

**Table of Contents**

**Section 6**

<a href="#"><u>Post-Adoption Services</u></a> .....	71
<a href="#"><u>6.A Providing Notice to Adoptive Parents of the Need for Submission of the Annual Adoption Assistance Affidavit</u></a>	
<a href="#"><u>6.B Preserving Information from Foster Care and Adoption Records</u></a>	
<a href="#"><u>6.C Releasing Information from Closed Adoption Records</u></a>	
<a href="#"><u>6.D Charging A Fee</u></a>	

## SECTION 6 POST-ADOPTION SERVICES

Post adoption services are services that are provided to adopted children and their adoptive families after the entry of the final order of adoption. Post adoption services include:

- 6.A Providing notice to adoptive parents of the need for submission of the annual subsidy affidavit.

The agency is responsible for sending a letter to the adoptive parent(s) informing them that the affidavit is due and requesting that it be provided by the deadline. The agency must send the letter to the adoptive parent(s) two months before the affidavit is due (See Part 8).

Title IV-E, Section 473 (a) (4), of the Social Security Act, requires that...parents who have been receiving adoption assistance payments under this section shall keep the State or local agency administering the program informed of circumstances which would...make them ineligible for such assistance payments, or eligible for assistance payments in a different amount.

:OASIS: To track the affidavit notice and other documents, the path is: Workload,  
:Other, Doc. Trkg.

- 6.B Preserving Information From Foster Care And Adoption Records

State law gives the Commissioner of the Department of Social Services the responsibility for preserving adoption records.

[Section 63.2-1246](#), *Code of Virginia*, states that upon entry of a final order of adoption or other disposition of the matter, the clerk of the court in which it was entered shall forthwith transmit to the Commissioner all reports made in connection with the case, and the Commissioner shall preserve such reports and all other collateral reports, information, and recommendations in a separate file.

The court will send a copy of the final order of adoption to the agency and to the Adoption unit. The agency must acknowledge receipt of the order. When the agency receives a copy of the final order of adoption, the agency is to send information to be preserved to the Adoption Unit within 30 days.

[Section 63.2-1246](#), *Code of Virginia*, requires upon entry of a final order of adoption or other final disposition of a matter involving the placement of a child by a licensed child-placing agency or a local board of public welfare or social services or an investigation by the local director or superintendent of a placement for adoption of a child, the agency or local board shall transmit to the Commissioner all reports and collateral information in connection with the case.

The material to be preserved is to include data and documents pertaining to the child, the birth parents and relatives, and the adoptive parents. This material is taken from the birth parent's record and the child's protective services, foster care, and adoption records.

6.B.1 Material sent to the Adoption Unit:

6.B.1.1 Materials should be placed in folders and labeled with the Virginia Adoption Case Number. All names by which the child may have been known should be shown on the front of the folder. These names include:

B.1.1.1 The child's original name.

B.1.1.2 The child's adoptive name.

B.1.1.3 Agency code names for the child.

B.1.1.4 Any other names by which the child has been known.

6.B.1.2 Materials must be originals and should include:

B.1.2.1 All medical and psychological reports on the child and birth family.

B.1.2.2 All verifications of births, deaths, divorces, and marriages.

B.1.2.3 Original letters of reference

B.1.2.4 Copies of letters to legal/birth parents and the envelopes, if returned by the post office.

- B.1.2.5 Original letters from legal/birth parents.
  - B.1.2.6 Background summaries and reports to Juvenile and Domestic Relations Courts.
  - B.1.2.7 All legal documents concerning the child's custody.
  - B.1.2.8 Foster care face and placement sheet.
  - B.1.2.9 Adoptive home placement agreement.
  - B.1.2.10 Summary of CPS initial safety assessment and risk assessment.
  - B.1.2.11 Case narrative material from foster care and adoption records.
  - B.1.2.12 Copy of the statement of information shared with adoptive family, including information on the family's right to appeal.
  - B.1.2.13 Documentation or information from The Virginia Putative Father Registry
- 6.B.1.3 Records must be purged of all duplicate and non-pertinent material and staples removed before it is sent to the Adoption Unit. Before purging the non-pertinent material, review carefully the material that must be maintained in the child's subsidy record (See Part 8) and the material that must be kept for Title IV-E reviews. If purging is not done, the record will be returned to the agency for the removal and destruction of all duplicate material. Materials to be purged include:
- B.1.3.1 Miscellaneous correspondence, letters, acknowledgments and requests for status of reports.
  - B.1.3.2 Duplicates and extra copies of material. These

could be copies of material which the agency knows the Adoption Unit already has such as the Report of Investigation, the adoption petition; the Certificate of Service, and the Order of Reference.

B.1.3.3 Case narrative that does not contain specific factual information relative to the child's background.

