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22 **400.2 Philosophy And Purpose**

23

24 The Child and Family Services Adoption Program helps children become members of
25 an adoptive family that can meet the unique needs of the child.

26

401.1 Adoptive Family Recruitment

Major objectives:

- A. Child and Family Services will utilize private child placement agencies or adoption exchanges if necessary to find adoptive families in-state or out-of-state.
- B. In addition, other recruitment activities may include media coverage, newspaper listings, radio spots, or adoption parties in-state or out-of-state.

Applicable Law

Utah Code Ann. [§62A-4a-106](#). Services provided by division.

Utah Code Ann. [§62A-4a-607](#). Promotion of adoption -- Agency notice to potential adoptive parents.

Administrative Rule [R512-41](#). Qualifying Adoptive Families and Adoption Placement.

Practice Guidelines

- A. Adoptive Family Recruitment Plan - Annually, in coordination with the state adoption specialist, each region will develop a recruitment plan. Regions may be requested to participate with additional recruitment efforts. Recruitment efforts shall be coordinated with the Utah Foster Care.
- B. Plan Requirements - The recruitment plan will, at a minimum:
 - 1. Establish the number of adoptive homes needed, including specific needs of the children they anticipate placing;
 - 2. Identify retention and training components;
 - 3. Identify advertising activities;
 - 4. Identify other agencies or resources that will be contacted.

401.2 Qualifying An Adoptive Family

Major objectives:

Families who wish to become adoptive families, including kin or Child and Family Services employees, must meet all of the following requirements:

- A. Complete adoption training program approved by Child and Family Services (preferably before the child is placed in the home).
- B. Be assessed and approved as an adoptive family following completion of a home study by a licensed child placement agency.
- C. Obtain a foster care license issued by the Department of Human Services, Office of Licensing, or meet the same standards, or receive a written waiver of a standard.
- D. Receive a determination by Child and Family Services that no conflict of interest exists in the adoption process.

Applicable Law

Utah Code Ann. [§78B-6-117](#). Who may adopt -- Adoption of minor -- Adoption of adult. Administrative Rule [R512-40](#). Adoptive Home Studies, Recruitment, Approval.

Practice Guidelines

- A. Staff members of Child and Family Services may apply to adopt and may adopt children in state custody in the following manner:
 1. The person applies in the region of residence.
 2. The home study will be completed by staff of another region on a cooperative basis upon the request of the region director.
 3. Approval of placement of a child in a staff member's home will be by the region having custody of the child. If the prospective adoptive parent is from the same region as the child, the placing committee will consist of the child's caseworker, outside child welfare specialists, and the State Adoption Specialist. Supervision will be by the placing region, unless the child and prospective parent are from the same region, in which case, another region will provide supervision.
- B. Adoption Assessment (Home Study) Requirements - The caseworker will ensure that the following requirements are included in an adoption assessment consistent with the standards of the Child Welfare League of America (the assessment may be done by a private child placement agency or Child and Family Services):
 1. Criminal background checks of all adults present in the home;
 2. Child abuse screening of all adults present in the home;

- 99 3. Autobiography of parent(s) and family members;
- 100 4. Behavioral assessment of parent(s) and children living at home;
- 101 5. Health status verification of parent(s) and children living at home;
- 102 6. Financial status verification;
- 103 7. Home safety and health assessment;
- 104 8. Assessment of parenting skills for children living at home;
- 105 9. Recommendation - types of children that are appropriate for prospective
- 106 adoptive family.

107
108 For information on when to release the home study for adoptive purposes, refer
109 to Practice Guidelines [Section 305.6](#).

110 111 **401.3 Matching The Child And The Adoptive Family**

112 Major objectives:

- 113 A. In the matching process, the selection of an adoptive family will be in the best
- 114 interest of the child.
- 115
- 116 B. The adoption decision must be based on a thorough assessment of the child's
- 117 current and potential developmental, medical, emotional, and educational needs.
- 118
- 119 C. The ability of the adoptive or foster/adoptive care family to successfully meet the
- 120 child's needs and to love and accept the child as a fully integrated member of the
- 121 family must be considered.
- 122
- 123 D. Child and Family Services shall comply with The Interethnic Placement Act.
- 124
- 125 E. Sibling groups should not be separated. When separation is necessary to protect
- 126 the well-being of one or more children in the sibling group, all reasonable efforts
- 127 must be made to maintain contact between siblings.
- 128
- 129

130 **Applicable Law**

131 **42 United States Code Section 1996b - Interethnic Adoption**

132 (1) Prohibited Conduct

133 A person or government that is involved in adoption or foster care placements may not-

134 (A) deny to any individual the opportunity to become an adoptive or foster care parent,

135 on the basis of the race color, or national origin of the individual, or of the child,

136 involved; or

137 (B) delay or deny the placement of a child for adoption or into foster care, on the basis

138 of the race, color, or national origin of the adoptive or foster parent, or the child involved.

139

140 Practice Guidelines

- 141 A. Child's Preference - The child's preference may be considered, if they have the
- 142 capacity to express a preference.

- 143
144 B. Foster Care Family Preference - A foster care family (or other caregiver with
145 physical custody) of the child may be given preferential consideration for
146 adoption if the child has substantial emotional ties with the foster family/caregiver
147 and if removal of the child from the foster family/caregiver would be detrimental
148 to the child's well-being.
149
150 D. Geographic Boundaries - Geographic boundaries alone should not present
151 barriers or delays to the selection of an adoptive home.
152
153 E. Indian Child Welfare Act (ICWA) - The ICWA takes precedents for an adoption of
154 an Indian child who is a member of a federally recognized tribe or Alaskan native
155 village.
156

157 **401.4 Adoption Decision**

158 Major objectives:

159 Permanency decisions should be made in a timely manner, recognizing the child's
160 developmental needs and sense of time.
161

- 162 A. If the child is not already in the adoptive home, Child and Family Services shall
163 make intensive efforts to place the child with an adoptive family within 30 days
164 after the child's permanency goal changes to adoption.
165
166 B. If an adoptive family is not found within 30 days of the child's permanency goal
167 changing to adoption, Child and Family Services will contact The Adoption
168 Exchange and/or a licensed child placing agency that contracts with Child and
169 Family Services to help recruit an appropriate adoptive family for the child.
170
171 C. If the child has already been placed with the family that intends to adopt at the
172 time the child is freed for adoption, Child and Family Services shall begin to
173 assist the adoptive family and child through the transition process to adoption.
174
175

176 **Applicable Law**

177 Utah Code Ann. [§62A-4a-106](#). Services provided by division.

178 Utah Code Ann. [§62A-4a-205.6](#). Adoptive placement time frame – Contracting with
179 agencies.

180 Utah Code Ann. [§78B-6-128](#). Preplacement adoptive evaluations – Exceptions.

181 Administrative Rule [R501-7-9](#). Services for Children.

182 Administrative Rule [R501-7-10](#). Services to Adoptive Parents.

183 Administrative Rule [R512-31](#) Foster Parents Due Process.
184

185 Practice Guidelines

186 Procedure for Matching a Child in Need of a Permanent Adoptive Family with a
187 Prospective Adoptive Family who Can Meet the Child's Needs

- 188
- 189 A. When a child's permanency goal changes to adoption, the out-of-home
190 caregivers who have been caring for the child are generally the first family to be
191 considered to adopt a child.
- 192
- 193 B. When a child or sibling group who has a permanency goal of adoption is not
194 currently living with the family who will be their permanent family, possible
195 adoptive families will be selected that can best meet the characteristics, history,
196 and needs of the children.
- 197 1. If siblings had not been placed together and there are no safety concerns
198 that preclude the siblings being together, the Adoption Committee should
199 consider a family for all the siblings to be adopted together.
- 200 2. If siblings are not able to be adopted together or if being taken from a
201 current family would create undue trauma to the children, Child and Family
202 Services will facilitate agreements between the permanent families to
203 allow lifelong contact to be pursued between the siblings.
- 204 3. Relatives should be re-assessed as possible adoptive family options.
- 205 4. If no appropriate relatives are available, other appropriate adults known to
206 the child should be considered.
- 207
- 208 C. When no prospective relative families or appropriate adults known to the child
209 are identified as adoptive placements, Child and Family Services will appoint and
210 convene an Adoption Committee to select an adoptive family from the currently
211 available licensed Out-of-Home caregivers. Caregivers will be considered who
212 want to adopt and can best meet the needs of the child. A minimum of three
213 possible adoptive families will be presented to the Adoption Committee for
214 consideration. If three families cannot be identified because of the exceptional
215 circumstances of the child or sibling group, the Adoption Committee may approve
216 an adoptive family for the children based on fewer adoptive placement options.
- 217 1. Licensed families from across the state who are interested in adopting and
218 who could meet the child's needs (as outlined in Out-of-Home Care
219 Practice Guidelines [Section 301.5](#)) will be considered regardless of
220 regional location. Placement Committees will contact the other regions to
221 find licensed caregivers appropriate for the child's or sibling group's
222 needs.
- 223 2. The Adoption Committee may choose not to place a child or sibling group
224 with any of the proposed adoptive or adoptive/foster care families if it is
225 determined that none of the families will adequately meet the needs of the
226 child. In such circumstances, an out-of-state search for adoptive/foster
227 care or adoptive families shall be initiated.
- 228

-
- 229 D. Children will be Listed with The Adoption Exchange:
230 1. When no permanent family who is appropriate for the child or sibling group
231 is identified in Utah.
232 2. Within 30 days of the child's permanency goal changing to adoption.
233
- 234 E. Registering the Child with The Adoption Exchange:
235 1. The caseworker will contact The Adoption Exchange to obtain a user
236 name and password. Then the caseworker shall go to
237 www.utdcfsadopt.org and register the child.
238 2. In the website, the caseworker shall enter the required information about
239 the child.
240 3. The Child and Family Team will choose the array and intensity of family
241 recruitment activities to be utilized for the child, such as:
242 a. Utah website family recruitment.
243 b. Profile party recruitment.
244 c. Utah Heart Gallery recruitment.
245 d. Televised and print media "Wednesday's Child" family recruitment.
246 e. The Adoption Exchange website, which includes eight western
247 states.
248 f. National AdoptUsKids website family recruitment.
249 g. Database matching of the child with families on the database.
250
- 251 F. Inquiries from Prospective Adoptive Families for Children Registered with The
252 Adoption Exchange:
253 1. The Adoption Exchange will respond to initial inquiries from prospective
254 adoptive families.
255 a. When prospective adoptive parents make an inquiry about a
256 specific child but do not have an adoptive home study, The
257 Adoption Exchange will inform the interested parents about the
258 adoption process, including the acquisition of a home study and
259 what they might expect when parenting children who have been
260 neglected or abused.
261 b. If prospective adoptive parents want additional information about a
262 specific child, the prospective adoptive parents will be given
263 general information about what kinds of behaviors and challenges
264 children may exhibit who have the same level of needs to help
265 them decide if they want to move forward with the training and
266 adoptive home study process.
267 c. If prospective adoptive parents seem to be an appropriate match
268 for a child but they need more information about the child to inform
269 their decision, the caseworker may share additional information
270 regarding the child after having the prospective adoptive parents
271 sign form DCFS01 Confidentiality Agreement. The caseworker
272 may not, however, share the child's mental health diagnosis.

- 273 d. The Adoption Exchange will send home studies from prospective
274 adoptive families who want to be considered for a specific child or
275 sibling group to the assigned RFC and/or caseworker.
276
- 277 G. The assigned RFC and/or caseworker will screen the adoptive home studies they
278 receive from the recruitment efforts. The caseworker may choose up to three
279 potential adoptive families that can best meet the child's needs to present to the
280 Adoption Committee.
281
- 282 H. As the home studies are reviewed and decisions are made regarding the
283 prospective adoptive families, the assigned RFC and/or caseworker will respond
284 to each as described below:
285 1. The caseworker shall contact prospective adoptive families that will not be
286 considered for the specific child or sibling group to inform them of the
287 decision and the reasons why.
288 2. When more than one prospective adoptive family is being considered for
289 the specific child or sibling group, the caseworker will contact each family
290 to inform them they are one of multiple families being considered.
291 3. When there are three or more prospective adoptive families that will be
292 considered for a specific child or sibling group, the home studies will be
293 brought to the Adoption Committee for consideration and selection.
294
- 295 I. The prospective adoptive family, approved for the child, must have all
296 background clearances, including the FBI fingerprint-based background
297 clearance.
298 1. Currently licensed foster parents who are licensed after April 1, 2007
299 should have had the FBI fingerprint-based check completed in compliance
300 with the Adam Walsh Act.
301 2. Currently licensed foster parents who are licensed before April 1, 2007 will
302 need to have their FBI fingerprints scanned to comply with the Adam
303 Walsh Act.
304 3. Prospective adoptive parents who are not licensed or are licensed as
305 proctor parents will need to have their background screening, including
306 FBI fingerprints, conducted as part of their adoptive home study. The
307 adoptive home study, with background screening, must be completed
308 within 18 months of placement of the child who is to be adopted in
309 accordance with Utah Code Ann. [§78B-6-128](#).
310
- 311 J. When the prospective adoptive parents have decided that they want to move
312 forward with the adoption of the child, the caseworker shall develop a transition
313 plan by holding a Child and Family Team Meeting inviting the following to
314 participate (when appropriate and applicable): the child, the current caregivers,
315 prospective adoptive parents, other children in the home, caseworker, therapist,
316 teacher, clergy, as well as any other significant people in the child's life.

