

# 9

## ACHIEVING PERMANENCY GOAL ADOPTION

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# 9

## ACHIEVING PERMANENCY GOAL ADOPTION

### 9.1 Introduction

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Permanency is achieved under this goal when the adoption of the child by a relative or non-relative has been finalized. Adoption is a planful process that provides the same legal and social status for a child afforded to children born to the parent(s).

The Adoption and Safe Families Act of 1997 requires that an LDSS petition for termination of parental rights (TPR) of a child if the child has been in care of the agency for 15 of the last 22 months and there has been no progress towards reunification with the removal parent. An LDSS would not petition for termination of parental rights under the following circumstances:

- The LDSS documents and provides compelling reasons why it is not in the best interest of the child to terminate parental rights;
- The child resides with relatives and after a Family Partnership Meeting or discussion with the child, relatives, and, if indicated, the parents, TPR would negatively impact the child's sense of connection to family or potentially result in the relative being unable to provide care for the child; or
- Services have not been provided to the parent to return the child home safely.

### 9.2 Framework

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LDSS shall meet federal and state legal requirements, and should use sound practice principles to achieve desired outcomes and to guide decision making in achieving permanency.

### 9.2.1 Practice principles

Two fundamental principles in Virginia's Children's Services System Practice Model provide the philosophical basis and guide practice for decision making in achieving the permanency goal of adoption.

First, we believe in family, child, and youth-driven practice.

- Children and families have the right to have a say in what happens to them and will be treated with dignity and respect. The voices of children, youth and parents are heard, valued, and considered in the decision-making regarding safety, permanency, well-being as well as in service and educational planning and in placement decisions. .
- We recognize that family members are the experts about their own families. It is our responsibility to understand children, youth, and families within the context of their own family rules, traditions, history, and culture.
- Children have a right to connections with their biological family and other caring adults with whom they have developed emotional ties.
- We engage families in a deliberate manner. Through collaboration with families, we develop and implement creative, individual solutions that build on their strengths to meet their needs. Engagement is the primary door through which we help youth and families make positive changes.

Second, we believe that all children and youth need and deserve a permanent family.

- Lifelong family connections are crucial for children and adults. It is our responsibility to promote and preserve kinship, sibling and community connections for each child. We value past, present, and future relationships that consider the child's hopes and wishes.
- Permanency is best achieved through a legal relationship such as parental custody, adoption, kinship care, or guardianship. Placement stability is not permanency.

### 9.2.2 Outcomes

LDSS shall strive to achieve the following permanency outcomes required in the federal Child and Family Services Review:

Outcome 1: Children having permanency in their living situation.

- More children leave foster care and achieve permanency.

- More children experience sustained adoptions.
- Children achieve adoptions with increased timeliness.
- Children *achieve permanency with* shorter lengths of stay in foster care.
- Fewer children re-enter foster care.

### 9.3 Focus of services

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If the goal of Adoption is being selected, Return Home shall have been explored fully and ruled out consistent with the child's best interest. However, when a concurrent permanency plan of reunification and adoption exists, the focus of services is to work toward reunification while at the same time, working toward achieving the goal of adoption, if the child cannot return home. Services shall be provided to the child, the birth parent(s), the foster parents, and the adoptive parents. The Foster Care Service Plan identifies the services that shall be provided. Refer to [Section 14](#) of this chapter for information on the Foster Care Service Plan.

### 9.4 Convening Family Partnership Meeting

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A Family Partnership Meeting should be scheduled when the service worker determines that the plan for reunification has not been successful, efforts to revise the plan have been made, and it is determined that the progress by parents has not been sufficient to reduce risk. At this meeting, a change to the most appropriate foster care goal for the child should be discussed, including discussion of adoption. This meeting should be scheduled **within two (2) weeks** of the request by any party for the meeting, before a change in goal occurs, and before any court filing.

### 9.5 Terminating parental rights (TPR)

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When adoption is the best plan for a child in foster care, securing legal authority to place the child for adoption is the initial objective toward achieving the goal.