B.1.3.4 Baby pictures, baby hospital bracelets, greeting cards and other personal mementos. These should be given to adoptive parents after identifying information has been deleted.

B.1.3.5 Service application forms.

6.B.1.4 If the child's adoption was finalized outside the State of Virginia, the placing agency must observe the requirements of the other state regarding case material and documents to be sent for preservation.

#### 6.B.2 Material Retained In The Agency

6.B.2.1 In an agency placement, the placing agency must keep copies of the following material for federal IV-E foster care and IV-E adoption assistance reviews:

B.2.1.1 All court orders, service plans, panel reviews, documents pertaining to AFDC-FC eligibility and dispositional plans must be maintained on children who are adopted. This material is to be retained for five years after the child's 18<sup>th</sup> birthday.

B.2.1.2 If the child was adopted with a subsidy of any kind, keep all forms, reports and documents concerning the child's special needs, the adoptive family's circumstances, and eligibility for IV-E adoption assistance. This material

must be kept in a separate file for five years after the child's 18<sup>th</sup> birthday.

6.B.2.2 If the child's adoption was finalized in another state, the material identified in 6.B.2.1 above must be maintained by the placing agency.

6.B.2.3 In an agency placement, the placing agency may keep copies of any material sent to the Adoption Unit for preservation.

## 6.C Releasing Information From Closed Adoption Records

Access to information in closed adoption records is governed by Virginia law. There are different types of information in a closed adoption record and access to the different types of information is limited to specific individuals.

### 6.C.1 Non-identifying Information

Non-identifying information is generally defined as that information which does not identify the birth family. However, there is additional case material (trace information) that may need to be edited from the record. For specific guidelines, refer to the guide material entitled "Preparation of Non-identifying Case Material." This guide material is available from the Adoption Unit.

In the event that the adult adoptee also wants any information on the adoptive parents (like the home study or report of investigation), the adult adoptee needs a notarized consent from either adoptive parent on whom the information is requested or a death certificate for that person.

#### Who May Have Access to Non-Identifying Information

6.C.1.1 Access to non-identifying information in the sealed record.

The adoptee after turning 18, the adoptive parents any time after entry of the final order, and child-placing agencies providing services to the child may have access to non-identifying information from the closed adoption record.

[Section 63.2-1246](#), *Code of Virginia*, states that ....non-identifying information from...adoption files shall not be open to inspection, or be copied, by anyone other than the adopted person, if eighteen years of age or over, or licensed or authorized child placing agencies providing services to the child or the adoptive parents.

- 6.C.1.2 The exchange of non-identifying information and pictures between the birth and adoptive parents. Written permission must be obtained from the adult adoptee/adoptive parent(s) if the information is to be sent to any agency other than the one initially involved in the adoption, a doctor, psychiatrist, or psychologist. A release of this sort is not required if the information is being sent to the agency that placed the child.

[Section 63.2-1247, D](#), *Code of Virginia*, states that in cases where at least one of the adoptive parents and one of the birth parents agree in writing to allow the agency involved in the adoption to exchange non-identifying information and pictures, the agency may exchange this information with such adoptive parents and birth parents when the whereabouts of the adoptive parents and birth parents is known or readily accessible. Such agreement may be entered into or withdrawn by either party at any time or may be withdrawn by the adult adoptee.

- C.1.2.1 If the agency that was involved in the adoption is willing, the agency may act as an intermediary for the purpose of exchanging pictures and non-identifying information, such as letters.
- C.1.2.2 This action occurs only if the addresses of the parties are known or easily obtainable. The agency is not required to conduct a search, as it would for the exchange of identifying information.
- C.1.2.3 The role of the Adoption Unit in this exchange of pictures and non-identifying information is to send the agency any information needed from the sealed record to help locate the appropriate parties.

## 6.C.2 Critical Medical Information

In some cases, critical medical information can be shared between the birth and adoptive families.

[Section 63.2-1247, C](#), *Code of Virginia*, states that in any case where a physician or licensed mental health provider submits a written statement in response to a request from the adult adoptee, adoptive parent, birth parent or adult biological siblings, indicating that it is critical that medical, psychological or genetic information be conveyed, and states clearly the reasons why this is necessary, the agency...shall make an attempt to inform the adult adoptee, adoptive parents, birth parents, or adult biological siblings...of the information.

- 6.C.2.1 A physician or licensed mental health provider must submit a written statement, in response to a request from one of the individuals specified above indicating that it is critical that medical, psychological or genetic information be conveyed, and that states clearly the reasons why this is necessary.
- 6.C.2.2 The letter from the physician or licensed mental health provider must indicate that he/she is acting at the request of the adult adoptee, adoptive parent, birth parent, or adult birth sibling unless this has been clarified in writing by whomever is making the request.
- 6.C.2.3 Confidentiality of all parties shall be maintained by the agency which means that identifying information cannot be shared.
- 6.C.2.4 The placing agency is responsible for attempting to find the parties and passing the information along. The agency should verify that:
- C.2.4.1 the letter clearly states that the physician or licensed mental health provider is acting at the request of one of the specified individuals, and,
  - C.2.4.2 the letter clearly indicates that it is critical that the information be conveyed and

states clearly the reasons why this is necessary.