- 317 1. For foster families who have had the child in their home, the caseworker
318 will address the differences between adoption and foster care. The
319 caseworker will include a discussion about:
 - 320 a. The differences in funding between foster care and adoption.
 - 321 b. The family's ability to make decisions without Child and Family
322 Services.
 - 323 c. The differences in community supports available between fostering
324 and adoption.
 - 325 d. Letting the family know that they may see more negative behaviors
326 as the child adjusts to the new circumstances, even if the child has
327 been in the foster home for a period of time.
 - 328 e. Post Adoption Services and will provide the brochure with the name
329 and contact information of their post adopt caseworker.
- 330 2. For children transitioning to a new family, the caseworker shall establish a
331 transition plan that includes times for structured visits to allow the child
332 and new family to get to know each other. The transition plan should start
333 with short visits, then longer visits, and move gradually into overnight
334 visits. The Child and Family Team will decide when the child is ready to
335 move in with the new family and whether a change in schools is
336 necessary. In all cases, the prospective adoptive parents shall have the
337 opportunity to meet the child prior to permanent placement.
- 338 3. The caseworker may also talk to the family about ceremonies and/or
339 things the family may want to do to establish the permanency the adoption
340 brings the child and family. Ceremonies may include extended family
341 members and friends, and/or may include a church ritual. Another thing
342 that may help mark the change for the child and the family is to get a
343 family photo taken. The caseworker will explain to the family that while
344 the child is gaining a new family, adoption also signifies that they have lost
345 their other family in a more profound way. Thus, the family may see an
346 escalation in the child's grief and negative behaviors.
- 347 4. The caseworker will explain to the family the importance of keeping the
348 child's information and history.
- 349 5. The caseworker will encourage the adoptive family to review the child's file
350 several times and especially after the child has been with the family for a
351 few months.
- 352
353 K. When an approved adoptive family agrees they intend to adopt a specific child
354 who has a permanency goal of adoption, the adoptive parents and a
355 representative from Child and Family Services shall sign an "Intent to Adopt
356 Agreement" (SAFE form AD12).
 - 357 1. The caseworker shall record the date the "Intent to Adopt Agreement" is
358 signed in SAFE (under the Permanency tab, Adoptive Placement/Subsidy
359 radial button of the Permanency tab, on the lower left hand side of the
360 Adoptive Placement section for the "Intent to Adopt Signature Date")

- 361 2. The caseworker shall set a date for the family to review the file again
362 before the finalization of the adoption. If the family declines additional
363 reviews of the file, the caseworker will document this in an activity log.
364

365 **401.4a Disclosing Child's Information**

366 **Applicable Law**

367 Utah Code Ann. [§63G-2-202](#). Access to private, controlled, and protected documents.

368 Utah Code Ann. [§78B-6-143](#). Nonidentifying health history of adoptee filed with bureau

369 – Limited availability.
370

371 Practice Guidelines

372 The caseworker shall provide detailed information about the child to the prospective
373 adoptive parents, allowing sufficient time for the prospective adoptive parents to make
374 an informed decision regarding placement of the child in their home. When relevant,
375 the caseworker shall encourage adoptive parents to consult with other family members
376 living in the home in making the decision.
377

378
379 A. The prospective adoptive parents should review the child's file before making the
380 life-long decision to adopt. The file may contain information that will help the
381 family decide if they have the skills and support to raise the child. The file also
382 has important documents that the family would want to copy, for example
383 immunization records and school placement information. [See: Department of
384 Human Services, Office of Licensing, Child Placing Agencies, [R501-7-9](#),
385 Services for Children and [R501-7-10](#) Services to Adoptive Parents.]
386

387 B. The prospective adoptive parents need to know that the information in the child's
388 file is important in two ways.

389 1. First, it will help them decide whether or not they should adopt the child,
390 and

391 2. Second, this information is part of the child's history. The prospective
392 adoptive parents should gather information from the file and share it with
393 the child as he or she grows. Information from the file will help the child
394 understand himself or herself and his or her history.
395

396 C. Information about the "child" may be shared as follows:

397 1. Licensed foster parents who are considering adopting a child in Child and
398 Family Services custody shall have access to information contained in the
399 child's file that is important to understand and raise the child. Licensed
400 foster parents are contracted by Child and Family Services as a provider
401 to care for the child. Thus, they may view any parts of the child's file that
402 help them understand the child and the child's background for purposes of
403 adopting and parenting the child.

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2. Prospective adoptive parents, who are not licensed foster parents, should also have information that is important to raise a child. Pursuant to the Government Records Access and Management Act (GRAMA), Child and Family Services has determined that, when adopting a child, the interest in sharing the child's information outweighs the privacy interests in the record.
 - a. Appropriate information about the child should be shared; however, neither the biological parents' nor foster parents' medical, psychiatric, psychological, or other personal information should be disclosed to individuals who are not licensed foster parents.
 - b. Child and Family Services must use prudent judgment in providing non-licensed prospective adoptive parents information about the child that may be important for the stability of the child's adoptive placement. Confidential information that is important to raising the child may be shared, but should be shared in a non-identifying way.
 3. Utah Code Ann. [§78B-6-143](#) states that adoptive parents may have the Health Department's "Vital Records and Statistics" information that contains medical, psychological, and social history about the child's biological family; however, it must not identify the biological parents or members of their families. Child and Family Services collects the same information on the Health Data report in SAFE. A permanency caseworker transfers information from the Health Data Report to the Vital Records and Statistics 'Non-Identifying Health, Genetic, and Social Histories' form for adoptive parents.
 - a. A permanency caseworker shall print the Health Data Report without the child's name for the purposes of the adoption finalization to be submitted to Vital Records and Statistics for required 'Non-Identifying Health, Genetic, and Social Histories' forms.
 - b. Printing the Health Data Report for the purposes of adoption is conducted by going to the Person Health window in SAFE. Check the bottom of the screen called Health Detail button, then from the "file" tab select "Print Health Data Report". At the bottom of the Health Data Report, you will find "Adoption Use Only" and "Vital Stats Letter & Health Data Report". Then press the "print" button. This will print a letter to Vital Statistics and Records, the non-identifying family health history data and child's health history.
 4. The prospective adoptive parents should be aware that the information in the file is often the subjective opinions of the caseworker or therapist written at one time in the child's life. Circumstances and the child's development can change the way a child behaves and adjusts to current life situations. For instance, the child may have received many different mental health diagnoses. The mental health diagnoses in a child's file is

- 447 affected by each therapist's interpretation, the child's developmental
448 stage, factors in the child's environment, and different life circumstances.
449
- 450 D. Child and Family Services File Review Guidelines.
- 451 1. The confidentiality agreement must be signed by the prospective adoptive
452 parents. [SAFE form DCFS02.]
- 453 2. The caseworker should orient prospective adoptive parents to the
454 structure of the files and where information is located.
- 455 3. The caseworker should counsel prospective adoptive parents to consider
456 specific types of information, such as medical conditions, developmental
457 delays, disabilities, mental health diagnoses, placements and transfers,
458 educational needs, and other considerations for the child.
- 459 4. The booklet called "Prospective Adoptive Parent's Guide to a Child's File
460 Information" directs the prospective adoptive parents to look for specific
461 information they will need to parent the child and identify information to
462 copy for future reference. [*Red type* identifies information to copy for the
463 prospective parents, if they decide to adopt the child. Originals of
464 pictures, letters, and belongings should be given to the family adopting the
465 child. Copies can be retained in the file.]
- 466 a. Medical Information: *Immunizations, all allergies including food*
467 *allergies, disabilities and treatments, current medications and*
468 *implications of discontinuing medications, history of illnesses.*
469 *Disabilities and treatments.* Conditions from abuse or neglect,
470 *serious accidents, surgeries, past doctors, and hospital of birth.*
- 471 b. Dental Information: Dental records, *past dentists*, and orthodontic
472 work, and *orthodontist*.
- 473 c. Educational Information: *Schools and grades, evaluations, special*
474 *education plans such as Individual Education Plans (IEP) or*
475 *Student Education and Occupational Plans (SEOP), learning*
476 *disability including specific disability, and test results.*
- 477 d. Mental Health Information: *Current and prior therapists* and history
478 of treatment, diagnoses, and especially current diagnosis. What
479 the diagnosis means in raising a child, what behaviors are
480 connected with the diagnosis, and how are connected behaviors
481 best dealt with. The prospective adoptive parents should be
482 encouraged to talk directly with the child's mental health therapist
483 when possible.
- 484 e. Family Story: *Health Data Report* information that is transferred to
485 the Vital Records and Statistics 'Non-Identifying Health, Genetic,
486 and Social Histories' form, family situation, moves or stability
487 factors, abuse and neglect history, domestic violence, reason for
488 the child's removal from their biological family, culture, *genogram*
489 *including the siblings (with their birth dates), timelines.* Family
490 member's talents, hobbies, and interests. *Family photos, especially*

- 491 *photos with the child as a baby and early in life. Letters to the child*
492 *from relatives, especially the mother and/or father.*
- 493 f. Child's Personal Information: Developmental history, when
494 available. Placement history including the child's adaptation. Birth
495 certificate. Photos of the child, of pets, of foster parents, or of other
496 significant caretakers. The child's artwork, creations, or projects.
497 Stories about the child's birth and early life. Church records, such
498 as baptismal, christening, Bar mitzvah, and confirmation records.
499 Activities such as scouts, sports, choir, etc. Favorite foods, favorite
500 toys or stories, names of friends, and other things that may help the
501 child feel more secure, such as chores and house rules or bedtime
502 routines.
503
- 504 E. After the prospective adoptive parents have looked through the file, talk with
505 them about what they found. Give them health and mental health diagnoses
506 summary sheets, and answer questions they may have.
507
- 508 F. Helpful websites include:
509 1. American Academy of Child & Adolescent Psychiatry: www.aacap.org.
510 2. American Psychological Association: www.apa.org.
511 3. American Academy of Pediatrics: www.aap.org.
512 4. Substance Abuse and Mental Health Services Administration:
513 www.samhsa.gov.
514
- 515 G. The caseworker shall respond to questions or concerns of the potential adoptive
516 parents and give the prospective family time to think about all they have learned.
517 The caseworker should also encourage them to set another appointment to talk
518 and ask other questions.
519
- 520 H. The adoptive parent(s) shall be advised of possible financial and medical
521 assistance available through adoption assistance to meet the special needs of
522 the child.
523
- 524 I. The caseworker will have the prospective adoptive parents sign the Child and
525 Family Services' information disclosure SAFE form AD13 to acknowledge they
526 have been provided relevant information obtained by Child and Family Services
527 while the child was in state custody.
528
- 529 J. No identifying information regarding the adoptive parents shall be released to
530 birth families without the written consent of the adoptive parents.
531

532 **401.5 Adoption Training**

533 Major objectives:

534 Adoptive and Adoptive/Foster Care Family Training - To successfully care for a child, the
535 caseworker will verify that the adoptive families and adoptive/foster care families have
536 completed a training course approved by Child and Family Services prior to the child's
537 placement in the home.
538

539
540 **Applicable Law**

541 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.
542

543 Practice Guidelines

- 544 A. Training for Adoptive and Adoptive/Foster Care families may consist of
545 classroom courses and/or in-home study materials as approved by Child and
546 Family Services and regional training staff. Training may be provided by the
547 Child and Family Services, or Child and Family Services may accept training
548 provided by another agency if it meets the standards of Child and Family
549 Services. The caseworker will verify that all required training has been
550 completed. The training must address at least the following:
551 1. Orientation to Child and Family Services programs;
552 2. Team building;
553 3. Family systems;
554 4. Child development;
555 5. Abuse and neglect;
556 6. Sexual abuse;
557 7. Attachment/separation issues;
558 8. Discipline;
559 9. Cultural issues;
560 10. Primary families;
561 11. Effects of care giving on the family;
562 12. Permanency issues for children and families.
563
- 564 B. Specialized Training - The adoption caseworker may require the adoptive family
565 to receive more specialized training before placement to ensure the parents have
566 the necessary skills to meet the needs of the child that they are willing to adopt.
567 Specialized training may address such topics as medically fragile infants,
568 adolescents, behavioral challenges, and others.
569
- 570 C. The caseworker will ensure that the family:
571 1. Has completed Child and Family Services approved adoption training;
572 2. Has been assessed and qualified to adopt by a licensed child placement
573 agency or Child and Family Services;
574 3. Has received a foster care license issued by the Office of Licensing, or if
575 the family is interested only in a child who is legally free for adoption at the

- 576 time of placement, then a license is not required, but there must be
577 documentation that the standards of a foster care license are met.
- 578 4. And if the adoptive family is a Child and Family Services employee, the
579 appropriate procedure has been followed to ensure that no conflict of
580 interest exists in completion of the assessment, placement, and
581 supervision. [See: Utah Administrative Code [R512-40.5](#).]
582
- 583 D. Screening - The caseworker shall explain the Criminal Background Check, and
584 Child Abuse Database Screening and explain that an FBI check (including
585 fingerprinting) is needed if the applicant has not lived in Utah for the past five
586 years. The caseworker will explain the authorization form for the Criminal
587 Background Check, and Child Abuse Database Screening. If the applicant(s)
588 does not pass the Criminal Background Check or the Child Abuse Database
589 Screening, the caseworker will inform the applicant(s) that they are not eligible to
590 proceed with the assessment.
- 591 1. Criminal Background Check - Complete a criminal background check for
592 all adults present in the home.
- 593 2. Child Abuse Database Screening - Complete a child abuse database
594 screening for all adults present in the home.
595
- 596 E. Assessment - Each region may develop their own assessment form and
597 process. The caseworker or other child placement agency will use the following
598 criteria to assess the potential of prospective adoptive families to determine if the
599 adoption placement is in the best interest of the child. The caseworker should
600 consider the child's kin or extended family as a possible placement at this stage
601 of the process.
- 602 1. Child's Needs and Family's Strengths - The selection of an adoptive family
603 shall be based upon the child's needs and the family's strengths.
- 604 2. Race, Ethnicity, and Culture - An adoptive placement shall not be delayed
605 or denied on the basis of race, color, or national origin of the adoptive or
606 foster family or child, as required by federal law.
- 607 3. Religious Preference - A child's religious preference may be taken into
608 consideration in the selection of an adoptive family.
- 609 4. Safety of Children in Home - No child should be placed in a specific
610 adoptive or adoptive/foster care home if the placement would put other
611 children residing in the home at risk.
- 612 5. Preferential Placement Requirements Foster Family or Other Caregiver
613 with Physical Custody - A foster family (or other caregiver with physical
614 custody) of the child may have preferential consideration for adoption if
615 the child has substantial emotional ties with the foster family/caregiver and
616 if removal of the child from the foster family/caregiver would be detrimental
617 to the child's well-being.
- 618 6. Guardian ad Litem (GAL) Recommendation - The caseworker should
619 solicit and consider the input of the child's GAL in selecting the adoptive
620 placement.