A child can be placed for adoption once parental rights are terminated and the LDSS has been granted the authority to place for adoption. The termination process begins with knowing whose rights shall be terminated and how they are terminated. These two points are outlined below.

#### 9.5.1 All individuals whose rights shall be terminated

- The **mother**;
- The **birth father**, meaning any man who is:

- The **genetic father**, the man with the genetic relationship to a child that indicates the child is an offspring of the man.
- The **acknowledged father**, the man with a relationship with a child established by:
  - A voluntary written statement between the man and the mother of the child made under oath agreeing to the paternity and confirming that prior to signing the acknowledgement, that the parties were provided with a written and oral description of the rights and responsibilities of acknowledging paternity and the consequences arising from the signed acknowledgement. The acknowledgement may be rescinded by either party within 60 days from the date it was signed, after which time the acknowledgement shall have the same legal effect as a judgment ([§ 20-49.1](#)).
- The **adjudicated father**, the man with a judgment or order from a court establishing paternity of a child ([§ 20-49.8](#)).
- The presumed father, the man who:
  - Is married to the mother and the child is born during the marriage; ([§ 63.2-1202 D1](#)); or
  - Was married to the mother and the child was born within 300 days from the date of their separation as evident by a written agreement, or decree of separation, or within 300 days after the marriage was terminated by death, annulment, declaration of invalidity, or divorce; ([§ 63.2-1202 D2](#)); or
  - Before the birth of the child, he and the mother of the child, married each other in apparent compliance with the law, even if the attempted marriage is, or could be declared invalid, and a child was born within 300 days of their separation, as evidenced by a written agreement, or decree of separation, or within 300 days after the marriage was terminated by death, annulment, declaration of invalidity, or divorce. ([§ 63.2-1202 D3](#));

and/or

- The **Registered Putative Father**, the man that has completed a registration for The Virginia Putative Father Registry and mailed the registration to the Virginia Department of Social Services and the registration has been entered into the Virginia Putative Father Registry [Section 8](#), Chapter F., Adoption, Child and Family Services Manual.

The LDSS shall make diligent efforts to identify and locate the mother and father of a child. Critical medical and genetic information should be gathered on each parent and on each parent's nuclear family to be maintained for the child's benefit.

### 9.5.2 How parental rights are terminated

Parental rights can be terminated either voluntarily or involuntarily.

### 9.5.3 Voluntary methods of termination

Parents may voluntarily terminate their rights either by signing a permanent entrustment agreement or by petitioning the court to be relieved of their rights (§§ [63.2-900](#), [63.2-903](#), and [16.1-278.3](#)).

#### 9.5.3.1 Permanent Entrustment Agreement

A Permanent Entrustment Agreement is a binding agreement between the parent(s) and the CPA. This Agreement provides a method for the parent(s) to voluntarily relinquish parental rights and give the agency authority to place for adoption (see the [Permanent Entrustment Agreement Form](#)).

- **When Permanent Entrustment Agreement is used**

The following are instances when the signing of the permanent entrustment agreement is the only action required for the child to be legally free for adoption:

- When all parents are willing to relinquish their rights to the child.
- When the unmarried mother is willing to permanently entrust and the putative father will sign an affidavit denying paternity, acknowledging paternity, or neither denying nor acknowledging paternity. The affidavit shall include a statement that he waives all rights to further notice.
- When the unmarried mother is willing to permanently entrust and sign an affidavit that the identity of the father is not reasonably ascertainable. This affidavit should include a statement regarding the reason why the father's identity cannot be ascertained. If there is any question regarding the validity of the mother's affidavit, the agency shall petition the court to terminate parental rights.
- When the unmarried mother permanently entrusts and the father can be informed of the mother's entrustment by certified or registered letter. The father's name shall appear on the return

receipt. He has **21 days after receipt** of the letter to object to the mother's entrustment.

