 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	6 – Foster Care (FC)
	Part No./Name	8 – Case Planning For the Foster Child
	Section No./Name	Case Planning For the Foster Child
	Document No./Name	6-845 Permanent Plan Goal Adoption
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I. STATEMENT OF POLICY

The goal "Adoption" is * best appropriate when the biological parent's/caregiver to which a child was removed does not successfully complete action steps outlined in their case plan within 12 months of their child entering foster care. The Department shall complete at least two permanency planning staffings when a case plan goal change is needed. The Department shall then host a Family Team Meeting to discuss with all parties and petition the courts to change and accept the case plan goal of adoption. Best practice of the Department's plan is to facilitate the child's adoption by relatives, foster parents, or other unrelated individuals. Adoption confers legal parent/child status. Children retain the right to inherit from biological parents. Adoption is an appropriate goal when it is unlikely the child can safely return home in a timely manner, and the child can be made available for adoption. If the parent is willing to surrender his parental rights or is no longer a resource for the child and grounds for terminating parental rights can be documented, then adoption is the permanent plan goal offering the most stability to the child.

II. PROCEDURES


The TIPS case goal code is FC ADP for the TIPS 102 screen. When exploring the possibility of signing a surrender with the parents, the case worker should inform them if the child is not adopted, surrenders may be set aside with the court's approval but terminations of parental rights cannot.

All identified relatives should be explored first as resources for the adoption of the child. In situations where the relative capable of being certified to adopt and is willing to adopt the child without an adoption subsidy, it may be possible to expedite the adoption. Refer to [8-600, Introduction](#). Ch. C. Article 1243 allows relatives who have been a caregiver for the child for six months to file a petition for adoption.

Extended family should be encouraged to participate in determining the best permanency plan for the child. Although relatives may not be able to care for the child themselves, their input into decisions concerning where the child will be placed and the permanency plan for the child should be encouraged. Information concerning the relative's recommendations should be documented in FATS. ** Family friends and other family connections should also be considered as adoption resources for the child prior to consideration of foster parents or other strangers to the family.

For any child that is a member of or eligible for membership in a Native American tribe, the tribe must be consulted in relation to placement of the child for adoption and tribal members considered as adoption resources. Refer to [6-240, Working with Native American Families](#).

If the child is available for adoption through a voluntary surrender or through the termination of parental rights procedure, a relative or other adult can be considered for a limited adoption subsidy. Refer to [8-710, Definitions](#). If foster parents wish to adopt a foster child who is 17,

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the adoption can be achieved by notarial act with his parents' permission or without his parents' permission if emancipated. (Reference LA R.S. 9:461.) Foster parents who adopt by notarial act are eligible to receive an adoption subsidy until the child turns 18. The application for adoption subsidy must be made prior to the legal action to make the child/youth available for adoption and in keeping with adoption subsidy policy.

In considering adoption by relatives or other parties, the child's attachment to his current **caregivers** should be considered. If the child is bonded with his foster parents who plan to adopt him, adoption by relatives may not be the appropriate plan for the child. The case **worker** should assess whether the existing bond with the foster parent will be more supportive of the child's overall well-being than establishing familial bonds. This assessment must be based on the child's needs, not the needs or attachment of the foster parents. Another consideration is whether or not the trauma of removal from the current caretaker would outweigh long term benefits of placement with a relative.

A. INDIVIDUALIZED ASSESSMENT FACTORS CONTRAINDICATING TERMINATION OF PARENTAL RIGHTS


Decisions to terminate parental rights to make a child available for adoption shall be based on the individualized needs and best interest of the child involved. Unless one of the two criteria for exception to mandatory TPR petition is present, petitions for termination of parental rights may be filed in the following cases, if the individual case circumstances warrant such action:

- If the case meets the grounds of immediate TPR under Ch. C. Article 1015; or
- If the child has been in custody **12 **** of the last 22 months.

The assessment should include any contraindications to adoption which meets one or both of the criteria provided in 42 USC 675 (5) (E) indicating a petition for termination of parental rights may not be required. Listed below are the criteria and examples of reasons filing a petition might not be appropriate.

1. There is a compelling reason for determining that filing such a petition would not be in the best interests of the child. Refer to [6-825, Ongoing Family Case Planning Meetings, Quarterly Staffing, and Permanency Planning Staffing Administrative Reviews](#), for examples of appropriate and inappropriate compelling reasons.
2. The state has not provided the family the services deemed necessary for the safe return of the child to the home (elimination of the danger/safety threats or enhancement of caretaker protective capacities that led to those danger/safety threats), consistent with the time period in the case plan.

The decision to terminate a parent's rights must be approved by the Child Welfare Manager. All decisions and the reasons for the decisions concerning termination of

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parental rights, specifically the reason termination of parental rights was not pursued, must be clearly documented on the staffing confirmation form, in the case plan and in all subsequent reports to the court. If the Department has recommended a plan of adoption and the court has ruled that another plan is to be followed, consultation should be sought with the BGC Attorney concerning whether a motion to modify the disposition should be filed.

