

Child and Family Services Policy Manual: Adoption Assessment and Pre-Placement Evaluation

- Philosophy** The evaluation and assessment process involves the agency and the adoptive applicants in a process to determine:
- the applicant's capabilities to meet the needs of an adopted child; and
 - the type of child best suited to the applicant's family.
- The evaluation and assessment process should prepare applicants for adoption, help them anticipate the special needs of an adopted child, inform them of the difficulties inherent in adoptive parenthood, and bring about growth and change in their attitudes and expectations as they increase their understanding of adoption and the characteristics of available children.
- Basis for Selection of Adoptive Parents** Applicants for adoption of a child will be selected to be parents on the basis of their capacity to understand, accept and meet the needs of a particular child in need of a family. Each potential adoptive family will be assessed from the perspective of what is in the best interests of the child to be adopted. The interests of the child are paramount.
- The following individuals who otherwise meet the requirements of the Department are eligible to adopt a child:
- a husband and wife jointly or either the husband or the wife if the other spouse is a parent of the child (step-parent);
 - an unmarried individual who is at least 18 years of age; or
- a married individual at least 18 years of age who is legally separated from the other spouse or whose spouse has judicially been declared incompetent.
- Common-Law Marriages** Montana law recognizes common-law marriage as a valid marriage in this state, as long as all elements to establish a valid common-law marriage are present. These elements are:
- If a couple states that they are married, and can attribute this married status to a certain date; and
 - if they have lived together; and
 - held themselves out to others as “married”.

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The statute and case law in Montana will recognize this couple as married. If the couple has met the elements of common-law marriage as discussed above, the adoption statute at Mont. Code Ann. 42-1-106 will allow them be eligible to adopt a child as husband and wife.

The Department should strive to select applicants who are able to:

1. provide the continuity of a caring relationship to permit conditions and opportunities favorable to healthy personality growth and development of the child's potential;
2. provide non-identifying information or open linkages to the child's birth family;
3. be informed and sensitive to the child's ethnic, religious, cultural, and racial heritage;
4. demonstrate an ability to understand the child's uniqueness; and
5. demonstrate an ability to understand the needs of a child at various developmental stages.

All applicants shall have an equal opportunity to apply for the adoption of children, and receive fair and equal treatment and consideration of their qualifications as adoptive parents. Applicants must be fairly assessed on their abilities to successfully parent a child and not on other factors.

Neither the state nor any other entity in the state that receives funds from the federal government and is involved in adoption or foster care placements may deny to any person the opportunity to become an adoptive parent on the basis of race, color, national origin or jurisdictional boundaries of the applicant or of the child involved; or delay or deny the placement of a child for adoption or foster care on the basis of race, color or national origin of the adoptive or foster parent or the child involved. For adoption of an Indian child in state district court, however, the Indian Child Welfare Act applies, and adoptive placement preferences must be followed. (See Section 305-1, Indian Child Welfare Act)

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Considerations regarding capacity for adoptive parenthood

The following characteristics may be useful indicators of a person's capacity for adoptive parenthood: total personality functioning; emotional maturity; if married, quality of Spousal relationship; capacity to parent children; attitudes toward childlessness, if applicable; readiness to adopt; and the reasons for seeking adoption.

In families with children, it is important to consider each family member's adjustment. The children's functioning at home, in school and with their peers is an important indicator of the development and quality of their parents' parenting skills.

Although it is difficult to know what kind of parents people will be before they have the opportunity to function as parents, all applicants should have a realistic understanding of the needs and behavior of children who need adoption and the adoption relationship's impact on them, the ability to love and accept a child, a willingness to provide linkages to the child's birth family when appropriate, and an understanding and sensitivity to ethnic, religious, and cultural heritage.

If childless, the applicants may want help to understand and cope with their feelings about their inability to have a child. Feelings about birth parents, children born out of wedlock, and inherited traits should be taken into consideration because these reactions may affect their attitudes toward a child. It is important to know whether they will be able to help the child understand that he or she is adopted, or if they will have a strong tendency to deny it. Unresolved feelings about their childlessness should not necessarily disqualify a couple as adoptive parents. However, both parents should be comfortable with the decision to adopt.