- A copy of the original letter and the signed receipt shall be retained in the child's record.
- If the letter cannot be delivered to the father, it is necessary to petition the court for termination of his rights ([§ 16.1-277.01](#)).
- **Counseling services prior to and following a Permanent Entrustment**
- Birth parent(s) completing permanent entrustments for the purpose of adoption shall be provided the opportunity for counseling, which should address issues related to, but not limited to:
  - Long-term impact of the decision to place the child for adoption on birth parent(s) and child.
  - Helping birth parent(s) with the finality of the plan for adoption and immediate plans for their own lives.
  - Receiving from birth parent(s), or informing them of, newly learned medical or genetic information that is important for the adopted child and family or for the birth parent(s) and their present children.
  - Providing the birth parent(s) with non-identifying information on the potential adoptive family such as age, physical characteristics, interests, cultural heritage, faith-based practices, etc.
- **Petition for approval of Entrustment Agreement(s)**
- The LDSS files petitions requesting court approval of permanent entrustment agreement(s). The court order shall contain a statement that continuation in the home would be contrary to the welfare of the child or that removal was in the best interest of the child or that there is no less drastic alternative than removal of the child from the home ([§§ 16.1-278.3](#) and [16.1-277.01](#)).
- **When the Entrustment Agreement is signed**
- The Permanent Entrustment Agreement may be signed any time after the child's birth. A separate form shall be used for each parent who entrusts and for each child to be entrusted.

- **How the Entrustment Agreement is revoked**
- The agreement can be revoked any time up to the signing of the adoptive home placement agreement, unless the Permanent Entrustment Agreement has been approved by the court and all parental rights have been terminated.
- The Entrustment Agreement may be revoked by either parent until:
  - The child has reached the age of ten (10) days.
  - Seven (7) days have elapsed from the date of execution.
- When the Agreement is revoked, custody of the child shall be returned to the birth parent. In the event that the custody of the child is controversial, custody will need to be determined by court action.
- Upon proof of fraud or duress, a Permanent Entrustment Agreement may be declared invalid and the rights and obligations of the parent(s) restored by court order if the final order of adoption has not been entered and the court has not approved the Permanent Entrustment Agreement and issued a final order terminating parental rights.
- The Entrustment Agreement may be revoked by either birth parent if at the time of revocation the child has not been placed in the physical custody of the adoptive parents.
- **Court Orders and Permanent Entrustment**
- When a child enters care through a Permanent Entrustment Agreement, there shall be a subsequent court order obtained within 180 days (6 months) of the entrustment. The order shall contain a statement that continuation in the home would be contrary to the welfare of the child or that removal was in the best interest of the child or that there is no less drastic alternative than removal of the child from the home.
- **Appeal of court order**
- Once the agency has petitioned the court to approve a Permanent Entrustment Agreement and the court has held a hearing and issued a final order terminating parental rights, the parent cannot revoke the agreement. The parent(s) may appeal the order ([§ 16.1-296](#)).

### 9.5.3.2 Parental Petition for Relief of Care and Custody

Parent(s) file a joint petition with the juvenile and domestic relations district court, requesting termination of parental rights. When appropriate, the LDSS should join in the filing of the petition.

### 9.5.4 Involuntary termination of parental rights

If it is not possible to achieve termination of parental rights voluntarily, then the LDSS shall petition the court for TPR (§§ [16.1-283](#) and [16.1-278.3](#)). These procedures define how parental rights are terminated involuntarily.

Federal law states that when a child has been in the care of the agency for 15 of the last 22 months and there has been no progress toward reunification with the parent from whom the child was removed, then termination of parental rights shall be filed unless it can be documented that it is not in the child's best interest to do so. The child may experience multiple exits from and entries into foster care during the 22 months; a new foster care episode does not start a new 22 month period. The federal government calculates the cumulative amount of time that the child has been in the agency's care, excluding any trial home visits and runaway episodes, during the last 22 months to establish the 15 months of care. At the end of the 15th cumulative month that the child is in the agency's care, the agency shall file a petition with the court to terminate parental rights if no progress has been made toward reunification, unless the agency has documented that termination of rights is not in the child's best interest.