621 7. Age of Adoptive Parents - The selection of the adoptive parents shall not
622 be based upon the age of the adoptive parents, except that the adoptive
623 parents must be at least 10 years older than the child placed for adoption.
624 [See: Utah Code Ann. [§78B-6-114.](#)] The Office of Licensing, Rules for
625 Child Placing Agencies, Rule R501-7-5.3.b.(2) states, "Age: Chronological
626 age alone should not be the determining factor for the selection of
627 adoptive parents. Utah statutes require that the adoptive parents be at
628 least ten years older than the child placed for adoption. Physical condition
629 and life expectancy of the applicants should be taken into consideration to
630 protect the child against a repeated, foreseeable loss of parents through
631 death or incapacitating illness. Also, it is important for applicants to be
632 physically and emotionally capable of meeting the needs of the children as
633 they grow and develop."
634

635 **401.6 Foster Family Preferential Consideration**

636 Major objectives:

637 Foster Family Preferential Consideration - Foster parents may be given preferential
638 consideration when applying to adopt a child in their care. However, the Adoption
639 Committee may choose not to make the adoptive placement with the foster family who
640 has become licensed for adoption, if good cause can be demonstrated. The major
641 objectives for removing a child from a foster family shall be followed. [See: Utah
642 Administrative Code, Human Services Rule [R512-31.](#)] Reasons for not placing the child
643 with the foster family for adoption shall be documented in the case record and provided
644 to the family in writing
645

646 **Applicable Law**

647 Utah Code Ann. [§78B-6-132.](#) Children in the custody of the Division of Child and Family
648 Services -- Consideration of child's relationship with foster parents who petition for
649 adoption.
650

651 Practice Guidelines

652 The foster family or caregiver's application to adopt shall be processed and, if
653 satisfactory, the adoptive assessment completed before any other applications to adopt
654 the child are processed. For preferential consideration, the foster family or caregiver
655 shall submit the application for an adoptive assessment to Child and Family Services
656 within 60 days of the change of the goal to adoption or of the court's discontinuation of
657 reunification. If parental rights have been terminated, the application shall be submitted
658 within 30 days.
659

660 A. If the application has not been submitted within 30 days of termination of parental
661 rights, the caseworker shall consider approved adoptive families throughout the
662 state, shall contact other licensed child placing agencies, and shall list the child
663 on appropriate adoption exchanges.
664

- 665 B. Factors that shall be taken into consideration regarding selection of the home for
666 adoptive placement shall be consistent with those a court would use to determine
667 if the foster family would be selected. [See: Utah Code Ann. [§78A-6-510](#).]
668
- 669 C. Foster Parents Practice Guidelines for Preferential Adoptive Placement - When
670 evaluating the foster parents as adoptive parents, consider the following:
671 1. The extent to which the child has become integrated into the foster family
672 and has familial identity with that family;
673 2. The ability and willingness of the foster family to treat the child as a family
674 member;
675 3. The love, affection, and other emotional ties existing between the child
676 and the foster family, and the child's ties with the foster family;
677 4. The capacity and disposition of the foster family to give the child love,
678 affection, and guidance, to meet the emotional needs of the child, and to
679 provide for the education of the child;
680 5. The length of time the child has lived with a stable, satisfactory foster
681 family and the desirability of the child's continuing to live in that
682 environment;
683 6. The likely permanence of the foster family as a family unit.
684

401.7 Adoption Committee

685
686 Major objectives:

687 In situations in which a child who has a permanency goal of adoption is not with the
688 family who will be their permanent family, an Adoption Committee shall select an
689 adoption placement that is in the best interest of the child.
690

691
692 **Applicable Law**

693 Utah Code Ann. [§78B-6-102](#). Legislative intent and findings -- Best interest of child --
694 Interests of each party.

695 Utah Administrative Rule [R512-31](#) Foster Parents Due Process

696 Utah Administrative Rule [R512-41-6](#) Adoption Decision
697

698 Practice Guidelines

699 Establishing an Adoption Committee

- 700 A. The region director shall review annually the membership and terms of service of
701 the regional Adoption Committee, along with the frequency of Adoption
702 Committee meetings.
703 1. The Adoption Committee should consist of at least three members and
704 include senior level Child and Family Services staff and one or more
705 members from an outside agency with expertise in adoption and foster
706 care.
707 2. If no Child and Family Services caseworker with adoption experience is
708 available in the local area to participate on the Adoption Committee, an

- 709 individual with adoption expertise from outside of the area may be
710 included on the committee, such as the state program administrator, a
711 clinical consultant, or an adoption caseworker from another region. The
712 Adoption Committee should have at least three members.
713
- 714 B. Adoption Committee members must disclose any personal relationship with a
715 family being discussed and may recuse themselves from the proceeding.
716
- 717 C. The Adoption Committee may meet in any location appropriate for the case.
718
- 719 D. The caseworker for the child or sibling group is responsible for presenting the
720 information necessary for the Adoption Committee to assess adoptive placement
721 alternatives for the child or sibling group. Information should include all
722 assessments for each child including the child's characteristics, history,
723 strengths, preferences, and needs. Recommendations regarding qualifications
724 of potential adoptive families should be shared with Adoption Committee
725 members. The referring caseworker shall not be a voting member of the
726 Adoption Committee.
727
- 728 E. Anyone who has information regarding the child and the potential adoptive
729 families may be invited by the Adoption Committee to present information but not
730 participate in the deliberations.
731
- 732 F. The Adoption Committee will reach a decision regarding the most appropriate
733 adoptive family for the child or sibling group by consensus. If consensus cannot
734 be reached, the Adoption Committee will submit their recommendation to the
735 region director or the Child and Family Services director, if needed, who will
736 make the final decision.
737
- 738 G. All proceedings from the Adoption Committee are confidential and maintained at
739 a protected status. Each participant at the Adoption Committee meeting shall
740 sign Confidentiality Form DCFS01.
741
- 742 H. Minutes shall be taken at each Adoption Committee meeting. A copy of the
743 minutes shall be maintained at the local office or at a centralized location within
744 the region and relevant portions may be added to a child's case record.
745
- 746 I. Justification for Selection of an Adoptive Family: The Adoption Committee will
747 select the best adoptive family to meet the needs of the child or sibling group and
748 document the proceedings in the meeting minutes according to the following:
749 1. Document the rationale, including how the selection of the proposed
750 adoptive family meets the long-term best interests of the child.
751 2. If none of the proposed adoptive families are selected, document the
752 rationale.

- 753 3. If siblings are not placed together, document the reasons.
754
755 J. When a prospective adoptive family for the child has been selected, the
756 caseworker will notify the family in writing of their selection.
757
758 K. A family that is not selected for an adoptive placement of a specific child shall
759 have no right to appeal the decision unless they have been the child's current
760 licensed foster family for six months or more. In these cases, the foster parent due
761 process rights for removal of a child applies. [See: Foster Parents Due Process,
762 Utah Administrative Code, Human Services Rule [R512-31](#).]
763

401.8 Matching The Child And The Adoptive Family By The Adoption Committee

Major objectives:

Child and Family Services will make every effort to achieve a smooth and effective transition for a child into the adoptive home, the child, and others who have a supportive relationship with the child. All out-of-home requirements continue to be applicable until the adoption is finalized and the case is closed.

Applicable Law

Utah Code Ann. [§78A-6-103](#). Jurisdiction of juvenile court.

Utah Code Ann. [§78B-6-115](#). Who may adopt -- Adoption of minor -- Adoption of adult.

Utah Code Ann. [§78B-6-137](#). Decree of adoption -- Best interest of child -- Legislative findings.

Utah Code Ann. [§78B-6-144](#). Mutual-consent, voluntary adoption registry -- Practice Guidelines -- Fees.

Practice Guidelines

- 781
782 A. Access to Relevant Records - Adoptive families will have access to all relevant
783 information in the case record to help them understand and accept the child and
784 preserve the child's history.
785
786 B. Ongoing Support - Child and Family Services will inform the adoptive family of
787 community services and adoption assistance available before and after the
788 adoption is finalized. Child and Family Services will provide ongoing support to
789 the child and adoptive parents during the transition until finalization of the
790 adoption. At a minimum, the finalization will take six months. Child and Family
791 Services' involvement will continue until the adoption is finalized. As part of the
792 supervision, Child and Family Services will develop a service plan within 30 days
793 of placement. The caseworker shall maintain contact with the adoptive family
794 including frequent visits with the child for at least the first six months after
795 placement. Post Adopt Services shall be made available, as needed, to the child
796 and family.

- 797
798 C. Parental Request or Concerns with Adoptive Placement - Child and Family
799 Services shall consider removal of a child before an adoption is finalized if the
800 adoptive parents request removal or if serious circumstances impair the child's
801 security or development.
802
- 803 D. Prior to removal, Child and Family Services shall respond to an adoptive family's
804 concerns in a timely manner, counsel with the family, and, if possible and
805 appropriate, offer further treatment, including intensive in-home services or
806 temporary removal of the child from the home for respite purposes.
807
- 808 E. Decision to Remove - If removal is sought, the Child and Family Team shall
809 review the placement progress and present situation and decide to either
810 continue placement with further services or to remove the child from the home.
811 The placement committee will be notified and will assist the Child and Family
812 Team to locate a placement. The region director will review and approve the
813 decision.
814
- 815 F. Documentation of Removal - Removal of a child from an adoptive family shall be
816 documented in the child's record and in the adoptive family record.
817
- 818 G. Notice of Agency Action - If a decision is made to remove the child, a Notice of
819 Agency Action shall be sent to the adoptive parents notifying them of their due
820 process rights. The adoptive family shall be offered the same rights as those
821 offered a foster family regarding removal of a child. [See: Utah Administrative
822 Code, Human Services, Rule [R512-31](#).]
823
- 824 H. Adoption Finalization and Post Adoption - Before an adoption is finalized, the
825 appropriate Adoption Committee shall review the placement, authorize
826 finalization, and approve adoption assistance, when appropriate.
827
- 828 I. Adult Adoptee or Adoptive Family Request for Records - The adoption records of
829 Child and Family Services shall be made available to the adoptive parents or
830 adult adoptee upon written request in accordance with GRAMA. [See: Utah
831 Code Ann. [§63G-2](#).]
832
- 833 J. Priority Guidance for Selecting Adoptive Parents:
834 1. Indian children must be placed with prospective adoptive families
835 according to the provisions of ICWA.
836 2. The decision to place a child with adoptive parent(s) must comply with
837 Utah Code Ann. [§62A-4a-602\(5\)\(c\)](#) and [§78B-6-117](#).
838 3. A child may be adopted by:

- 839 a. Legally married couples who have a valid proof of a legal marriage
840 or have a court document for registration of a common law
841 marriage from a court of competent jurisdiction.
842 b. A single adult who is not cohabiting with another person in a sexual
843 relationship.
- 844 4. The prospective adoptive parent(s) must be 10 years older than the child
845 being adopted.
- 846 5. The prospective adoptive parent(s) must be able to meet all of the child's
847 unique medical, educational, or behavioral and mental health needs.
848
- 849 K. Tax Credit Information – Inform the adoptive family who was selected for a child
850 that there is a tax credit for adopting a child from foster care. The family can find
851 out more about the tax credit by going to the Adoption Connection website at
852 utahadopt.org and looking up tax credit information under the “Considering
853 Adoption” tab.
854
- 855 L. Preparation of the Child for an Adoption:
- 856 1. The caseworker will make every effort to ensure that a child who may be
857 free for adoption is placed with a family who is qualified for adoption.
- 858 2. The caseworker shall help the child work through the issues associated
859 with adoption (for example, concerns about separation from foster
860 parents, transition to a new family, etc.). A therapist may assist in this
861 process if the caseworker determines that this assistance is needed.
- 862 3. When appropriate, the caseworker shall encourage continuation of a
863 child's relationships with individuals with whom the child has previous,
864 supportive emotional ties such as a foster family, a caseworker, a
865 therapist, and/or extended family members. The caseworker shall counsel
866 the adoptive parents concerning the issues the child may have as the
867 transition is made to an adoptive placement.
- 868 4. The caseworker shall ensure that the child's life book is prepared to
869 accompany the child to the adoptive placement. The child's life book,
870 including personal information regarding the child's life and family of origin
871 that has been gathered by the foster family or biological family, shall be
872 forwarded to the adoptive family. This may include written records,
873 photographs, birth information, and schoolwork.
874
- 875 M. Steps to Prepare for an Adoptive Placement:
- 876 1. The caseworker shall provide ongoing support to the adoptive parents
877 during the transition, placement, and supervisory period.
- 878 3. The caseworker shall inform the adoptive family about specific services
879 that are available during the supervisory period and after finalization.
880 These services may include adoption assistance, Post Adoption Services,
881 and/or training that may be available to help the parents respond to

- 882 special needs of the child. Adoptive parents shall verify in writing that
883 Post Adoption Services were offered.
- 884 4. The caseworker shall notify the family that if they are requesting adoption
885 assistance, an adoption assistance agreement must be signed prior to the
886 finalization of the adoption.
- 887 5. The caseworker shall inform the family that they have the right to apply for
888 adoption assistance. The regional adoption subsidy committee will
889 determine if the child qualifies. If the child is denied adoption assistance,
890 the family will be sent a notification of a right to a fair hearing at which they
891 can appeal that decision.
- 892 6. If the level of adoption assistance is offered at less than the requested
893 amount, the regional adoption subsidy committee shall send the family a
894 notification of a right to a fair hearing.
895
- 896 N. Payment to Adoptive and Foster/Adoptive Care Parents Prior to Finalization:
- 897 1. The caseworker shall explain the appropriate types of adoption assistance
898 to the adoptive parents and assist them with the process.
- 899 2. The caseworker shall explain to the adoptive parents that funds for the
900 child who is not legally free for adoption are foster care funds.
- 901 3. The caseworker shall explain that assistance for the child who is legally
902 free for adoption may be foster care funds or upfront adoption assistance
903 funds if the child is eligible for adoption assistance and Child and Family
904 Services funding is available. The amount and type of payments for a
905 child in Child and Family Services custody placed with an adoptive family
906 may be the same as for any other child in custody until finalization.
- 907 4. The caseworker will negotiate the level of adoption assistance. The
908 Adoption Committee will approve or disapprove the negotiated level of
909 adoption assistance. If the proposed level of adoption assistance is
910 disapproved, the caseworker will renegotiate the level of adoption
911 assistance with the adoptive family prior to finalization.
- 912 5. The caseworker shall inform the family that they have the right to apply for
913 adoption assistance. The regional adoption subsidy committee will
914 determine if the child qualifies. If the child is denied adoption assistance,
915 the family will be sent a notification of a right to a fair hearing at which they
916 can appeal that decision.
917
- 918 O. Community Services - The caseworker shall inform adoptive parents of
919 appropriate community services, as needed, after placement but before the
920 adoption is final. The caseworker shall facilitate linking the family with
921 community services to help the child become successfully integrated into the
922 adoptive family.
923

- 924 P. Court Finalization of an Adoption - The caseworker will help adoptive parents
925 understand the juvenile, district, or tribal court proceedings for finalizing the
926 adoption:
- 927 1. Adoptions are finalized in the juvenile or tribal court that has jurisdiction of
928 the case of the child.
 - 929 2. If the child has reached the age of majority (18 years of age or older), the
930 adoption is finalized in juvenile or tribal court that has jurisdiction of the
931 case as long as:
 - 932 a. The juvenile or tribal court determined that the child cannot safely
933 return to his or her parents, and
 - 934 b. The juvenile or tribal court has terminated parental rights of the
935 parents of the child in custody, and
 - 936 c. The child has reached the age of majority and continues to be in
937 state custody.
 - 938 3. If the child has reached the age of majority while in custody but the
939 parental rights of the parents have not been terminated or voluntarily
940 relinquished, the adult adoption must be finalized in district court in the
941 district where the adopting family resides.
 - 942 4. The adopting parent(s) are responsible for hiring a private attorney to
943 petition the court and pay for fees associated with the adoption
944 finalization. Up to \$2,000 of attorney and filing fees may be reimbursable
945 to the adopting parent(s) by submitting receipts.
 - 946 5. **At the request of the attorney, the court preceding may be closed for an**
947 **adoption finalization proceeding.**
- 948
- 949 Q. Adoptive Placement from Another Region or Child and Family Services Office - If
950 it is necessary to remove a child who was placed with an adoptive family at the
951 request of another region, staff from the sending region shall establish a plan for
952 future placement based upon the needs of the child. The plan shall be submitted
953 for approval to the Adoption Committee and the region director in the region
954 where the child was placed.
- 955
- 956 R. Parent Support Groups - The caseworker may arrange for and facilitate parent
957 support groups for families who have adopted a child with special needs and who
958 request ongoing supportive services. The adoptive parents may be encouraged
959 to take an active role in developing and maintaining the support group.
- 960

401.8a Contact Between Adopted Child And Birth Family Members

Philosophy

Help children stay connected with birth family members after adoption to help relieve loss, cultivate a pride in their heritage, and answer questions about family histories of medical and mental health conditions.