Procedure

Application

The prospective adoptive family may obtain an application to adopt anytime upon request to the Department. (DPHHS-CFS-090, Application to Adopt). Once returned, the worker should review the application forms to assure the application file is complete and give the family the necessary information on the required pre-service training (Keeping Children Safe, KCS). Applicants should be advised that additional pre-adoptive training will be required later, prior to final approval to adopt. Any information provided by the applicants

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which is withheld or erroneous may result in denial of the application.

The department will not accept adoptive applicants who have a current application before another licensed adoption agency.

References

The worker must contact all of the references listed by the applicants and document such contact in the pre-placement evaluation. Written responses from the persons listed as references are preferred over verbal responses. The worker cannot guarantee the anonymity of the person making the reference. If a negative reference is a factor in disapproving an applicant for adoption, the applicant must be allowed an opportunity to respond.

Information sought

The worker must conduct **at least** one in-home visit and conduct at least one interview with each family member of the prospective adoptive home. Prior to the initial home visit, the worker should review the family profile or other supporting documentation for the family. During the home visit(s), the worker should view the house and meet with each family member individually and as a family. The worker should explore the reasons for wanting to adopt, the attitude of each family member toward adoption and any issues raised in the family profile. The number of contacts (home visits, phone calls, etc.) will vary depending upon the concerns, questions, and other unique factors.

Information provided

The worker should use contacts with the applicants to provide information about adoption, a description of the evaluation process and adoptive process, a discussion of resources available for more information about adoption and a chance for the family to ask questions. Concerns shall be addressed as they arise.

Pre-Placement Evaluation Review

The worker conducting the pre-placement evaluation must consider all information provided by the applicants and obtained during home visit(s) and write a pre-placement evaluation report of the prospective adoptive family. The worker must consider at least the following:

- results of a check of criminal conviction data, data on substantiated abuse or neglect of a child, and data pertaining to any involvement in incidents of domestic violence by any person over the age of 13 living in the prospective home;

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- when appropriate, results of a check of the youth court records of each person over the age of 13 living in the home;
- an evaluation of the effect of a conviction, adjudication, or finding of substantiated abuse or neglect on the ability to care for a child;
- assessment of potential parenting skills;
- medical and current health of the adoptive parents;
- background information on the adoptive family;
- assessment of the family's ability to provide adequate financial support for the child;
- assessment of the level of knowledge and awareness of adoption issues, including; when appropriate, matters relating to open, interracial, cross-cultural, and special needs adoption;
- the worker's impression of each family member and the family as a whole;
- information from the family profile and application;
- areas of concern; and
- strengths and needs assessment of the applicants.

Pre-Placement Evaluation Report

Pre-placement evaluation reports for all new adoptive applicants will follow the SAFE universal home study model. The written pre-placement evaluation report must contain the following information, if available:

1. age and date of birth, nationality, racial or ethnic background, and any religious affiliation;
2. marital status and family history, including the age and

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- location of any child of the individual and the identity of and relationship to anyone else living in the individual's household;
3. physical and mental health and any history of abuse of alcohol or drugs;
 4. educational and employment history and any special skills;
 5. property and income, including outstanding financial obligations as indicated in a current credit report or financial statement furnished by the individual;
 6. any previous request for an evaluation or involvement in an adoptive placement and the outcome of the placement or evaluation;
 7. whether the individual has been charged with or convicted of domestic violence or has been involved in a substantiated charge of child abuse or neglect or elder abuse or neglect and the disposition of the charges;
 8. whether the individual has been convicted of a crime other than a minor traffic violation;
 9. whether the individual is subject to a court order restricting the individual's right to custody or visitation with a child (review divorce decrees);
 10. If a child is identified, the evaluation must specifically address the appropriateness of placing that child or children with the prospective adoptive parents;
 11. any other fact or circumstance that may be relevant in determining whether the individual is suited to be an adoptive parent, including the quality of the environment in the home and the functioning of other children in the household; and
 12. a specific recommendation regarding the suitability of the

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subject of the study to be an adoptive parent, including recommended children's ages and any special needs.