The LDSS need not have identified an available family to adopt a child prior to termination being sought or the court's entering a termination order (§ [16.1-283 A](#)). The LDSS should, in fact, not wait to terminate rights pending locating an adoptive home but should diligently recruit such a home as soon after TPR as possible.

#### 9.5.4.1 Grounds for termination of parental rights

Use of the following grounds shall be based on findings by the court that termination of parental rights is in the best interests of the child. The legal standard for making these findings is clear and convincing evidence.

The parental rights of a child placed in foster care as a result of court commitment, an Entrustment Agreement, or other voluntary relinquishment by the parent or parents, may be terminated based on the following grounds:

- **Failure to maintain contact.** The parent or parents have, without good cause, failed to maintain continuing contact with and to provide or substantially plan for the future of the child for a period of six (6) months after the child's placement in foster care. Lack of contact continues even with the reasonable and appropriate efforts of social, medical, mental

health, or other rehabilitative agencies to communicate with the parent or parents and to strengthen the parent-child relationship. Proof that the parent or parents have failed without good cause to communicate on a continuing and planned basis with the child for a period of six (6) months shall constitute prima facie evidence of this condition (§ [16.1-283 C](#)).

- **Failure to make progress.** Parent or parents, without good cause, have been unwilling or unable, within a reasonable period not to exceed twelve months from the date the child was placed in foster care, to remedy substantially the conditions which led to or required continuation of the child's foster care placement. Lack of progress exists even with the reasonable and appropriate efforts of social, medical, mental health, or other rehabilitative agencies to such end.
- The foster care plan filed with the court or any other plan jointly designed and agreed to by the parent or parents and a public or private social, medical, mental health, or other rehabilitative agency shall constitute prima facie evidence of this condition. The court shall take into consideration the prior efforts of such agencies to rehabilitate the parent or parents prior to the placement of the child in foster care (§ [16.1-283 C](#)).
- **Abandonment.** The child was abandoned and the identity or the whereabouts of the parent or parents cannot be determined after a diligent search; and the child's parent or parents, guardian or relatives have not come forward to identify such child and claim a relationship to the child within three (3) months following the issuance of an order by the court placing the child in foster care (§ [16.1-283 D](#)).
- **Convictions for certain crimes.**
  - The parent has been convicted of an offense under the laws of this Commonwealth or a substantially similar law of any other state, or any foreign jurisdiction which constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at the time such offense occurred, or the other parent of the child; or
  - The parent has been convicted of an offense under the laws of this Commonwealth, any other state, or any foreign jurisdiction which constitutes felony assault resulting in serious bodily injury or felony bodily wounding resulting in serious bodily injury or felony sexual assault, if the victim of the offense was a child of the parent or a child with whom the parent resided at the time of such offense or

the other parent of the child. "Serious bodily injury" means bodily injury which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty (§ [16.1-283 E](#)).

- **Aggravated circumstances.** A parent has subjected any child to aggravated circumstances. Aggravated circumstances means torture, chronic or severe abuse, or chronic or severe sexual abuse where the victim is:
  - A child of the parent or a child with whom the parent resided at the time such conduct occurred and includes the failure to protect a child from such conduct where that conduct or failure to protect;
  - Demonstrates depraved indifference to human life; or
  - Resulted in the death of a child or serious bodily injury to child.
  - Chronic abuse or chronic sexual abuse means recurring acts of physical abuse that place the child's health, safety or well-being at risk. Severe abuse and severe sexual abuse may include an act or omission that occurred only once but meets the definition of "aggravated circumstances" (§§ [16.1-281 B](#) and [16.1-283 E](#)). (§ [16.1-283 B and E](#)).

Federal law requires that a petition for termination of parental rights shall be filed within 60 days of a judicial determination that reasonable efforts to reunify the child and parent are not required when conviction of certain crimes and aggravated circumstances are the grounds for termination.