Major objectives

Child and Family Services will help children who are adopted benefit from contact with birth family members when all parties agree it is safe and appropriate. Contact with birth family members may help a child:

- A. Relieve grief and loss. Children have often lost connections with birth family members through being in out-of-home care and further lose connections after they are adopted.
- B. Cultivate pride in their biological heritage to develop self-worth and good self-esteem. Contact with appropriate birth family members can help an adopted child understand their biological heritage.
- C. Explain things like their genetic traits and possible inherited medical and mental health conditions.

Applicable Laws

Utah Code Ann. [§62A-4a-205.6](#). Adoptive Placement Time Frames.

Utah Code Ann. [§78B-6-146](#). Post Adoption Contact Agreement.

Definitions

- A. Post Adoption Contact Agreement: A document, agreed upon prior to the finalization of an adoption of a child in custody of Child and Family Services, that outlines the relationship between an adoptive parent, birth parent, or other birth relative and an adopted child after the finalization of adoption.
- B. Other Birth Relative: A grandparent, stepparent, sibling, stepsibling, aunt, or uncle of the prospective adoptive child.

Practice Guidelines

- A. The caseworker shall discuss with the Child and Family Team the short- and long-term advantages and disadvantages of a post adoption contact agreement with birth family members.
 1. Determine if there are birth family members who can be safe and appropriate.
 2. Determine if contact with safe and appropriate birth family members would benefit the child and be in the child's best interest.

- 1005
1006 B. The caseworker shall discuss with the prospective adoptive parents if they are
1007 willing to consider contact with safe and appropriate birth family members. If so:
1008 1. Assess if a relationship with birth family member(s) can be non-judgmental
1009 and trusting and if not, what things would be helpful to develop a basic
1010 trust.
1011 2. Assess whether both the prospective adoptive parents and birth family
1012 member(s) for who contact is being considered agree that they want
1013 contact.
1014 3. For each birth family member for whom contact is agreed upon by both
1015 the adoptive parents and the birth family member, determine:
1016 a. What kind of contact (such as letters, email, telephone calls, video
1017 conferencing, or face-to-face visits).
1018 b. How often contact would be beneficial. Examples may be yearly,
1019 quarterly, or monthly.
1020 c. The kind and frequency of contact should be defined separately for
1021 each birth family member for whom contact would benefit the child.
1022
- 1023 C. The caseworker shall educate the prospective adoptive parents that post
1024 adoption contact agreements may be a:
1025 1. Verbal agreement between them and the birth family member.
1026 2. Written agreement between them and the birth family member which
1027 details agreed-upon contact. This type of agreement is written in good will
1028 but is not legally enforceable.
1029 3. Legally enforceable written post adoption contract agreement between
1030 them and the birth family member that is submitted in court at the time of
1031 the adoption finalization.
1032
- 1033 D. The caseworker shall help the prospective adoptive parents think through how
1034 changes in the agreed-upon contact will be addressed in the future.
1035

1036 Legally Enforceable Post Adoption Contact Agreement

- 1037 A. When both the prospective adoptive parents and birth parent or other birth
1038 relative agree to enter into a legally enforceable post adoption contact
1039 agreement, a caseworker may help in the development of that agreement.
1040 1. Child and Family Services may NOT take into account a prospective
1041 adoptive parent's willingness, or unwillingness, to enter into a post
1042 adoption contact agreement before placing the prospective adoptive child
1043 for adoption.
1044 2. Child and Family Services may NOT imply a legally enforceable post
1045 adoption contact agreement is required before an adoption may be
1046 finalized.
1047 3. In order to be legally enforceable, a post adoption contact agreement shall
1048 be:

-
- 1049 a. Approved by the court before the finalization of the adoption, with
1050 the court making a specific finding that the agreement is in the best
1051 interest of the child;
1052 b. Signed by each party claiming a right or obligation in the
1053 agreement; and
1054 c. Approved by the child, if the adopted child is 12 years of age or
1055 older.
1056
- 1057 B. The caseworker shall ensure that the post adoption contact agreement includes
1058 the following;
- 1059 1. A description of visits, if any, that shall take place between the birth
1060 parent, other birth relative, prospective adoptive parent, and adopted child,
1061 and the degree of supervision, if any, that shall be required during a visit
1062 between a birth parent, other birth relative, and adopted child.
1063 2. What information, if any, shall be provided to a birth parent or other birth
1064 relative about the adopted child and how often that information shall be
1065 provided.
1066 3. A description of what grounds, if any, on which the adoptive parent may;
1067 a. Decline to permit visits between the birth parent or other birth
1068 relative and the adopted child; or
1069 b. Decline to permit information provided to a birth parent or other
1070 birth relative about the adopted child.
1071
- 1072 C. The caseworker shall ensure that all parties understand that a violation of a post
1073 adoption contact agreement is not grounds:
1074 1. To set aside an adoption; or
1075 2. For monetary damages.
1076
- 1077 D. Child and Family Services and the court shall presume that the adoptive parent's
1078 judgment about the best interest of the child is correct in any action seeking to
1079 enforce, modify, or terminate the post adoption contact agreement.
1080
- 1081 E. The caseworker will ensure that all parties understand that in the case of a
1082 violation of a post adoption contact agreement, the court that approved the post
1083 adoption contact agreement may order the parties to attend mediation if it is
1084 determined to be in the child's best interest. The mediation will determine if:
1085 1. The parties performed the duties outlined in the post adoption contact
1086 agreement in good faith;
1087 2. There is a reasonable alternative that fulfills the spirit of the post adoption
1088 contact agreement without ordering mandatory compliance with the post
1089 adoption contact agreement; and
1090 3. Enforcement of the post adoption contact agreement is in the best interest
1091 of the adopted child.
1092

- 1093 F. The caseworker shall ensure that the post adoption contact agreement does not
1094 limit the adoptive parent's ability to move out of state.
1095
1096 G. The caseworker shall have the prospective adoptive parents and any birth family
1097 member who is a party of the draft agreement read and sign the agreement.
1098
1099 H. The caseworker shall send the post adoption contact agreement to the Assistant
1100 Attorney General and the child's Guardian ad Litem for input and to be written as
1101 a court document.
1102

401.9 Post Adopt Services

Philosophy

1105 Adoption is an ongoing process that brings joys and challenges and unknown factors.
1106 The emotional highs and lows all families experience may be intensified by the many
1107 facets of adoption.
1108

1109 Child and Family Services has Post Adopt Services for families who have adopted
1110 children from foster care or who have been involved with Child and Family Services.
1111

Major objectives

- 1113 A. The following Practice Guidelines are for use by post adopt workers.
1114
1115 B. Post adopt workers will support families who have adopted children from any
1116 state's foster care system.
1117
1118 B. Post Adopt Services are to prevent the disruption of children from adoptive
1119 placements.
1120
1121 C. Post Adopt Services include:
1122 1. Helping adoptive families who have questions or concerns.
1123 2. Helping adoptive families find community resources specific to their needs.
1124 3. Accessing the adopted child's case file and information.
1125 4. Assisting adoptive families and their children with appropriate connections
1126 with birth family members.
1127 5. Providing clinical expertise to assess and help adoptive families with the
1128 challenges of parenting children who have special needs.
1129

Applicable Law

1131 Utah Code Ann. §53A-2-207. District of residency.

1132 Utah Code Ann. §62A-4a-101. Definitions.

1133 Utah Code Ann. §62A-4a-106. Services provided by Division.

1134 Utah Code Ann. §62A-4a-607. Promotion of adoption -- Agency notice to potential
1135 adoptive parents.

1136 Utah Code Ann. §62A-4a-906. Adoption Assistance Eligibility.

1137 Utah Code Ann. [§75-5-103](#). Delegation of powers by parent or guardian.

1138 [Utah Code Ann. §78B-6-143. Nonidentifying health history of adoptee filed with office.](#)

1139

1140 Practice Guidelines

1141 A. Pathways to Adoption. Post adopt workers will teach Pathways to Adoption
1142 (eight hours) and other adoption-related training for adoptive parents to help
1143 them understand how trauma, grief, and loss create challenging survival
1144 behaviors in the children they are adopting and raising. The training will also
1145 address common special needs found in children who are adopted from foster
1146 care such as fetal exposure, sexual issues, sensory-related challenges, and
1147 mental illness. The training will allow adopting parents to know the role of their
1148 post adopt worker and meet other adoptive parents, as well as learn about
1149 resources such as support groups, respite care, and mental health providers.

1150

1151 B. Place to Call for Help. Post adopt workers will help adoptive families who have
1152 questions or concerns.

1153

1154 C. Community Resources for Adoptive Families. Post adopt workers will have a
1155 working knowledge of community resources that may help adoptive families with
1156 their specific situations. Post adopt workers may:

1157 1. Connect families to helpful informational resources, support groups,
1158 schools, respite care options, mental health professionals, and an
1159 adoption lending library with many resources. Refer families to Utah's
1160 Adoption Connection website for updated adoption, trauma, and special
1161 needs resources as well as printed materials such as the Child and Family
1162 Services Adoption Connection newsletter and resources from the lending
1163 library.

1164 2. Cultivate resources or find creative alternatives to address the specific
1165 needs of adoptive families.

1166 [3. All non-identifying family health history data and child's health history from
1167 the child's foster care record in the Health Data Report from the screen
1168 called "Vital Stats Letter & Health Data Report" will be printed for the
1169 adoptive parents.](#)

1170

1171 D. Access to Case Files and Information. Post adopt workers will access
1172 information from the adopted child's out-of-home file for parents to review for
1173 information needed to understand the child. Information may include the child's
1174 history that make connections between the child's past, timeframes for life
1175 events, gaps in information, and past services that may be helpful.

1176

1177 The post adopt worker may help the adoptive parent share file information with
1178 the child as they grow. [See: [Section 401.4a](#) for information on file disclosure.]

1179 1. The confidentiality agreement, SAFE form DCFS02, must be signed by
1180 the adoptive parent prior to viewing the file.

- 1181 2. Child and Family Services should orient the adoptive parent to the
1182 structure of the file and where information is located.
1183
- 1184 E. Contact with Birth Family. Post adopt workers may provide their expert guidance
1185 to help bridge the gap between the adoptive family and the birth family at the
1186 adoptive parents' request.
1187
- 1188 F. Clinical Expertise. Post adopt workers will provide clinical expertise and help
1189 access resources in the community to help adoptive families understand how
1190 trauma, fetal alcohol, and other special needs affect brain development and
1191 create challenges in parenting adopted children.
1192
- 1193 Post adopt workers will provide or facilitate crisis and time-limited counseling to
1194 stabilize a difficult situation. When an adoptive family is in crisis:
- 1195 1. The post adopt worker will conduct an assessment to determine the
1196 appropriate level of interventions needed to serve the child and preserve
1197 the family.
- 1198 2. The post adopt worker will develop a Child and Family Team and
1199 meetings will be held as needed to work concurrently with mental health,
1200 respite care, cluster groups, and other resources to provide the ongoing
1201 formal and informal supports needed to help stabilize the family.
- 1202 3. When an adoptive parent, who has adopted a child from foster care,
1203 contacts Child and Family Services to request services, Child and Family
1204 Services is permitted to reassess adoption assistance or use FPA grant
1205 funds or supplement adoption funds, when available, to help a child
1206 remain in the custody of his or her parents.
- 1207 4. If a case is opened by the post adopt worker to help the post adopt child
1208 and family, it will be opened under a post adopt In-Home Services code
1209 unless there are allegations of abuse and/or neglect.
- 1210 5. When a child has been adopted from foster care and there is a CPS
1211 investigation, the CPS caseworker will notify a post adopt worker to
1212 coordinate services.
- 1213 6. Unless the parents of the adopted child expressly request the child be
1214 removed (see subsection L), the child may not be removed based solely
1215 on the reason the adoptive parents are seeking services to help the child
1216 and adoptive family. Child and Family Services may not do any of the
1217 following unless there are indications of abuse and/or neglect:
- 1218 a. File a petition for removal of a child from the child's home,
1219 b. File a petition for a child protective order,
1220 c. Make a supported finding,
1221 d. Seek a substantiated finding,
1222 e. File a petition alleging a child is abused, neglected, dependent, or
1223 abandoned, or
1224 f. File a petition for termination of parental rights.