- 6.C.2.5 The role of the Adoption Unit in this exchange of critical information is to send the agency any information needed from the sealed record to help locate the appropriate parties.

### 6.C.3 Identifying Information

Identifying information is information that identifies the adoptee or birth family. It includes “trace” information that may lead to the identity of the birth family.

#### Who May Have Access To Identifying Information

- 6.C.3.1 Virginia law allows adoptees who are 18 or older to make an application for disclosure to the Commissioner.

[Section 63.2-1246](#), *Code of Virginia*, states that no identifying information from ...adoption files shall be disclosed, open to inspection or made available to be copied except ....upon application of the adopted person, if eighteen years of age or over, to the Commissioner...

- 6.C.3.2 Birth parents and adult birth siblings may apply for disclosure if the adoption was finalized on or after July 1, 1994 and the adopted person is at least twenty-one years of age.

[Section 63.2-1247, A](#), *Code of Virginia*, states that in cases where the adoption is finalized on or after July 1, 1994 and the adopted person is twenty-one years of age or over, the adopted person’s birth parents and adult birth siblings may apply to the Commissioner for the disclosure of identifying information from the adoption file.

- 6.C.3.3 Adoptive parents may apply for disclosure if the adoption was finalized on or after July 1, 1994 regardless of the age of the adoptee.

[Section 63.2-1247, B](#), *Code of Virginia*, states that in cases where the adoption is finalized on or after July 1, 1994, and the adopted person is under eighteen years of age, the adoptive parents or other legal custodian of the child may apply to the Commissioner for the disclosure of identifying information about the biological family.

#### 6.C.4 Procedures for Disclosure

The Commissioner, through the Adoption Unit, has responsibility for deciding whether information from closed adoption records is released. Local departments of social services and licensed child-placing agencies provide assistance to the Commissioner by conducting searches to locate birth family members and, if requested by the Commissioner, to share information from the closed record.

To initiate a search for birth family members, adult adoptees must complete an Adoptee Application for Disclosure form, have the form notarized and return it to the central office Adoption Unit. The form is accessible for downloading at [www.dss.state.va.us](http://www.dss.state.va.us).

- 6.C.4.1 Upon receipt of the Application for Disclosure from the adult adoptee, the Adoption Unit sends a Letter of Appointment to the agency that will be conducting the search. If necessary, a hard copy of the identifying information and a sample format for the Report of Inquiry will be sent with the Letter of Appointment.
- 6.C.4.2 Upon receiving a Letter of Appointment, the designated agency conducting the search shall:
- C.4.2.1 Attempt to locate and advise the birth family member(s) about whom the adoptee wants identifying information of the Adoptee Application for Disclosure.
  - C.4.2.2 Conduct the search within 8 months. If the agency needs additional time, the agency shall request the additional time from the Adoption Unit. This request may be made verbally.
  - C.4.2.3 In situations where there is very little information in the record upon which to begin a search, the agency may ask the Adoption Unit for assistance in obtaining a copy of the child's original birth certificate and hospital records of the child's birth.

- 6.C.4.3 The agency shall send a Report of Inquiry to the Adoption Unit describing the results of the attempt to locate and advise the birth family member(s) of the Application for Disclosure.
- C.4.3.1 The agency's report shall be in the format prescribed by the Commissioner and shall not include identifying information on the birth family.
- C.4.3.2 No identifying information is to be disclosed to the adoptee without proper authorization from the Commissioner.
- C.4.3.3 Resources used to locate the birth family member(s) should be fully documented in the agency's Report of Inquiry in those cases where agency efforts were unsuccessful.
- C.4.3.4 If the birth family member(s) about whom the adoptee wants identifying information can be located, the agency's Report of Inquiry shall include updated non-identifying information about that birth parent. The Report should also indicate that parent's wishes regarding having his/her identify disclosed and being contacted by the adoptee.
- C.4.3.5 The agency's Report of Inquiry shall include a recommendation regarding disclosure based on the findings.
- C.4.3.6 If there is a fee, the agency's report shall include a statement indicating the amount of the fees assessed and whether or not the fee has been paid. The Commissioner cannot grant the release of identifying information unless the agency has provided verification that the fee has been paid.

6.C.4.4 The Commissioner makes the final decision about the release of identifying information and the Adoption Unit will send the agency a Letter of Final Disposition. If the Letter of Final Disposition indicates that the Application for Disclosure is granted, the agency shall share the identifying information with the adoptee.