- **Termination of Residual Rights to another child** (§ [16.1-283 E and F](#))
- **The residual parental rights of a sibling** of the foster child have previously been involuntarily terminated
- **Unlikelihood that conditions can be corrected** (§ [16.1-283 B2](#)). For children who have been found by the court to be abused and neglected and in foster care, the following grounds may be used:
  - The neglect and abuse suffered by the child presents a serious and substantial threat to his or her life, health, or development.
  - It is not reasonably likely that the conditions which resulted in neglect or abuse can be substantially corrected or eliminated so as to allow the child's safe return to his parent or parents within a

reasonable period of time. In making this determination, the court shall take into consideration the efforts made to rehabilitate the parent or parents by any public or private social, medical, mental health, or other rehabilitative agencies prior to the child's initial placement in foster care as well as efforts after placement.

- Evidence of this is as follows:
  - The parent or parents are suffering from a mental or emotional illness or mental deficiency of such severity that there is no reasonable expectation that such parent will be able to undertake responsibility for the care needed by the child in accordance with his age and stage of development;
  - The parent or parents have habitually abused or are addicted to intoxicating liquors, narcotics, or other dangerous drugs to the extent that proper parental ability has been seriously impaired and the parent, without good cause, has not responded to or followed through with recommended and available treatment which could have improved the capacity for adequate parental functioning; or
  - The parent or parents, without good cause, have not responded to or followed through with appropriate, available, and reasonable rehabilitative efforts on the part of social, medical, mental health, or other rehabilitative agencies designed to reduce, eliminate, or prevent the neglect or abuse of the child.

#### **9.5.4.2 Procedures to follow for court termination**

The worker should consult with the LDSS' attorney to determine whether there are grounds for termination of parental rights and to prepare for a TPR hearing. The LDSS may hire an additional attorney for the child if the Guardian ad Litem needs assistance when the petition of the LDSS is contested, the court's decision is appealed, or a separate petition is filed, any of which appear contrary to the child's best interest. State pool funds may be used to pay the attorney's fee. Court related costs, such as assistance of expert witnesses, may be purchased as a foster care service.

The LDSS shall assess whether TPR is in the best interests of the child prior to the permanency planning hearing and then file a petition and service plan with the court with the goal of adoption **30 days prior** to the permanency planning hearing.

The service plan documents that TPR is in the child's best interest. The service plan changing the goal to adoption and the petition for TPR shall, whenever

possible, be submitted to the court and considered by the court at the same hearing ([§ 16.1-283 A](#)).

The petition shall specifically request that parental rights of the parents be terminated and that the LDSS be given the authority to place and consent to adoption of the child.

If a matter involving the child's custody has previously gone to a circuit court, that court has jurisdiction and the petition shall be filed there. The court will set a hearing date.

#### **9.5.4.3 Notifying interested persons of the TPR court hearing**

It is the LDSS' responsibility to submit the service plan **30 days prior** to the hearing in order to allow the court sufficient time for giving legal notice ([§ 16.1-283](#)).

- **Who gives notice.** The court where the hearing will be held is responsible for giving legal notice.
- Who receives notice.
  - Parents.
  - Child if 12 years of age or older.
  - Guardian or legal custodian.
  - Parents' attorney.
  - Guardian ad Litem (GAL).
  - Court Appointed Special Advocate (CASA).
  - Current foster parents.
  - Other necessary parties.
- **Notifying putative fathers** ([§ 63.2-1249](#)). Any petitioner who files a petition for the termination of parental rights or for an adoption proceeding shall request a search of The Virginia Putative Father Registry for any putative father. However, there are situations where the putative father may not need notification (see [Section 9.5.4.5](#))
- Additional information regarding how to search the Virginia Putative Registry can be found in [Virginia Putative Father Guidance](#).

#### 9.5.4.4 How notice is given for TPR hearing

- Delivered in person by sheriffs, their deputies, and police officers in counties or cities, or by any other suitable person designated by court;
- Certified mail with addressee only signing the return receipt; or
- Order of publication. Orders of publication shall state the purpose of the petition to be heard and where and when the hearing is to be held. Such orders shall be published for four successive weeks, in such newspaper as the court may prescribe. They require the defendant to appear to protect his interests on or before the date stated in the order.