- 1225
1226 G. Documentation of Post Adopt Services.
1227 1. Referrals for services, short meetings, or conversations with an adoptive
1228 family will be logged in the Adoption Assistance (AAM) file.
1229 2. Assessments and short-term interventions will be documented in an IHS
1230 case.
1231 3. A post adopt (PAT) case will be opened for anything that involves a plan
1232 to develop services, based on assessments, even on a limited basis such
1233 as:
1234 a. Intense intervention to prevent an out of home placement.
1235 b. Intense intervention with the parents to coordinate treatment when
1236 there is a need for out-of-home care or treatment.
1237 4. When an adopted child who has an open AAM case comes into Child and
1238 Family Services custody, the post adopt worker may be assigned as a
1239 secondary worker on the foster care (SCF) case.
1240 a. When the child returns home and the Child and Family Services
1241 foster care case is closed, the post adopt worker may open an IHS
1242 or PAT case to provide transition support at the request of the
1243 adoptive parents.
1244 b. If there are other Child and Family Services adopted children in the
1245 home in need of services, the post adopt worker may open an IHS
1246 or PAT case at the request of the adoptive parents.
1247 5. PAT interventions will include a UFACET and Child and Family Plan.
1248 6. If the PAT interventions include services that require funding
1249 considerations, funding requests will be coordinated with the Adoption
1250 Assistance Committee.
1251 a. If the AAM case is in a different region than where the family
1252 resides, the family will be asked by the post adopt worker if the
1253 AAM case could be transferred to the region where the family
1254 resides.
1255 b. When considering transferring an AAM case, the monthly adoption
1256 subsidy will be reviewed by the Regional Adoption Assistance
1257 Committee to assess a need for an increase before the case
1258 transfer is made.
1259 c. Post adopt and adoption assistance workers from each region will
1260 coordinate to make a request to transfer the AAM case.
1261 d. The combined recommendation from each region's post adopt and
1262 adoption assistance workers will then be submitted to the region
1263 director for the AAM case and funding transfer.
1264 7. Reviews of PAT cases.
1265 a. If there is a monthly adoption subsidy increase or a subsidy
1266 increase within the child's current adoption subsidy level range to
1267 address service needs, PAT cases should be reviewed at least
1268 every six months with the Adoption Assistance Committee.

- 1269 b. If there is an increase in the monthly adoption subsidy to a higher
1270 level range and/or use of Federal Adoption Promoting Safe and
1271 Stable Family (FPA) and/or supplemental funding requests to
1272 address the service needs, PAT cases should be reviewed at least
1273 every three months by the Adoption Assistance Committee.
1274
- 1275 H. Medicaid Carve-Out. When an adoptive family or Child and Family Services
1276 thinks that the family is not able to meet their mental health needs through the
1277 Public Mental Health Provider (PMHP), the post adopt worker will assist the
1278 parent in evaluating their needs and, if indicated, ask for an exemption from the
1279 PMHP. The post adopt worker will then help the parent select a contracted
1280 mental health provider that is willing to bill Medicaid and is best suited to help the
1281 family and adopted child achieve the desired outcomes.
- 1282 1. If the requested therapist is the mental health therapist who was treating
1283 the child while the child was in out-of-home care, the post adopt worker
1284 will discuss with the family what PMHP can offer that may not be available
1285 with the contract provider, such as a psychiatrist and psycho-educational
1286 groups.
- 1287 a. The post adopt worker will determine if the requested therapist
1288 contracts with the PMHP. If so, the post adopt worker will inform
1289 the parent they may remain in the PMHP and continue to receive
1290 services from the current therapist.
- 1291 b. If the parent wants to carve-out of (or be exempt from) the PMHP,
1292 the post adopt worker will contact the identified mental health
1293 therapist and verify their willingness to treat the family and obtain
1294 the date the treatment will begin.
- 1295 c. The post adopt worker will use the Department of Health, Child and
1296 Family (DHCF) template to submit the PMHP exemption
1297 information and request to Medicaid. The request for the Medicaid
1298 carve-out should be sent via fax or email directly to the Department
1299 of Health, Medicaid adoption carve-out contact person.
- 1300 2. If a mental health therapist has not yet been identified, a clinical post
1301 adopt worker will work with the adoptive family to clinically assess the
1302 adopted child's treatment needs, including level and type of treatment
1303 (e.g., outpatient family or group therapy, residential treatment, etc.).
- 1304 a. During the clinical assessment, the post adopt worker will
1305 determine the clinical appropriateness of the Medicaid carve-out.
- 1306 b. The post adopt worker will obtain the child's treatment history from
1307 the parent, including any inpatient or residential treatment and
1308 involvement with the PMHP, including:
- 1309 (1) the names of providers;
- 1310 (2) the reasons for the treatment;
- 1311 (3) the length of the treatment episode;
- 1312 (4) when services were provided; and

- 1313 (5) the parent's perceived outcome of the treatment.
1314 c. The post adopt worker will determine if the child has been staffed
1315 by a multi-agency team. If the child has been staffed, the post
1316 adopt worker will obtain:
1317 (1) the name of the team and participating agencies;
1318 (2) when the staffing occurred; and
1319 (3) what was the recommendations of the staffing.
1320 d. The post adopt worker will discuss with the PMHP and parent,
1321 preferably together, whether the PMHP and parent can develop an
1322 agreed-upon treatment plan.
1323 (1) If they can, the Medicaid carve-out process ends.
1324 (2) If they cannot, the Medicaid carve-out process continues.
1325 e. The post adopt worker or professional team will provide information
1326 to the parent about the level and kind of treatment that has been
1327 recommended for the child.
1328 f. The post adopt worker will assist the parent with the selection of a
1329 mental health therapist by providing information about the
1330 therapist's areas of expertise and by offering several names of
1331 qualified contracted mental health providers who provide the level
1332 of services recommended and who practice in the family's area.
1333 g. The post adopt worker will submit the Medicaid exemption
1334 information and request to Medicaid via fax or email and will send
1335 the request directly to the Department of Health, Medicaid adoption
1336 carve-out contact person. Using the DHCF template, the post
1337 adopt worker will provide the:
1338 (1) name of the child/youth;
1339 (2) Medicaid ID number;
1340 (3) parent's name;
1341 (4) name of the post adopt worker;
1342 (5) phone number and fax number of post adopt worker;
1343 (6) name of PMHP;
1344 (7) reasons for requested PMHP exemption (this is important so
1345 Medicaid can track trends and PMHP accessibility);
1346 (8) date of the carve-out request;
1347 (9) summary of the:
1348 (a) services requested (outpatient or residential);
1349 (b) name of the provider;
1350 (c) date the provider was contacted to verify that the
1351 provider is willing to treat the family;
1352 (d) name of the staff person contacted if different than the
1353 therapist (e.g., Mary Jones, receptionist at ABC
1354 counseling center);
1355 (e) date the provider will begin services; and
1356 (10) clinical recommendation.

- 1357 h. Medicaid will then implement the carve-out from the PMHP for
1358 mental health services and return the completed request to the post
1359 adopt worker, documenting the:
1360 (1) date the exemption request was received, and
1361 (2) date the exemption will be effective.
- 1362 i. The post adopt worker will inform the parent that the Medicaid
1363 carve-out has been processed and that a new Medicaid card will be
1364 issued.
- 1365 j. Medicaid will send information to the PMHP that the child has been
1366 exempt.
1367
- 1368 I. Out-of-Home Placement. When a family cannot address an adopted child's
1369 needs within their family setting, out-of-home placement may need to be
1370 assessed.
- 1371 1. Youth Service Centers (in regions where they exist) or Family Support
1372 Centers should be used to allow for a cooling down period for the family
1373 and to allow the post adopt worker to assess the child and family's needs.
- 1374 2. A Child and Family Team Meeting will be convened with the family, Child
1375 and Family Services staff, and any others who are involved or who may be
1376 helpful.
- 1377 3. The Child and Family Team will explore what services or supports may
1378 help address the problems while allowing the child to stay with the family.
- 1379 4. Extended respite care (two to 15 days) may be sought as a time to
1380 continue to assess family needs.
- 1381 5. If regular extended respite care could address the family's needs, then
1382 appropriate resources will be explored.
- 1383 6. If out-of-home placement is indicated, explore a voluntary agreement the
1384 family might make with a relative, friend, or proctor family (family-to-family)
1385 without Child and Family Services involvement. This allows the family to
1386 negotiate costs, visits, and other plans.
- 1387 7. Voluntary family-to-family agreements should always address how the
1388 family will stay involved. The long-term view should be evaluated with
1389 questions such as; "Where will the child spend holidays and vacations?
1390 Who will help when the car breaks down or the child breaks a leg? Who
1391 will help with post-high school education? When the child becomes an
1392 adult, who will help with the wedding or when a baby is born?" In a
1393 voluntary agreement between an adoptive family and another family:
- 1394 a. The adoptive family will arrange to give the family who is assuming
1395 physical custody a temporary Delegation of Custody and/or a
1396 properly executed Power of Attorney (Utah Code Ann. [§75-5-103](#)).
1397 The family may require legal advice.
- 1398 b. The child's Medicaid card will be sent to the family with physical
1399 custody of the child.

-
- 1400 c. The monthly adoption subsidy will continue to go to the adoptive
1401 family who will forward it to the family with physical custody of the
1402 child.
- 1403 d. The family with physical custody has no legal standing.
- 1404 e. The adoptive family continues to be financially and legally
1405 responsible for the child.
- 1406 f. Either family can revoke the voluntary agreement at any time.
- 1407 g. The family with physical custody has the power to make decisions
1408 regarding routine medical and basic educational needs of the child.
- 1409 h. Either family may stay in contact with Child and Family Services as
1410 needed.
- 1411 8. Legal custody and guardianship is a legal process in which an adoptive
1412 family may give another family the legal rights to raise the child. The
1413 following are required for such an arrangement:
- 1414 a. Court involvement.
- 1415 b. The child's Medicaid card will be sent to the legal guardianship
1416 family.
- 1417 c. The monthly adoption subsidy continues to go to the adoptive
1418 family, who continues to be financially responsible and they will
1419 forward it to the family with guardianship of the child.
- 1420 d. Either family may stay in contact with Child and Family Services as
1421 needed.
- 1422 9. If an out-of-home placement is indicated and a voluntary family-to-family
1423 placement is not appropriate because of the mental health treatment
1424 needs of the child, a Medicaid carve-out for residential treatment may be
1425 assessed. Clear treatment objectives, family involvement, and the child's
1426 return home plan will be part of the Medicaid carve-out plan.
- 1427 a. A PAT case will be opened in SAFE.
- 1428 b. Child and Family Team Meetings will be held as often as needed to
1429 keep the family involved in decisions and facilitate the return home
1430 plan for the child.
- 1431 c. The case will be reviewed a minimum of every three months.
- 1432
- 1433 J. Medicaid Carve-Out for Residential Treatment.
- 1434 1. The post adopt worker and the parent together will determine if residential
1435 treatment is indicated, as well as the level and kind of residential treatment
1436 that would best meet the child's mental health needs.
- 1437 2. The post adopt worker may want to contact a Child and Family Services
1438 contract specialist to:
- 1439 a. Obtain information on the most appropriate residential treatment
1440 provider, taking into account the location of the provider, provider
1441 expertise, availability of a bed, etc.
- 1442 b. Obtain the correct Child and Family Services code (that would have
1443 been used for a child in out-of-home care) for the residential

- 1444 treatment provider ultimately selected (e.g., DRM, DIR, etc.). This
1445 is absolutely necessary so Medicaid can ensure that the provider
1446 bills only the rate agreed to in the provider's contract with Child and
1447 Family Services.
- 1448 3. The parent is responsible for the room, board, and educational costs of
1449 the residential treatment program. The post adopt worker will discuss with
1450 the parent how this will be paid. The parent may use the adoption monthly
1451 subsidy to help cover costs.
- 1452 a. **Staff should be aware that the local school district is required by**
1453 **§53A-2-207 to allow the student to enroll and may not charge for**
1454 **educational services.**
- 1455 4. The post adopt worker then:
- 1456 a. Contacts the selected residential treatment provider to ensure the
1457 provider is willing to serve the child and determines the date the
1458 provider will begin providing services.
- 1459 b. Estimates the length of treatment and develops an after-care plan,
1460 including a transition plan for the child to successfully return home,
1461 services the family will receive after discharge from the residential
1462 treatment to maintain stability, and whether the child will be re-
1463 enrolled in the PMHP.
- 1464 c. Using the DHFC template, submits the exemption information and
1465 request to Medicaid via fax or email and sends the request directly
1466 to the Department of Health, Medicaid adoption carve-out contact
1467 person.
- 1468 d. Using the DHCF template, provides the:
- 1469 (1) name of the child;
1470 (2) Medicaid ID number;
1471 (3) parent's name;
1472 (4) name of the post adopt worker;
1473 (5) phone number and fax number of the post adopt worker,
1474 (6) name of the PMHP;
1475 (7) reasons for requested the PMHP exemption (this is
1476 important so Medicaid can track trends and PMHP
1477 accessibility);
1478 (8) date of the carve-out request;
1479 (9) summary of the:
- 1480 (a) services requested (outpatient or residential);
1481 (b) name of the provider;
1482 (c) date the provider was contacted to verify if the
1483 provider is willing to treat the child;
1484 (d) name of the staff person contacted if different than the
1485 therapist (e.g., Mary Jones, receptionist at ABC
1486 counseling center);
1487 (e) date the provider will begin services;

- 1488 (f) level of care (e.g., DIR, DRM, etc.);
1489 (g) proposed discharge date; and
1490 (10) Clinical recommendation.
- 1491 5. Medicaid will implement the exemption from the PMHP for mental health
1492 services and will return the completed request to the post adopt worker,
1493 documenting the:
1494 a date the exemption request was received; and
1495 b. date the exemption will be effective.
- 1496 6. The post adopt worker will inform the parent that the Medicaid carve-out
1497 has been processed and that a new Medicaid card will be issued.
- 1498 7. Medicaid will send information to the PMHP that the child has been
1499 exempt.
- 1500 8. The post adopt worker will staff the case of a child who is in out-of-home
1501 treatment every three months to assess treatment progress, parent
1502 engagement, and needed adaptations and transition planning, including
1503 services needed for the child and family to be successful upon the return
1504 home.
- 1505 9. The post adopt worker will create a return home plan when a child has
1506 been in an out-of-home placement and the following circumstances exist:
1507 a. Parents appear to be disengaged from the child and show no
1508 willingness to look at options of how the child will successfully
1509 return home, or
1510 b. Parents actively refuse to allow the child to return home, or
1511 c. Parents are not paying the fees for room and board, or
1512 d. The child wants to go home and it may be harmful for the child's
1513 future success to remain in out-of-home services, or
1514 e. There are no further benefits from out-of-home placement.
- 1515 10. If the parents are disengaged or refuse to allow the child to return home
1516 after efforts to engage them in a return home plan, the post adopt worker
1517 will staff with a CPS caseworker to determine if abuse, neglect, or
1518 dependency needs to be addressed and a CPS case open.
1519
- 1520 K. Determining the Appropriate Funding Source. When both state Supplemental
1521 Adoption Assistance (SAC) and federal FPA funding would be appropriate to use
1522 for a funding request, the following guidelines should be considered.
- 1523 1. Federal funds should be considered before state funds to assure all
1524 federal funds (which include a state match) are used in each fiscal year.
1525 a. The level of Title IV-E monthly subsidy should be assessed to
1526 determine if it is appropriate to increase the monthly subsidy with a
1527 time-limited amendment to address the special needs of a child
1528 who requires residential mental health treatment.
- 1529 b. Federal FPA funds (which include a state match) should be
1530 considered for use before state SAC funds.