Notification After a supervisor and regional administrator approve the pre-placement evaluation, the regional administrator or designee notifies the applicants in writing of the approval or denial of their application to adopt. Any applicant may review the application for adoption.

Only a hard copy of the pre-placement evaluation may be released to the applicant. The hard copy will be printed with an "unofficial" watermark. In addition, the following disclaimer must be on all copies of a pre-placement evaluation given to a family:

Disclaimer **PRE-PLACEMENT EVALUATIONS ARE THE PROPERTY OF THE MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES.** This is an unofficial copy of this pre-placement evaluation. Receipt of this document does not commit or obligate (nor imply such) the Division of Child and Family Services to provide any services. In order for placement of an out-of-state child to be made with this family, a request for placement must be made through the Interstate Compact on the Placement of Children.

NOTE: The family should not be provided with an electronic version of the pre-placement evaluation.

Approved families who find children available for adoption on the internet To enhance informed decision making for the adoptive parents, FRS who are contacted by families who have an approved pre-placement evaluation and have identified a child on the internet who are not Montana children will be requested to meet with the FRS. The purpose of the meeting will be to determine if the family has been assessed to meet the needs of the identified child and to offer the family an opportunity to hear about children from Montana that are available for adoption who have profiles similar to the child the family identified. The FRS should send inquiries via email to staff statewide to locate children with similar profiles. This process will enhance informed decision making for the adoptive parents.

Denial of Application Unless the family withdraws their application in writing, a denial of an application for adoption requires the approval of the worker's

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supervisor. The worker shall complete a written evaluation summarizing the basis for the denial and shall confirm, in writing to the family, the Department's position regarding the reason(s) for denial, supported by specific statements as to the reasons for denial. The supervisor must approve the denial of the application.

Re-evaluation

A pre-placement evaluation is valid for one year from its date of completion and must be updated earlier if there is a significant change in the circumstances of the prospective adoptive family. The approved adoptive parents will update all information that has changed from the time of the original application and shall submit a DPHHS-CFS-033, Personal Statement of Health for Licensure. The worker will visit the home and prepare a revised evaluation noting any changes that have occurred. An outline of the re-evaluation is provided.

If the pre-placement evaluation recommends placement of a specific category of child (i.e. birth to three year old girl) and a child is then identified for placement with that family that differs from the recommendation, the pre-placement evaluation must be updated regarding the appropriateness of placement of that child with the family and a specific recommendation for or against that adoptive placement for the child.

A family which has a current favorable evaluation from another state's agency authorized to conduct such evaluations or from a licensed child-placing agency in this, or another state, may be required to be re-evaluated by the Department or a contractor, if determined to be necessary.

Waiver of Pre-Placement Evaluation

A court may waive the requirement of a pre-placement evaluation if the child is placed by the child's parent or guardian (with the consent to place the child adoptively) with the child's extended family member (grandparent, aunt, uncle, brother or sister). Step-parent adoptions do not require a pre-placement evaluation, unless the child to be adopted is in the custody of DPHHS.

References

Mont. Code Ann. § 42-3-201 through 42-3-213; 42-1-106
ARM 37.52.104

Adoptive Home Re-evaluation

I. Current Family Functioning

Any changes since original pre-placement evaluation, including changes in housing, employment, etc.

Present attitudes toward adoption.

Ability to parent as represented by child or children in home.

Current financial picture.

Results of current name-based criminal records checks.

II. Motivation

Continued interest in adopting a child.

III. Children

Birthdates

Children presently in home, their adjustment and attitudes toward their family adopting a child.

Parents' attitudes toward and ability to cope with sibling rivalry.

Type of child they see being placed with them at this time.

Background information on children in home.

IV. Evaluation

Worker's evaluation of family and their ability to incorporate an additional child or children into their family.

V. Recommendation

Clear and definite recommendation as to the type of child or children to be placed with this family to include number of children, age, sex, whether or not they can accept handicapped and/or minority child.