#### 9.5.4.5 When notice is not required for TPR

Notice is not required if a parent:

- Has signed a permanent Entrustment Agreement;
- Has signed an affidavit waiving all rights to notice; or
- Is represented by counsel and counsel receives notice.

Situations when the putative father may or may not need notification:

- If his identity and location are known, the LDSS should contact him about signing a permanent Entrustment Agreement or an affidavit waiving all rights to notice. If he is unwilling to sign an agreement or affidavit, the court will notify him of the hearing.
- If the father's identity is known, but his current whereabouts are unknown, the LDSS shall attempt to contact him at his last known address by registered certified letter. This shall be done before petitioning the court for termination of his rights. To satisfy the "diligent efforts" requirement of the law, the LDSS shall attempt to locate the father through all sources such as relatives, former employers, Social Security, etc. If he cannot be found or if his address cannot be ascertained, the court requires an order of publication ([§ 16.1-264 A](#)).
- If the father's identity is not known or not reasonably ascertainable, the LDSS shall secure an affidavit from the mother to this effect. This affidavit shall be presented to the court. If the court certifies the identity of the father is unknown, notice is not required. When the LDSS has any question regarding the validity of the mother's affidavit, the matter should be brought to the court's attention ([§ 16.1-263 E](#)).

- If the mother knows the father's identity but she refuses to reveal it, the court certifies on the record that the father's identity is not reasonably ascertainable. The court may appoint a Guardian ad Litem to protect the rights of the unknown father.

#### **9.5.4.6 Transportation of prisoners for testimony in child welfare cases**

If a parent is incarcerated, the court may authorize the Department of Corrections to have the prisoner transported to provide necessary testimony in hearings related to child welfare. The testimony of prisoners can also be acquired using electronic video and audio communication systems or telephonic communication systems in lieu of a personal appearance if authorized by the court.

#### **9.5.4.7 Order to Terminate Parental Rights**

After the hearing, the court will send the LDSS a copy of the commitment order. The order shall specify termination of all parental rights with the LDSS' authority to place and consent to adoption. If not specified, the LDSS shall ask the court to clarify, in writing, the intent of the order. If a parent denies paternity or if the identity of a parent is unknown, the court order shall still specify termination of all parental rights. There is an exception. If a parent's rights have already been terminated by permanent Entrustment Agreement, then the order need not specify termination of that parent's rights (§§ [16.1-278.3](#) and [16.1-283](#)).

#### **9.5.4.8 Appeals**

Appeals shall be made to a juvenile court **within ten (10) days** of the entry of the order. The circuit court should schedule the appeal within 90 days from the day that it was filed (§ [16.1-296](#)). A child shall not be placed in an adoptive home until the appeal has been settled.

#### **9.5.4.9 Status of child after TPR has been achieved**

The child remains in custody of the LDSS and in foster care until the final order of adoption.

The court shall continue annual foster care review hearings for children whose parental rights have been terminated until a final order of adoption is entered. Administrative Panel Reviews shall continue, alternating with the court's foster care review hearings every six (6) months. The Foster Care Service Plan shall be reviewed at each six-month hearing or review.

## 9.6 Preparing the child for adoption

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Adoption services for children should ensure that adoption is the best plan for them and that they are prepared for adoption. Adults in the life of a child or youth can help them review, process and understand their previous life experiences to clarify what happened to them in the past and integrate those experiences so that they will have a greater self understanding. Foster/Adoptive parents, children's therapists, and workers can help children in answering important questions about their lives-both to assess their readiness for and to prepare them for staying permanently in their family.

### 9.6.1 Helping children and youth adjust to loss

Integration is a way of helping children and youth cope with the painful realities of the separation from their birth families that often impact their future behaviors and can create extraordinary stress between their birth families and their foster/adoptive families. The five step integration process was first described by adoption pioneer K. Donley (1988)<sup>1</sup> as an effort to clarify the child's permission to be in foster care, to live with new parents, to be loved by them and to be loved back.