-
- 1531 c. Federal FPA funds are best used for time-limited expenditures of
1532 less than \$2,000 per family. When using federal FPA funding, take
1533 into account other needs the region may have for the use of such
1534 funds.
- 1535 2. State SAC funds are best used for extensive, expensive, or long-term
1536 expenses after it is determined that increasing Title IV-E monthly adoption
1537 subsidy and federal FPA funding are not sufficient, appropriate, or
1538 available.
- 1539
- 1540 L. Juvenile Justice Services or Department of Human Services Custody. Post
1541 adopt workers may need to help an adoptive family when an adopted child is
1542 involved with the Division Juvenile Justice Services and the court orders the child
1543 into the custody of Child and Family Services or an adopted child is taken into
1544 the custody of the Department of Human Services to receive services for people
1545 with disabilities.
- 1546
- 1547 M. Requests for Child and Family Services to Take Custody. When a family
1548 requests Child and Family Services take custody of their child, the post adopt
1549 worker should offer the family respite care and help the family assess their
1550 options.
- 1551 1. The post adopt worker will offer the family respite care by having them
1552 take the child to Youth Service Centers (in regions where they exist),
1553 Family Support Centers, or other regional respite care options.
- 1554 2. A PAT case will be opened.
- 1555 3. Child and Family Team Meetings will be held to assess the family's
1556 strengths and challenges, what resources have been utilized, and what
1557 resources may be available. The Child and Family Team will explore what
1558 services or supports may help address the problems while allowing the
1559 child to stay with the family.
- 1560 4. A UFACET will be completed by the post adopt worker from information
1561 gathered from the team.
- 1562 5. When the parents insist on Child and Family Services taking custody of a
1563 child, the post adopt worker will explain to the parents about court
1564 involvement, permanency time frames and that the Office of Recover
1565 Services will assess child support payments.
- 1566 6. An out-of-home placement may be arranged if the assessment deems it is
1567 appropriate for the child and family.
- 1568 7. A Child and Family Plan for reunification services will be developed.
- 1569 8. Child and Family Services custody may be considered after the child has
1570 been in an out-of-home placement and the return home plan is
1571 unsuccessful.
- 1572
- 1573 N. Adoptive Parents Who Want to Relinquish Parental Rights. A family may want to
1574 voluntarily relinquish their parental rights to an adopted child.

- 1575 1. The post adopt worker will work with the family to show that reasonable
1576 efforts were made to keep the child out of state custody.
 - 1577 a. Intensive family preservation services should be offered.
 - 1578 b. Placement of the child with extended family, friend, neighbor, birth
1579 relatives, etc. should be explored.
- 1580 2. If the child must be removed from the adoptive home immediately, have
1581 the parent sign a Consent to Place form giving custody and guardianship
1582 to Child and Family Services and place the child in shelter care.
 - 1583 a. Child and Family Services will maintain custody for 12 months
1584 following a Child and Family Plan, before relinquishment of parental
1585 rights are considered to allow court reviews and permanency
1586 hearings to take place.
 - 1587 b. Another alternative permanent family for the child should be in
1588 place before relinquishment of parental rights will be considered.
- 1589 3. The adoptive family will need to hire their own attorney. The family's
1590 attorney will file a petition with Juvenile Court to terminate the parents'
1591 parental rights. Because the state has no jurisdiction, the family will be
1592 the party petitioning the court to dissolve the adoption. Once this is done,
1593 an Assistant Attorney General (AAG) will be involved and a judge and
1594 Guardian ad Litem (GAL) will be assigned to the case.
- 1595 4. The court is often against the relinquishment of parental rights if it makes
1596 the child an orphan or terminates the parents' financial support of the
1597 child.
- 1598 5. The current therapist, post adopt worker, and anyone who can address
1599 what is in the best interest of the child will need to write a report and may
1600 need to testify in court.
- 1601 6. The post adopt worker should write a court report that clearly states what
1602 is in the best interest of the child, such as:
 - 1603 a. There are irreconcilable differences in the home (i.e., the child does
1604 not feel safe in the adoptive home, the child is a threat to other
1605 children in the home, or the home environment has become unsafe
1606 for the child).
 - 1607 b. There are other significant people in the child's life who will fulfill a
1608 parental role and who will adopt the child, or who will take custody
1609 and guardianship of the child.
 - 1610 c. The appropriateness of a goodbye visit or future contact with the
1611 adoptive parents.
 - 1612 d. Future contact with birth siblings, if there are birth siblings in the
1613 adoptive home.
 - 1614 e. A recommendation that the relinquishment of parental rights not be
1615 granted until another permanent family for the child is found.
- 1616 7. The post adopt worker should inform the parents that the case could go to
1617 a full termination trial and the parents may not be allowed to voluntarily
1618 relinquish their parental rights.

-
- 1619 8. The post adopt worker should inform the parent that the court will order
1620 them to contact the Office of Recovery Services and pay a portion of the
1621 out-of-home care costs until their parental rights are terminated or if
1622 parental rights are not terminated, until the child is no longer in state
1623 custody.
- 1624 9. The adoption assistance worker should be informed of how long the
1625 parent will be paying child support.
- 1626 10. If an adopted child was receiving adoption assistance and there is another
1627 family who wants to adopt the child, the child will continue to be eligible for
1628 adoption assistance without the child coming into state custody. In such
1629 circumstances:
- 1630 a. The child must be in the new adoptive home for at least six months.
1631 b. If the first adoptive family continues to receive the monthly adoption
1632 subsidy, and they must forward it to the second adoptive family
1633 during the six-month period as the payee cannot be changed.
1634 c. The first family can relinquish their parental rights and consent to
1635 the adoption, and the second family can adopt the same day.
- 1636 11. An adopted child who was receiving adoption assistance is automatically
1637 eligible for adoption assistance in the next adoption. It must be screened
1638 with the Adoption Assistance Committee prior to the finalization.
- 1639 12. Termination of the parent-child legal relationship does not terminate the
1640 child's right to inherit from the parents.
- 1641 13. When a child adopted in Utah resides in another state, a petition must be
1642 filed in the state where the adoptive family resides. Utah has no
1643 jurisdiction.
1644

401.9a Adoption Assistance

Philosophy:

Adoption assistance was originated by the federal government to address the financial barrier to adopting a child with special needs who waits in public foster care for a permanent family. The purpose of the Adoption Assistance Program is to aid an adoptive family to establish and maintain a permanent living arrangement for a child who qualifies.

Adoption preparation is much more than helping a prospective adoptive family understand financial and medical assistance. It involves helping the family understand all the ways things will change as they go from fostering a child to adopting and being the legal parent to a child with special needs.

Major objectives:

- A. The caseworker will begin to educate the permanent family about the changes adoption will bring to their family at the time reunification services are no longer offered or the permanency goal changes to adoption.
- B. The Child and Family Team will help the prospective adoptive family assess what they will need to parent the child in the present and in the future.
- C. The Child and Family Team will help the prospective adoptive family begin to think about all the needs the child has and the services that have been and/or will be required to meet those needs.
- D. The caseworker will help the family determine what they may or may not have available to them after the adoption.
- E. The caseworker, through the prior objectives, will help the family start thinking about their adoption assistance needs.

Federal Law Title IV-B Part 2 Promoting Safe and Stable Families

Federal Law Title IV Part E Adoption Assistance Program

Federal Regulations 45 CFR 1356.22,30,40,41, 50, 60, and 71

Utah Code [§62A-4a-709](#). Medical assistance identification.

Utah Code [§62A-4a-902](#). Definitions

Utah Code [§62A-4a-903](#). Eligibility.

Utah Code [§62A-4a-904](#). Adoption assistance.

Utah Code [§62A-4a-905](#). Supplemental adoption assistance.

Utah Code [§62A-4a-906](#). Termination or modification of adoption assistance.

Utah Code [§62A-4a-907](#). Interstate compact adoption assistance agreements.

1689 Utah Administrative Code, Rule [R512-43](#). Adoption Assistance. Addresses Federal and
1690 State requirements for adoption assistance including determining eligibility, nonrecurring
1691 costs, monthly subsidy, medical assistance, supplemental assistance, termination of a
1692 subsidy, fair hearing, and interstate adoption assistance.

1693

1694 Types of Adoption Assistance

1695 A. Reimbursement of Non-Recurring Adoption Expenses (SAR).

1696

1697 B. State Medical Assistance (SA Medicaid).

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1699 C. Monthly Subsidy (SUB Federal or SAP State).

1700

1701 D. State Supplemental Adoption Assistance (SAC).

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1703 E. For details see Utah Code [§62A-4a-902](#).

1704

1705 Adoption Support

1706 In addition to adoption assistance, an adoptive child and family may be supported with
1707 Federal Adoption Promotion and Support Funds, Promoting Safe and Stable Families
1708 Grant funding (FPA).

1709

1710 General Requirements for Adoption Assistance

1711 A. Child and Family Services is responsible for notifying a prospective adoptive
1712 family of the availability of adoption assistance when the family begins an
1713 adoptive placement of a qualified child in public foster care.

1714

1715 B. Adoption assistance is based upon the child meeting qualifying factors, not the
1716 adoptive family.

1717

1718 C. Basic Qualifying Criteria: A child meets the basic qualifying criteria for adoption
1719 assistance if all of the following are met:

1720 1. State Has Determined Child Cannot or Should Not Return Home: The
1721 state has determined that the child cannot or should not be returned
1722 home. This means:

1723 a. The child received services through Child and Family Services and
1724 parents have voluntarily relinquished parental rights or the court
1725 has terminated parental rights.

1726 b. The child who is an SSI recipient at the time the adoption
1727 proceedings are initiated cannot return home because parents have
1728 voluntarily relinquished parental rights or the court has terminated
1729 parental rights.

1730 2. Efforts to Place Without Adoption Assistance: Child and Family Services
1731 has documentation that reasonable efforts were made to place the child
1732 for adoption without adoption assistance.

- 1733 a. An exception applies if the child has significant emotional ties with
1734 the prospective adoptive family prior to the adoptive placement and
1735 it is not in the child's best interest to consider a different adoptive
1736 placement.
- 1737 3. Child/Youth with a Special Need: The child meets at least one of the
1738 following special needs factors:
- 1739 a. Five years of age or older.
- 1740 b. Under 18 years of age with a physically, emotional, or mental
1741 disability. A child is considered to meet this requirement if under
1742 age five years old and at risk of developing a physical, emotional,
1743 or mental disability due to specific factors identified in the child's or
1744 birth parents' health or social histories.
- 1745 c. Member of a sibling group placed together for adoption.
- 1746
- 1747 D. A child must be a U.S. citizen or qualified alien to receive adoption assistance.
- 1748
- 1749 E. An application for adoption assistance is submitted to the regional Adoption
1750 Subsidy Committee on a form provided by Child and Family Services.
- 1751
- 1752 F. Application for adoption assistance, approval, and completion of the adoption
1753 assistance agreement, including signatures of an adoptive parent and a
1754 representative from Child and Family Services, are to be completed prior to
1755 finalization of the adoption.
- 1756
- 1757 G. Adoption assistance usually begins after finalization of an adoption. However,
1758 adoption assistance may be initiated at the time of placement if the child is legally
1759 free for adoption, the adoptive home is approved, adoption proceedings are
1760 initiated, an adoption assistance agreement is fully executed prior to placement,
1761 and foster care maintenance payments are not being provided for the child.
- 1762
- 1763 H. An adoption assistance agreement shall be approved and signed by an adoptive
1764 parent and Child and Family Services representative before any payments may
1765 be made to an adoptive family or before state medical assistance may be
1766 initiated.
- 1767
- 1768 I. Refer to Administrative Rule [R512-43-3](#) General Requirements for Adoption
1769 Assistance for additional details. Also see Utah Code Ann. [§62A-4a-903](#).
1770 Eligibility.
- 1771
- 1772 Reimbursement of Non-Recurring Adoption Expenses (SAR)
- 1773 A. Child and Family Services may reimburse an adoptive family up to \$2,000 per
1774 child for non-recurring adoption expense directly related to the legal adoption of a
1775 child, such as, attorney fees, court costs, adoptive home study, health and
1776 psychological examinations of adoptive parents, supervision of placement, and

- 1777 transportation and reasonable costs of lodging and food for the child and parents
1778 during the placement or adoption process.
1779
- 1780 B. To qualify for reimbursement of non-recurring adoption expenses the criteria in
1781 the prior section "Basic Criteria for Adoption Assistance" must be met.
1782
- 1783 C. The regional Adoption Subsidy Committee must approve non-recurring
1784 expenses.
1785
- 1786 D. Adoptive parents are responsible to provide necessary receipts for
1787 reimbursement. This funding may not be provided in advance. It is a
1788 reimbursement of costs already incurred.
1789
- 1790 E. Refer to Administrative Rule [R512-43-4](#) Reimbursement of Non-Recurring
1791 Adoption Expenses for additional details. Also Utah Code Ann. [§62A-4a-904](#).
1792 Adoption Assistance.
1793
- 1794 F. Summary Table of Qualifications for Non-Recurring Costs Reimbursement.
1795

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Requirements to Qualify for Reimbursement of Non-Recurring Costs	
All three of the following must be met:	
<ol style="list-style-type: none"> 1. The state has determined that the child cannot or should not be returned home. 2. Child and Family Services has documentation that reasonable efforts were made to place the child or youth for adoption without adoption assistance OR the child has significant emotional ties with the prospective adoptive family prior to the adoptive placement and it is not in the child's best interest to consider a different adoptive placement. 3. The child meets at least one of the following special needs factors: <ol style="list-style-type: none"> a. Five years of age or older. b. Under 18 years of age with a physically, emotional, or mental disability. <ol style="list-style-type: none"> i. A child is considered to meet this requirement if under age five years old and at risk of developing a physical, emotional, or mental disability due to specific factors identified in the child's or birth parents' health or social histories. c. Member of a sibling group placed together for adoption. 	

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G. Table of Frequent Types of Scenarios requesting Non-Recurring Cost.

