media "shall be used only in cases involving a child who is difficult to place for adoption, subject to rules and regulations adopted pursuant to the Administrative Procedure Act".

### **4. Report to Court on Permanent Placement**

Ch. C. Arts. 1040 and 1144 mandate that when the department has placed a child who has been made available for adoption through an act of surrender or a judgment terminating all parental rights in a permanent placement, the department shall file a report with the court which gives the details of that placement. The agency shall report the placement to the court without revealing the identity of the adoptive parent. Permanent placement is defined as placement in a private family home for purposes of adoption (with 427-B signed), return of the legal custody of a child to his parent(s), or placement of the child under a guardianship of the person. When Form 427-B is signed, the child is considered placed for purposes of adoption.

### **5. Ninety Day Court Hearing**

If no report of permanency placement is to be made within ninety days of the TPR judgment or date the surrender was effective, the worker shall report to the court that a 90 day review hearing is mandated by law. The hearing is to be held within the 90 day timeline. The court shall appoint an attorney to represent the child for the purpose of effecting or facilitating permanent placement. If the child was made available through a TPR, the attorney who represented him will continue to do so, if possible. This hearing may be made part of the judicial review process, if timelines allow. Ch. C. Arts. 1042 and 1146.

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## 6. IV-E Eligibility; Sixty Day Hearing

For the child who is surrendered without prior involvement of DCFS, staff shall initiate a process of petitioning the court to secure orders for judicial removal within 60 days of the date the surrender was effected. Each petition shall reference the date the surrender was executed and the date it was filed with the court.

The 60 Day Hearing for IV-E eligibility purposes may be combined with the 90 day hearing if timelines allow.

## 7. Six Month Review Hearing

Ch.C.Arts. 1042 and 1146 mandate that following a judgment of termination of parental rights or termination through the act of surrender the court or administrative review body shall hold a case review hearing every six months, or sooner if the court deems necessary, until permanent placement is effected for children in agency custody. A permanency hearing shall continue to be held at least once every twelve months until the child is permanently placed, except at the discretion of the court.

The purpose of the hearing shall be to review the efforts of the agency to effect permanent placement. The proceedings shall be captioned: "In re: Permanent Placement of (name of child)."

According to Ch.C.Art. 711, case review hearings and permanency planning hearings may be scheduled to be heard simultaneously, when appropriate. Refer to the Foster Care Policy Manual, section 6-835, for procedures and requirements pertaining to case review and permanency hearings.


## 8. Administrative Review

An administrative review of all children in agency custody shall be held every six months as required by federal Public Law 105-89.

# II. PROCEDURES

The Adoption Specialist Unit within each region has been designed responsible for the following:

- working with any child in DCFS custody available for adoption for whom there is no identified adoptive home;
- working with the Home Development Unit to recruit a suitable home;
- selecting an appropriate home among the certified adoptive homes within either DCFS or another agency;
- preparing the child for placement;
- placing the child;

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- supervising the placement;
- assisting the family in finalizing the adoption; and,
- providing limited post-placement services.

The Foster Care Worker for the child may retain responsibility for fulfilling the same responsibilities for children in DCFS custody who become available for adoption and are being adopted by their foster parents if approved by the Area Director.


The Adoption Petition Program fulfills the responsibilities charged to the DCFS through the Louisiana Children's Code to act as the agent to prepare or review for the court the confidential reports regarding adoption petitions filed on behalf of agency adoptions, private adoptions, and interfamily adoptions in Louisiana. The responsibilities of this program and its relationship to the adoptions arranged through DCFS are as follows:

- Investigating proposed agency adoptions (Ch.C.Art.1207) and proposed private adoptions (Ch.C.Art.1229) and submitting a confidential report to the court prior to the hearing of the first petition for adoption. The department is not required to investigate intrafamily adoptions unless ordered by the court. However, the forms for a revised birth certificate are supplied to the court (Ch.C.Art.1182). The forms are completed from the petition filed on DCFS.
- In Private Adoptions, locating any living parent whose parental rights have not been terminated and whose consent for the adoption is required to determine the parent's attitude toward the proposed adoption. (Ch.C.Arts.1207, 1229, and 1252).
- Maintaining contact with the adopting family following the Interlocutory Decree directly or through another agency in private and agency adoptions for a minimum of two visits to the home, one of which must occur within thirty days before the final adoption decree and submitting a second confidential report. (Ch.C.Art 1213, 1235).
- Receiving and maintaining a certified copy of the Interlocutory Decree of Adoption.

The Adoption Subsidy Program supports permanency for eligible children through continued financial assistance for those children after adoption, either for the needs of the child or to defray the costs of the adoption process to allow the family to adopt. The family adopting the child may be adopting through a licensed public or private agency or privately.

## A. CASELOAD SIZE STANDARD

The Adoption Specialist's caseload size is the total number of foster children assigned to him **\* or her \*\*** in TIPS. The present caseload standard established by DCFS is a total of 15 cases. A foster child's case is assigned to an Adoption Specialist at the time the child has been made legally available for adoption and his or her case is transferred to the Adoption Unit. **\*\*\*** Included only are children whose cases have been transferred to the Adoption Unit following legal proceedings making the child legally available for adoption. The supervisor shall make a dated **\* FATS \*\*** entry in the case record to verify case assignment and data entry of assigned worker into TIPS.

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### III. FORMS AND INSTRUCTIONS

CW [Form](#) / [Instructions](#) 427-B Placement Agreement Between DCFS, CW, and Adoptive Parents

### IV. REFERENCES

Louisiana Children's Code

Federal Public Law 105-89, the Adoption and Safe Family Act

Federal Public Law 103-382, the Multiethnic Placement Act

Federal Public Law 104-188, the Interethnic Adoption amendment to the Multiethnic Placement Act

Louisiana Administrative Code, Title 67, Part 5, Subpart 8, Chapter 73 Child Placing Agencies