#### 6.C.5 Opening A Case For Releasing Information

When a request for adoption information is made or the agency receives a Letter of Appointment from the Commissioner to locate a birth family, adoptees or adoptive parents, a case may be opened and reported as foster care and adoption services.

#### 6.D Charging a Fee

Virginia law allows fees to be charged for adoption searches.

[Section 63.2-1248](#), *Code of Virginia*, states ...the agency which attempts to locate the birth family...shall assess a fee against the applicant...in accordance with regulations and fee schedules established by the State Board....

[Section 63.2-1248](#), *Code of Virginia*, states...The fee charged shall not exceed the actual costs of the service. The fee shall be paid to the appropriate department of social services...prior to the...release of identifying information....

Fees are to be determined based on income and family size; and indirect costs to the agency or average costs. The fee schedule established by the State Board is on the following page.

## FEE SCHEDULE FOR ADOPTION SEARCHES

The formula is as follows:

1. The agency's fiscal manager must calculate an indirect cost factor that covers expenses other than the direct worker's salary and benefits (such as overhead expenses).
2. Local agencies will record the time the worker spends providing the service. The time spent is to be multiplied by the combined worker's hourly salary and benefits (or an agency average of the worker's hourly salary and benefits) and the indirect costs.

Example:

20 hours (time to provide service)

\$16 (worker's hourly salary and benefits)

Indirect cost factor of 50%

Combined worker's hourly salary and benefits plus indirect costs=  
 $\$16 + (\$16 \times 50\% = \$8) = \$24$

$20 \text{ hours} \times \$24 = \$480$  (To be adjusted for family size and income.)

3. Determine applicant's family size. Include all persons for whom the applicant and his/her spouse are responsible.
4. Determine the applicant's gross monthly income. Include all income available to the family. Accept the applicant's declaration of income.
5. Determine the applicant's percent of median income using the median income scale issued annually in a broadcast. If income falls between two percentages, use the lower figure.
6. Reduce or waive the fee if it finds circumstances that affect the applicant's ability to pay, such as heavy debt, unusual medical or educational expenses, or heavy financial support of relatives.
7. The agency shall report any fees collected as expenditures refunded on its

financial report. The local agency’s reimbursement from state and federal funds shall be adjusted to reflect the state and federal share of income collected. Using the percentage of fee scale shown below, determine the fee assessed.

<u>Percentage of Median Income</u>	<u>Calculated Fee To Be Charged</u>
50% and below	0% (No charge)
60%	10%
70%	25%
80%	50%
90%	75%
100%	100%

Example:

The baseline cost of the fee is \$480. Using the median income scale, the fee is adjusted for family size and income. The worker determines that the applicant’s annual income falls between 80% and 90% of the median. The worker uses the lower figure of 80%. Using the scale shown above, the worker determines that the applicant should be assessed 50% of \$480 or \$240.

#### Determination of Direct Costs

In determining direct costs, the local department of social services providing the service has the option of using the actual salary and benefits of the worker performing the service, an average of the salary and benefits, or the minimum salary and benefits.

1. If the actual salary and benefits of the worker performing the service is used, and a supervisor has to perform the service due to the worker being absent, the fee would be based on the amount of the salary and benefits of the worker that would have ordinarily performed the service to avoid overcharging the customer.
2. If some form of averaging is used, the averaging should be based on the budget figures for the previous fiscal year and should be calculated on a yearly basis around May or June when the budget is reviewed.

The method of averaging, which appears to conform with the intent of the statute which talks about the actual cost of the service, would be to average the actual salaries and benefits of the workers performing the services.

Example:

If an agency had a social worker 1 earning \$15 an hour in salary and benefits, a social worker II also earning \$15 an hour, a social worker III earning \$16 an hour, and a social work supervisor (who also had a normal caseload) earning \$18 an hour, the agency would calculate an average of \$16 an hour.

3. If minimum salary and benefits is chosen, the first step of the compensation schedule for a social worker for the agency is used. The only recalculating would occur when the agency changes/updates the compensation schedule. This method is very simple and will insure that the salary charged will not exceed the actual salary and benefits of the worker performing the service.
4. The agency may use 20 hours as an average, multiply this by the agency hourly costs, factor in family size and income, and charge the applicant that amount in advance.

If the search is completed in less than 20 hours, the agency would return the unexpended funds.

If the search is not completed in 20 hours, the agency can ask the applicant if they should continue the search at the worker's hourly cost (written permission from the applicant is mandatory) or the agency can continue the search but not charge the applicant more than the initial estimated fee which is based on 20 hours of work (this is an option because guidance allows an agency to recommend waiving all or part of the fee in unusual circumstances).