Licensed Resource Family (including kin)	A child in public foster care who is placed with a licensed resource family meets the qualifications for non-recurring cost if documentation shows the child meets the three requirements in the prior summary table in this section.
Unlicensed Kin Caregiver	<p>The family qualifies for non-recurring costs if documentation shows the child meets the general qualifying factors for adoption assistance.</p> <p>The first requirement for reimbursement of non-recurring cost may be met if Child and Family Services provided services and parental rights have been terminated voluntarily or by the court, and the child may or may not have ever been in Child and Family Services custody. Documentation must also show that the child could not be placed without adoption assistance or has an emotional tie to the adopting family and that the child has a special need as defined in prior requirement table in this section.</p>
Private or Independent Adoption	A family that adopts through a private or independent adoption only qualifies for reimbursement of non-recurring costs if documentation shows the child meets the three requirements in the prior requirement table in this section, and qualifies for Social Security Income (SSI) disability at the time the adoption proceedings are initiated or was a recipient of services by Child and Family Services.

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Monthly Adoption Subsidy (AAM) and Medicaid (SA)

A. Monthly financial adoption subsidy and Subsidized Adoption Medicaid promote adoptions of children and youth from foster care by financially helping adoptive families meet the needs of the children who they adopt. Children/youth who have been in foster care often have special needs from the trauma of abuse, neglect, grief, and loss. They may also have other special needs. The monthly financial adoption subsidy and Medicaid are designed to help adoptive families address special needs for which their adopted children may struggle.

- 1808
1809 B. The amount of monthly adoption subsidy to be paid for a child is based on the
1810 child's present and long-term treatment and care needs and available resources,
1811 including the family's ability to meet the needs of the child. A combination of
1812 community resources, the parents' resources, and monthly adoption subsidy
1813 should cover the ordinary and special needs expenses of the child projected over
1814 an extended period of time.
1815
- 1816 C. The monthly subsidy may be used according to the parents' discretion. Some
1817 examples of the uses of the monthly subsidy payment are medical, dental, or
1818 mental health services not paid for by the state medical assistance or family
1819 insurance, special equipment for physically or mentally challenged children,
1820 respite care, day care, therapeutic equipment, minor renovation of the home to
1821 meet special needs of the child, damage and repairs, speech therapy, tutoring,
1822 specialized preschool based on needs of the child, private school, exceptional
1823 basic needs such as special food, clothing, and/or shelter, visitations with
1824 biological relatives, and cultural and heritage activities and information.
1825
- 1826 D. Qualifying Child/Youth for Monthly Adoption Assistance: In order to qualify for a
1827 monthly adoption subsidy, the child must meet the three BASIC QUALIFYING
1828 CRITERIA in the above section, AND must also meet the definition of a child in
1829 public foster care, qualify for SSI, or be a prior recipient of adoption assistance.
- 1830 1. Child or Youth in Public Foster Care: For the purposes of adoption
1831 assistance, a child is considered to meet the definition of a child in public
1832 foster care if the child was placed with the family who adopts from the
1833 temporary or legal custody with Child and Family Services. For example:
1834 a. A child is in foster care (state custody) until the adoption is
1835 finalized.
1836 (1) The child is adopted either by a licensed foster care provider
1837 or an approved adoptive family through an upfront adoption
1838 subsidy, OR
1839 b. A child or youth who was taken into protective custody and, as a
1840 result of the protective episode, was placed with a relative who was
1841 given legal custody meets the definition of a child in public foster
1842 care. This includes:
1843 (1) If the court orders Child and Family Services to continue to
1844 provide Protective Supervision Services (PSS) for the family
1845 in making safety and permanency decisions for the child,
1846 including placement decisions and permanency goals. And
1847 (2) This may include a change in placement to another relative
1848 while the PSS continue to be court ordered, OR
1849 c. Guardianship of a child in foster care is given to the licensed foster
1850 care provider and that provider adopts the child, OR

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- 1851 d. The parent of the child to be adopted is in foster care and, although
1852 Child and Family Services did not take custody of the child to be
1853 adopted, Child and Family Services did make a maintenance
1854 payment on the child's behalf as the child of a minor who is a foster
1855 care recipient, OR
1856 e. The child was placed in foster care with Child and Family Services
1857 through a Voluntary Placement Agreement and a foster care
1858 maintenance payment was made for the child.
- 1859 2. Supplemental Security Income (SSI) Recipient: The child qualifies as a
1860 recipient of Supplemental Security Income (SSI) for a disability at the time
1861 the adoption proceedings are initiated. This means that prior to initiation
1862 of the adoption proceedings, the child has received written notice from the
1863 Social Security Administration that he or she qualifies for SSI payments, or
1864 the child has been receiving SSI payments.
- 1865 3. Prior Subsidized Adoption: The child was in a prior adoption in which an
1866 adoption assistance agreement was executed for monthly adoption
1867 subsidy.
- 1868 4. Exclusions:
- 1869 a. A child **cannot** qualify for adoption assistance if adopted by one of
1870 his or her biological parents whose parental rights were previously
1871 terminated.
- 1872 b. A child who is adopted through a private or independent adoption
1873 **cannot** qualify for a monthly adoption subsidy **unless** he or she
1874 qualifies as a recipient of SSI for a disability at the time the
1875 adoption proceedings are initiated.
- 1876
- 1877 E. Eligibility for Federal Adoption Assistance: When the adoption subsidy worker
1878 has determined that a child qualifies for adoption assistance, it is the
1879 responsibility of the eligibility worker to determine if the monthly adoption
1880 assistance is eligible for Title IV-E funding.
- 1881
- 1882 F. Summary Table regarding Qualifications for Monthly Adoption Subsidy.

**Requirements to Qualify for Monthly Adoption Subsidy
 (including Medicaid only)**

All three of the following must be met:

1. The state has determined that the child cannot or should not be returned home.
2. Child and Family Services has documentation that reasonable efforts were made to place the child for adoption without adoption assistance OR the child has significant emotional ties with the prospective adoptive family prior to the adoptive placement and it is not in the child's best interest to consider a different adoptive placement.
3. The child meets at least one of the following special needs factors:
 - a. Five years of age or older.
 - b. Under 18 years of age with a physically, emotional, or mental disability.
 - i. A child is considered to meet this requirement if under age five years old and at risk of developing a physical, emotional, or mental disability due to specific factors identified in the child's or birth parents' health or social histories.
 - c. Member of a sibling group placed together for adoption.

In addition to the three requirements listed above, at least one of the following situations must also exist:

- Child/youth is in Utah's public foster care or was in foster care immediately prior to the adoptive placement.
- Child/youth qualifies for SSI prior to the initiation of the legal adoption proceedings.
- Child's parent is in foster care and child received a maintenance payment.
- Child/youth was in prior subsidized adoption.

(Except in situations in which the child is adopted by one of his or her biological parents.)

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G. Table of Frequent Types Scenarios requesting Monthly Adoption Subsidy

Licensed Resource Family	A child in public foster care who is placed with a licensed resource family meets the qualifications for monthly adoption subsidy if documentation shows that the three requirements defined in the prior requirement table are met and the child is adopted directly from foster care.
Unlicensed Kin Caregiver	A child or youth who was taken into protective custody and, as a result of the protective episode, was placed with a relative who was given legal custody meets the definition of a child in public foster care. If the court then orders Child and Family Services to continue to provide Protective Supervision Services for the family in making safety.
	and permanency decisions for the child, including placement decisions and permanency goals, this also meets the definition of a child in foster care. This may include a change in placement to another relative while the Protective Supervision Services continue to be court ordered. The child would then qualify for monthly adoption subsidy if documentation shows the three basic qualifying factors defined in the prior requirement table are met. A child or youth does not qualify for monthly adoption subsidy if the child or youth was never in protective custody or foster care

<p>Private or Independent Adoption</p>	<p>A child who is adopted through a private or independent adoption only qualifies for monthly adoption subsidy if documentation shows the three requirements defined in the prior requirement table are met and he or she qualifies for SSI disability at the time the adoption proceedings are initiated.</p>
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- H. Follow the objectives under the Major objectives section above to begin the adoption assistance process.
- I. A child who qualifies for adoption assistance should be provided with state medical assistance (Medicaid) if the child has health factors that warrant Medicaid coverage. This may be provided to the child with an Adoption Assistance Agreement, even if it is determined that no financial monthly adoption subsidy is needed.
- J. Process for Determining Monthly Subsidy Amount
 - 1. The Monthly Adoption Subsidy may not be denied based on a means test of the adoptive family.
 - 2. The monthly financial subsidy is negotiated based on the level of needs of the child to be adopted and the ability of the prospective adoptive family to meet those needs.
 - 3. The Adoptive Parent Statement of Disclosure items must be reviewed in depth by the caseworker and adoptive parent prior to subsidy negotiation.
 - 4. The caseworker will use the FORM AD 19: Subsidy Consideration Guidelines to talk with the prospective adoptive family about the level of child's special needs and the family's ability to meet those needs.
 - 5. Determining the amount of the monthly financial subsidy can be derived from the level of the child's special needs outlined in the chart on FORM AD 19.
 - 6. The amount of the monthly subsidy may not exceed the payment that would be made if the child was placed in a foster family home at the point in time when the Adoption Assistance Agreement is being initiated or revised.
 - 7. After talking with the prospective adoptive family, the caseworker completes FORM AD21A: Subsidy Program Application and brings it with documentation regarding special needs of the child to the Adoption Subsidy Committee for review and recommendation.
 - 8. A child's adoption assistance level may be increased by one level if the adoption assistance committee determines that the child's permanency may be compromised due to financial barriers to the child's adoption. At least one of the following circumstances must also apply:
 - a. The child has been in state custody for longer than 24 months.
 - b. The child is nine years of age or older.
 - c. The child is part of a sibling group of three or more children being placed together for the purposes of adoption.

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9. When the prospective adoptive family agrees on the negotiated monthly subsidy amount, the Adoption Assistance Agreement is signed by the prospective adoptive parents and returned to the Child and Family Services office, then signed by a Child and Family Services representative to initiate the monthly adoption subsidy, beginning the month following the final foster care payment.
 10. Adoption Assistance Agreement will be written to terminate the end of the month of the youth's 18th birthday.
 11. The amount of monthly adoption subsidy may increase or decrease when the child's level of need or the family's ability to meet those needs changes. The family or the caseworker may initiate a change in the amount of monthly adoption subsidy at any time when needs or resources change.
 - a. The monthly adoption subsidy is increased to meet the special needs of the child for a limited time period, such as when a youth is admitted to a residential treatment program. The Adoption Assistance Agreement would then be written for a period of time up to one-year and reassessed based on the youth's special needs.
 12. The amount of the monthly adoption subsidy is subject to the approval of the regional Adoption Subsidy Committee. If the requested amount is not granted, the adoptive parent has a right to appeal.
- K. Refer to Administrative Rule [R512-43-5](#), Monthly Subsidy, and [R512-43-6](#), State Medical Assistance, for additional details. Also Utah Code [§62A-4a-709](#) Medical assistance identification.

1951 Changes in Adoptive Parents' Circumstances

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- A. In the Adoption Assistance Agreement, the adoptive parents verify that they will immediately notify Child and Family Services in writing if any of the following changes in circumstances occur:
 1. The adoptive parents have a change of address and/or telephone number.
 2. The adoptive parents divorce. Verification of the parent granted physical custody of the child will be needed.
 3. The adoptive child no longer resides with the adoptive parents.
 4. The adoptive parents are no longer providing any financial support to the child, or are providing reduced financial support for the child.
 5. The adoptive parents no longer have physical custody or legal guardianship of the child.
 - B. If an adopted child who is receiving Adoption Assistance comes back into out-of-home care, the adoption subsidy worker and the adoption subsidy worker's supervisor shall receive a SAFE notice.
 1. The adoption subsidy worker shall send a notification letter, SAFE form SUB04 "Notification of Child Coming into Foster Care", to inform the

- 1969 adoptive parents that the amount of the monthly adoption subsidy will be
1970 re-assessed based on changes in the child's special needs and the
1971 parents' ability to meet those needs based on coming into out-of-home
1972 care.
1973 2. The notification will inform the adoptive parents they will continue to be
1974 financially responsible for the child and that Office of Recovery Services
1975 will be assessing child support for the care of their child.
1976 3. Medicaid will be re-assessed by an eligibility worker for a child in out-of-
1977 home care and issued the appropriate Medicaid benefits.
1978 4. If the adoptive parents do not contact Child and Family Services within 30
1979 days of the date of the letter to re-assess the adoption monthly subsidy,
1980 the monthly adoption subsidy will be suspended beginning the month
1981 following the day the notification should have been made.
1982

Annual Review of Adoption Assistance

- 1984 A. Annually a Review of Adoption Assistance letter will be sent to adoptive parents
1985 of a child who receives adoption assistance. The annual letter:
1986 1. Provides current contact information for the post adopt worker, the subsidy
1987 worker, and the Medicaid worker.
1988 2. Reminds the parents of the signed agreements language to notify Child
1989 and Family Services of changes in address, phone, and legal and/or
1990 financial responsibility for the identified adopted child.
1991 3. Reminds the parents of grounds for termination of the Adoption
1992 Assistance Agreement. Those reasons are listed in the section below.
1993 a. The Annual Review of Adoption Assistance letter includes language
1994 that the Adoption Agreement Assistance continues until the month
1995 the youth reaches his or her 18th birthday even if the youth is in
1996 high school at that.
1997 4. When sending an Annual Review of Adoption Assistance letter to adoptive
1998 parents who reside in Utah, a current Utah's Post Adoption Resource
1999 Connection booklet and Post Adopt Services brochure should be included.
2000

Renewal of Adoption Assistance Agreement

- 2002 A. A renewal of an Adoption Assistance Agreement would be warranted when:
2003 1. The Adoption Assistance Agreement has never been converted to the
2004 long term (age 18 years of age) agreement because of an oversight by
2005 Child and Family Services or because there was a problem locating the
2006 adoptive family for a period of time.
2007 2. The child qualifies as a child with a disability and will continue to receive
2008 the monthly subsidy beyond his or her 18th birthday.
2009

Amendment of an Adoption Assistance Agreement

- 2010 A. An amendment of an Adoption Assistance Agreement would be warranted when:
2011 1. There is a change in the monthly subsidy.
2012

-
- 2013 a. The changed amount may be approved for the duration of the
2014 agreement (end date being the end of the month of the child's 18th
2015 birthday), or
2016 b. The changed amount may have a "time-limited" end date.
2017 (1) Time-limited end dates need to tracked.
2018 (2) Time-limited subsidy changes include changes in the
2019 amount of the monthly subsidy due to out-of home treatment
2020 or a child re-entering foster care.
2021 2. A "zero" subsidy is changed to a monthly subsidy.
2022 3. When there are two adoptive parents in the family, the parent to receive
2023 the payment changes:
2024 a. At the request of the family.
2025 b. Because the parent receiving the payment dies.
2026 c. The adoptive parents divorce and the parent awarded custody is
2027 not the one receiving the payment.
2028 4. The adoptive parent gets married, or re-marries, and the new spouse
2029 legally adopts the child and wants to be added to the agreement.
2030 5. There is a change in the eligibility.
2031