B. THE CHILD'S FEELINGS CONCERNING ADOPTION

Some foster children may be frightened or confused by the idea of adoption when first presented and may indicate an unwillingness to be adopted. Therefore, it may be necessary to discuss the possibility of adoption on several different occasions with the child. If after discussions with the child, the case *** worker **** feels the child's decision is hampered by his fears or lack of knowledge about adoption, an Adoption Specialist should be involved to assist in completing the assessment of the child's ability to accept adoption as the case plan. Refer to [8-220, Assessment and Preparation of Children Available for Adoption](#) for information on preparation of the child for adoption.


The older child's feelings about adoption shall be considered. Children should be assisted to understand all of the aspects of adoption to make an informed decision.

C. CONSIDERATIONS IN DECIDING TO TERMINATE PARENTAL RIGHTS

It is not allowable in accordance with the Multiethnic Placement Act of 1994 (MEPA) or as amended by the Removal of Barriers to Interethnic Adoption Act of 1996 to delay or reject the decision to terminate parental rights based on whether prospective parents of a particular race, culture, or ethnicity are available to match the race, culture, or ethnicity of the child involved. The child involved may express his feelings and preferences for consideration. *******

An individualized assessment based on the best interest of the child is required to be considered when making the decision to terminate parental rights. When a decision is made to file a petition to terminate the parents' rights, a decision should be made when to assign Adoption and/or Home Development staff to prepare/recruit for adoption based on the child's need. When the petition to terminate the parents' rights is filed, staff shall begin to identify, recruit, process and approve a qualified family for the child's adoption.

Home Development staff document a child specific recruitment plan and effort to locate an adoptive home on the CW Form 2 CSRP, Child-Sibling Group Specific Recruitment Plan, when an adoptive resource has not been identified within 30 days of referral to Home Development. The CW Form 2 CSRP is attached to the case plan and updated at each Family Case Planning Meeting and/or when submitting a court report. When the Department and/or court has determined the child's plan is adoption and the child's current caretakers do not plan to adopt him and the child must be replaced, steps must be taken to locate and place the child in a legal risk placement (a certified adoptive home who is willing to accept a child prior to his

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being available for adoption). Approved legal risk placements shall be those able to make a long-term commitment to the child whether or not he or she is ultimately available for adoption. Cross jurisdictional resources as well as local resources shall be used to facilitate timely adoption when an adoptive placement resource is not identified prior to the time the child becomes available for adoption. Use of all resources must be documented in detail in case records, case plans, and court reports when describing efforts to appropriately and timely place children in their permanent placements.

A fair hearing is to be provided to any family who is approved in accordance with state licensing regulations who believes they have been denied or delayed the placement of a child for adoption because the family is outside of the jurisdiction responsible for the child. Refer to [6-1900, Foster Parent Appeal Process for a Fair Hearing](#).

D. TIPS DATA REPORTING FOR ADOPTION AS PERMANENT PLAN

In TIPS and TIPS/LARE, there are data fields that must be kept up to date to capture the following information:


- child's permanent plan (goal is ADP), TIPS screen 102;
- all court activity, TIPS screens 103 and Case Events 3130, 3140, and 3150;
- child's biological parent information, TIPS/LARE screen 157 and 158;
- date packet sent to attorney, TIPS/LARE screen 158;
- date(s) petition is filed, TIPS/LARE screen 158;
- dates the parental rights were terminated for each parent, TIPS/LARE screen 158;
- freed for adoption, TIPS screen 102; and
- child open in Adoption AVL program, TIPS screen 102.

The Foster Care case *** worker** may use the TIPS 100, Client Information Form, to report data requirements on the TIPS screen or directly enter data in TIPS. TIPS/LARE screen data must be entered directly on the TIPS/LARE screen or otherwise communicated to TIPS data entry staff **with five days**.

E. TASKS OF THE FOSTER CARE CASE **WORKER WHEN THE CHILD'S GOAL BECOMES ADOPTION**

The Foster Care case **worker **** for the child should complete the following tasks after the permanency goal is changed to adoption in order that the child can be placed for adoption on a timely basis:

- obtain the child's medical history information on CW Form [448, Statement of Family History Medical-Genetic History of Biological Families](#);
- obtain the child's birth records;
- document the child's medical and other special needs for subsidy such as therapy, respite, day care;

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- update the lifebook;
- update the Assessment of Family Functioning;
- complete an in-depth discussion with the foster parents regarding their wishes to adopt the child, including specifics concerning the possibility of an adoption subsidy (An adoption worker may need to meet with the foster family to explain the Adoption Subsidy Program.); and
- if there is no identified adoptive resource, explore previous caretakers, relatives and friends of child and friends of foster parents to search for an adoptive home.

If foster care staff need information concerning these tasks, the Child Welfare Manager should arrange for adoption staff to share the needed information.


Foster Care staff assigned to handle the foster parent adoption of a child who has been made legally available for adoption are to follow TIPS program procedures outlined in [8-431, TIPS Adoption Program and Related Procedures](#).

F. RESPONSIBILITY OF THE FOSTER CARE CASE MANAGER TO NOTIFY RELATIVES OF POSSIBILITY FOR CONTINUING CONTACT AGREEMENT

When adoption has been approved by the court as the child's permanent plan, the Department must determine who has an established, significant relationship with the child to the extent that its loss would cause substantial harm to the child and preservation of the relationship would be in the best interest of the child. If a child's parent, grandparent, or sibling has such a relationship with the child, the Department shall inform these relatives of the possibility of contact with the child after an adoption. The case * worker shall document this notification in case notes. A Continuing Contact Agreement is dependent on the voluntary agreement of the adoptive parents. Refer to [6-915, Visitation and Continuing Contact with Biological Family](#), and [6-1505, Case Worker Responsibility in Involuntary Termination of Parental Rights](#).

If the siblings are in custody of the Department, the possibility of continuing contact shall be discussed with them, depending upon their age and maturity, and their case worker(s) and caregiver **. If the siblings are minors and not in custody of the Department, the possibility of continuing contact shall be discussed with their custodian.

If there is no parental relationship that meets the above stated requirements but there is another relative who does meet these requirements, the Department shall inform this relative of the possibility of continuing contact with the child after the child has been adopted. The possibility of continuing contacts with family members after he is available for adoption and after he is adopted shall also be discussed with the child and with any currently identified adoptive resource.

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Continuing contact may be through visitation, calls, letters, exchange of photographs, or other personal information, etc. If the child has been surrendered, the Department may agree to allow continuing contacts until the adoption is finalized. The court may order continuing contacts after the parents' rights are involuntarily terminated, if it is in the child's best interest. The order is to be reviewed at each subsequent permanency hearing and may be modified at any time. The order of continuing contact under Ch. C. Article 1037.1 is effective only until the child's adoption is final or the order is modified based on the child's best interest. The court must find limited contact serves the child's best interest if such an order is issued. Continuing contact does not necessarily mean visitation and is not meant to establish any continuing parental rights or rights for other relatives. The court is to be guided by the best interest of the child and not consideration of the relatives' interest. The Department's recommendation for continuing contact is decided upon at the permanency or termination staffing.

The Department's recommendation concerning whether or not continuing contact is in the child's best interest should be documented in the staffing confirmation, court report, and conveyed to the attorney representing DCFS in the hearing. Any order for continuing contact that is not believed to be in the child's best interest should be discussed with the BGC Attorney immediately to determine if it should be appealed. Any time after continuing contact is ordered, if it is thought that continuing contact no longer serves the child's best interest, staff should request the BGC Attorney to file a motion for modification of the order.

G. FOSTER CARE CASE MANAGER RESPONSIBILITIES FOR RECRUITMENT AND ADOPTION SUBSIDY INFORMATION

If the child is not already placed in a home that plans to adopt the child, the foster care case **worker **** shall make efforts to identify a family to provide an adoptive home for the child through concurrent planning and child specific recruitment. Efforts to locate a potential adoptive family in order to facilitate an orderly and timely placement (per P. L. 109-239), in-state or out-of-state, shall be documented in the case notes and included in the case plan. Refer to [9-307, Children/Sibling Group Specific Recruitment](#) for information on recruitment of adoptive parents.

For additional information on adoption refer to Chapter 8, Adoption Services.

III. FORMS AND INSTRUCTIONS


Foster Care Case Plan, online in FATS
 Case Documentation Record

Assessment of Family Functioning, online in FATS

CW [Form 2 CSR](#) / [Instructions](#) Child/Sibling Specific Recruitment Plan

CW [Form TIPS 100](#) / [Instructions](#) Client Information Form

CW [Form 448](#) / [Instructions](#) Statement of Family Medical History, Medical-Genetic History of Biological Families

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IV. REFERENCES

CW Policy [6-240, Working with Native American Families](#)
CW Policy [6-825, Ongoing Family Case Planning Meetings, Quarterly Staffing, and Permanency Planning Staffing Administrative Reviews](#)
CW Policy [6-915, Visitation and Continuing Contact with Biological Family](#)
CW Policy [6-1505, Case * Worker ** Responsibility in Involuntary Termination of Parental Rights](#)
CW Policy [6-1900, Foster Parent Appeal Process for a Fair Hearing](#)
CW Policy [8-220, Assessment and Preparation of Children Available for Adoption](#)
CW Policy [8-431, TIPS Adoption Program and Related Procedures](#)
CW Policy [8-600, Introduction](#)
CW Policy [8-710, Adoption Subsidy Programs \(State and IV-E\) Definitions](#)
CW Policy [9-307, Children/Sibling Group Specific Recruitment](#)
42 USC 675 (5)(E)
Louisiana Children’s Code Article 1015
Louisiana Children’s Code Article 1037.1
Louisiana Children’s Code Article 1243
Louisiana Revised Statute 9:461
Removal of Barriers to Interethnic Adoption Act of 1996
P.L. 103-382, Multiethnic Placement Act of 1994
P.L. 105-89, Adoption and Safe Families Act of 1997
P.L. 109-239, Safe and Timely Interstate Placement of Foster Children Act of 2006