Termination of Adoption Assistance

- 2032
2033 A. A monthly adoption subsidy is in effect as long as the adoptive parents continue
2034 to be legally responsible to provide financial support for the identified adopted
2035 child until the youth turns 18 years of age, unless any of the following reasons
2036 exist:
2037 1. The adoptive parents request termination of the Adoption Assistance
2038 Agreement.
2039 2. The child dies.
2040 3. Both of the adoptive parents die.
2041 4. The adoptive parents' legal responsibility for the child ceases.
2042 5. The state determines that the child is no longer receiving financial support
2043 from the adoptive parents.
2044 6. The youth marries.
2045 7. The youth enters the military.
2046
2047 B. The monthly adoption subsidy cannot be extended beyond the month of a youth's 18th birthday even if the youth is still in
2048 school, unless disabled as described below.
2049
2050 C. The monthly adoption subsidy may extend until the youth reaches age 21 years
2051 old when the regional Adoption Subsidy Committee has determined that he or
2052 she has physical or mental disability as defined in the criteria for Department of
2053 Human Services, Division of Services for People with Disabilities (DSPD).
2054 1. In such cases the young adult may also likely be eligible for SSI for a
2055 disability, the amount of the monthly adoption subsidy would be taken into
2056 account by the Social Security Administration in determining the Social

2057 Security disability Income (SSI) amount. Parents of an adopted young
2058 adult who has a disability will want to determine if there is an advantage in
2059 continuing with the monthly adoption subsidy. If the young adult meets
2060 the criteria for DSPD, he and she may also be eligible for an array of adult
2061 special services, when available.
2062

- 2063 D. Termination of State Medical Assistance (Medicaid) is subject to the policies of
2064 the Division of Health Care Financing, Department of Health.
- 2065 1. For a youth who is not Title IV-E eligible, Subsidized Adoption Medicaid
2066 terminates at age 18, even if adoption assistance continues due to
2067 disability. The youth may qualify for continuing Medicaid coverage until
2068 age 19 under another Medicaid program.
 - 2069 2. For a youth who is Title IV-E eligible, Subsidized Adoption Medicaid may
2070 continue until the Adoption Assistance Agreement ends. This means the
2071 Subsidized Adoption Medicaid may continue for a disabled youth up to
2072 age 21, if the Adoption Assistance Agreement is extended. If the Title IV-
2073 E Adoption Assistance Agreement ends at age 18, the youth may still
2074 qualify for continuing Medicaid coverage until age 19 under another
2075 Medicaid program.
2076
- 2077 E. Refer to Administrative Rule [R512-43-10](#), Termination of Adoption Assistance,
2078 for additional details. Also Utah Code [§62A-4a-906](#) Termination or modification
2079 of adoption assistance.
2080

2081 Interstate Adoption Assistance

- 2082 A. If a child in Utah foster care is placed for adoption with parents in another state,
2083 Utah's Child and Family Services is responsible to determine if the child qualifies
2084 for adoption assistance. If the child qualifies, Utah's Child and Family Services
2085 provides adoption assistance regardless of the state of residence of the adoptive
2086 family.
2087
- 2088 B. If a child with a previous Title IV-E Adoption Assistance Agreement enters public
2089 foster care because the adoption was dissolved or ended due to the result of the
2090 death of the parents, the state in which the child is taken into custody in public
2091 foster care is responsible to provide adoption assistance in a subsequent
2092 adoption.
2093
- 2094 C. If a child with a previous Title IV-E Adoption Assistance Agreement does not
2095 enter public foster care when the adoption dissolved or ended due to the death of
2096 both parents, the new adoptive parent is responsible to apply for adoption
2097 assistance in the new adoptive parent's state of residence.
2098

- 2099 D. A parent desiring to adopt an out-of-state child who is not in public foster care but
2100 is receiving SSI for a disability shall apply for adoption assistance in the parent's
2101 state of residence.
2102
- 2103 E. Provision of Medicaid is subject to the Interstate Compact on Adoption and
2104 Medical Assistance (ICAMA). Medicaid services vary considerably from state to
2105 state.
2106 1. If the adoption assistance is funded through federal Title IV-E, the
2107 interests of the Child will be protected through the Interstate Compact on
2108 Adoption and Medical Assistance. All States will allow Title IV-E
2109 Medicaid to be instated in the Adoptive Parent's state of residence.
2110 2. If the adoption assistance is funded through state funds, many states
2111 allow a child with adoption assistance to qualify for Medicaid in their state,
2112 however in some states this benefit may not be available
2113
- 2114 F. Other services the child may need prior to finalization of the adoption are
2115 requested in the receiving state through the Interstate Compact for the
2116 Placement of Children (ICPC).
2117
- 2118 G. If a needed service specified in the ICPC agreement is not funded by the new
2119 state of residence, the state making the original adoption assistance payment
2120 remains financially responsible for paying for the specific service.
2121
- 2122 Supplemental Adoption Assistance (SAC)
- 2123 A. Supplemental Adoption Assistance may be available for a child who meets all the
2124 qualifying criteria for a monthly adoption Subsidy and for whom an Adoption
2125 Assistance Agreement is in effect.
2126
- 2127 B. Supplemental Adoption Assistance may only be used for extraordinary,
2128 infrequent, or uncommon documented needs not covered by a monthly adoption
2129 subsidy, state medical assistance, or other public benefit for which a child who
2130 has special needs is eligible.
2131
- 2132 C. Supplemental Adoption Assistance is subject to the availability of state funds
2133 appropriated for adoption assistance. It is not an entitlement and will be granted
2134 only when justified by unique needs of the child and when all other resources for
2135 which a child is eligible have been exhausted.
2136
- 2137 D. The post adopt or adoption subsidy worker will request verification from the
2138 payment technician to check CAPS (Contracts, Approvals, and Payment System)
2139 for any payments made to DSPD for the same child.
2140 1. If there are no payments to the same child in DSPD records, then the
2141 worker may proceed to assess the request for SAC funding.

- 2142 2. If there are payments to the same child in the DSPD database, then the
2143 worker will check to see if there have been payments in the last six
2144 months. If not, the worker may proceed to assess the request for SAC
2145 funding.
- 2146 3. If there have been DSPD payments for the same child in the past six
2147 months, then the worker will check the DSPD payment against the request
2148 the parent has made for SAC funding. If the request is for a different
2149 service, then the worker may proceed to assess the request for SAC
2150 funding.
- 2151 4. If the request for SAC funding is for the same service as the DSPD
2152 payment, the SAC request will be denied.
- 2153 5. A DSPD worker will be identified in each region to address additional
2154 questions regarding DSPD payments for services for children adopted or
2155 receiving services through Child and Family Services.
- 2156
- 2157 E. An email will be sent to the post adopt or adoption subsidy worker as well as the
2158 supervisor of the worker regarding the DSPD services purchased for the same
2159 child in the same period of time for whom SAC funds are being requested.
- 2160
- 2161 F. Documented requests for Supplemental Adoption Assistance, including
2162 amendments or renewals, will be considered by the Adoption Subsidy Committee
2163 in the region where the adopted child's monthly adoption subsidy is managed.
- 2164 1. Requests for amounts up to \$3,000 will be considered by the regional
2165 Adoption Subsidy Committee.
- 2166 2. Requests for amounts from \$3,001 to \$10,000 will be considered by the
2167 appropriate regional advisory committee established under Utah Code
2168 [§62A-4a-905\(2\)](#).
- 2169 3. Requests for amounts exceeding \$10,001 will be considered by a state
2170 level advisory committee with the same membership composition as the
2171 regional advisory committee established under Utah Code [§62A-4a-](#)
2172 [905\(2\)](#).
- 2173 4. Recommendations from the advisory committee are subject to the
2174 approval of the region director or designee.
- 2175
- 2176 G. When the amount of the Supplemental Adoption Assistance is approved by the
2177 appropriate committee, a Supplemental Adoption Assistance Agreement will be
2178 initiated for signature by the adoptive parents.
- 2179 1. The Supplemental Adoption Assistance Agreement will include both an
2180 amount and a time limit.
- 2181
- 2182 H. Refer to Administrative Rule [R512-43-7](#), Supplemental Adoption Assistance, for
2183 additional details. Also see Utah Code [§62A-4a-905\(2\)](#).
- 2184

2185 Fair Hearings

- 2186 A. An adoptive family may request a fair hearing if:
- 2187 1. The Adoption Assistance Application is denied;
- 2188 2. The Adoption Assistance Application is not acted upon with reasonable
- 2189 promptness;
- 2190 3. Adoption assistance or supplemental adoption assistance is reduced,
- 2191 terminated, or changed without the concurrence of the adoptive parents;
- 2192 4. The amount of adoption assistance or supplemental adoption assistance
- 2193 approved was less than the amount requested by adoptive parents;
- 2194 5. Adoption assistance was denied because it was requested after
- 2195 finalization of the adoption.
- 2196
- 2197 B. Refer to Administrative Rule [R512-43-11](#) for more information.
- 2198

2199 Federal Adoption Promotion and Support, Promoting Safe and Stable Families (FPA)

2200 Funding

- 2201 A. Adoption Promotion and Support, Promoting Safe and Stable Families (FPA)
- 2202 federal funding is available to each state. The purpose of this program is to
- 2203 enable states to promote and support adoption services and activities designed
- 2204 to encourage more adoptions out of foster care. Activities include pre- and Post
- 2205 Adopt Services designed to expedite the adoption process and support adoptive
- 2206 families to make a lifetime commitment to their children.
- 2207
- 2208 B. FPA funds may be used within Child and Family Services for services to promote
- 2209 and support adoption.
- 2210
- 2211 C. FPA funds may be used to contract for services to promote and support
- 2212 adoption.
- 2213
- 2214 D. FPA funding may be used to help adoptive families directly.
- 2215 1. A family who adopts a child from Child and Family Services.
- 2216 2. An adoptive family who is utilizing the services of Child and Family
- 2217 Services.
- 2218

2219 Federal Adoption Promotion and Support, Promoting Safe and Stable Families (FPA)

2220 Funding Regional Guidelines

- 2221 A. Each fiscal year each region is given an equal amount of base FPA funding, with
- 2222 the remaining FPA funding divided by the percent of adoptive families with
- 2223 Adoption Assistance Agreements who reside in the region.
- 2224
- 2225 B. Annually each region will plan how the FPA funding will be best used in their
- 2226 region. Allocation of some funding for predictable requests such as the annual
- 2227 adoption conference and therapeutic summer programs could be part of the
- 2228 annual planning process.

- 2229
2230 C. When considering a request for FPA funding, the post adopt or adoption subsidy
2231 worker will determine that the service is not available through Medicaid or other
2232 community funded services.
2233
2234 D. FPA funds paid directly to a family cannot exceed \$2,000 per family per fiscal
2235 year. FPA payments to a family are taxable income. Direct payments to families
2236 are discouraged.
2237
2238 E. Direct payment to a service provider may exceed \$2,000 with appropriate bids
2239 and contracts, as required by state procurement requirements.
2240

2241 Determining the Appropriate Funding Source

- 2242 A. When either State Supplemental Adoption Assistance (SAC) or federal Adoption
2243 Promotion and Support, Promoting Safe and Stable Families (FPA) funding could
2244 be appropriate for a funding request, the following guidelines should be
2245 considered:
2246 1. Federal funds should be considered before state funds to assure all
2247 federal funds (which include a state match) are used in each fiscal year.
2248 a. If the monthly adoption subsidy is from federal Title IV-E funds, it
2249 may be appropriate to amend the Monthly Subsidy Agreement for a
2250 limited time period, when a child would qualify for a higher subsidy
2251 to cover the costs. An example of higher costs might be room,
2252 board, and educational costs of a residential treatment program.
2253 b. The federal FPA funds (which includes a state match) should be
2254 considered for use before State Supplemental Adoption Assistance.
2255 c. The federal FPA funds are best used for time-limited expenditures
2256 of less than \$2,000 per family.
2257 2. State Supplemental Adoption Assistance funds are best used for
2258 extensive, expensive, or long-term costs after it is determined that
2259 increasing Title IV-E monthly adoption subsidy and federal FPA funding
2260 are not appropriate or available.
2261

401.10 Access To Adoption Records

Major objectives:

- A. Child and Family Services Adoption Records - When parental rights are terminated, the caseworker shall create a new file for the child from relevant information in the child's family file. The caseworker shall establish a separate file for each child or each sibling group placed with the same adoptive home.
- B. Access to Adoption Records - The information in the file relevant to an adopted child may be accessed by the adult adoptee or the adoptive parents. Identifying information about biological parents shall not be released by Child and Family Services, unless ordered by the court. A biological parent who has relinquished parental rights may only access case information up to the time of relinquishment. Information in the family file may be accessed as specified in the GRAMA procedures for Child and Family Services.

Applicable Law

Utah Code Ann. [§78B-6-141](#). Petition, report, and documents to be sealed --
Exceptions.

Practice Guidelines

- A. An option for sharing adoption information is a cooperative adoption, which is an agreement between adoptive parents and the birth family that allows sharing of information and/or maintaining a relationship between the child and identified members of the birth family, such as birth parents, grandparents, or other extended family members.
- B. Adoptee Request for Information - The region director shall designate staff who will respond to the following requests for information:
 - 1. Request for Identifying Information - An adult adoptee seeking identifying information about biological parents shall be referred to the court. If contact with the biological parents is desired, the caseworker may also suggest that the adoptee register with the Utah Department of Health Adoption Registry. [See: Utah Code Ann. [§78B-6-144](#).]
 - 2. Request for Non-identifying Information - An adult adoptee seeking non-identifying information about biological parents, such as genetic and social history or health history [Utah Code Ann. [§78B-6-104](#)], may request information from the Bureau of Vital Records as specified in Utah Code Ann. [§78B-6-143](#).
- C. Biological Parent Request for Information - A biological parent requesting information about a child after relinquishment of parental rights shall be notified that information about the child may only be released by court order. It is the responsibility of the biological parents to obtain a court order. The caseworker

2306 may also suggest that the biological parent register with the Utah Department of
2307 Health Adoption Registry if contact with the child is desired. [See: Utah Code
2308 Ann. [§78B-6-144.](#)]
2309