- Create an accurate reconstruction of the child's entire placement history. Creating a lifebook, lifemap or ecomap with a child helps a child/youth to see and understand his or her own history.
- Identify the important attachment figures in the child's life. These attachment figures might be parents, siblings, former foster parents, or other family members.
- Gain the cooperation of the most significant of the attachment figures. Even if the birth family is not happy about a child's permanency goal of adoption, there is likely to be one important person who will be willing to work with foster/adoptive parents or the agency to make a child's transition to adoption easier.
- Clarify the permission message. It is important for children to hear and feel from people important to them that it is all right to love another family. The important person in a child's life who is available to give the child that message should be sought out to do so.
- Communicating it to the child. Whether the permission to "love your family" comes during a birth family visit or a telephone call, it is important that children hear from that person that is it not their fault they are in foster care

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<sup>1</sup> 1 ADAPTED FROM:

Rycus, J.S., & Hughes, R.C. (1998). *Field guide to child welfare: Placement and permanence* (Vol. 4, pp. 757-759). Washington, DC: CWLA Press; Columbus, OH: Institute for Human Services.

and that it is all right to love another family. This “permission” will go a long way to helping a child relax and transfer his/her attachment to the new family.<sup>2</sup>

### **9.6.2 Questions for children to assess where they are on permanency continuum**

The following questions may be used to help workers develop a sense of what the child is feeling and what he understands about adoption. These questions are a sample of how a child can be assisted in verbalizing their thoughts about adoption.

- Who am I? (question related to identity)
- What happened to me? (question related to loss)
- Where am I going? (question related to attachment)
- How will I get there? (question related to relationships)
- When will I know I belong? (question related to claiming and safety)

### **9.6.3 Lifebooks**

Children in out-of-home placements often lose their connection with their life history. For younger children in particular, memories may dissipate with time and the recall of grandparents, aunts, family friends, pets, and other connections may fade. Community connections with a pastor, teacher, or neighbor may also be forgotten when the child is moved from his or her community. Stuffed animals, trinkets from carnivals, school awards, Valentine cards, and other such typical childhood mementoes seldom accompany a child into foster care.

For many people, family picture albums, scrapbooks, family movies and videos, birthday cards, yearbooks, trophies, and other types of mementoes are significant items that document history and experiences of life. Through these items, we maintain a connectedness with our experiences, identity, accomplishments, and history.

Children in foster care can and should have a similar opportunity to stay connected with their identity. Lifebooks help document children and youths’ personal histories as they go through the foster care and adoption process. They also serve as a way for workers and foster/adoptive parents to connect with and understand the child’s history and experiences. The process of developing the lifebook communicates to the child that the adults in the child’s world are interested in his or her history, experiences, culture, and family. It can serve as a tool to build new connections with the foster parent and the caseworker.

### 9.6.3.1 What is a LifeBook?

A lifebook is a therapeutic process which helps the child to discover his or her history and identity in simple, age appropriate terms to better enable the child to accept his/her permanency outcome throughout the child's life. The lifebook is usually developed in the form of a scrapbook, with pictures, drawings, and children's narratives of their experiences and their feelings about these experiences. Although the use of lifebooks originated within adoption, they are best practice for all children in out of home care.

A lifebook is organized as a blank book with writing prompts and spaces for pictures and messages, and allows foster parents, therapists, workers, birth parents, adoptive parents and children a place to record information.

Lifebooks should be available to children whenever they feel a need to document their lives or have a desire to look back at their past. A lifebook is private because it contains details relating to a child's birth family and the reasons for placement, a lifebook should only be shared with others after consultation with the child.

Even if children are reluctant to participate in the creation of a lifebook, the case worker, the foster, adoptive parents should never stop collecting memories. Eventually, a child or youth will want to know about his/her history.

Lifebooks are an important part of the adoption experience and can include information about preparing for the adoption and all the steps that lead up to the child joining their forever family. When the child is adopted, the lifebook goes with him to the adoptive family.

### 9.6.3.2 How do I create a lifebook?

Lifebooks may be created by the caseworker with the help of the foster or resource family or by the resource family, and with the help of the child whenever possible. Either way, caseworkers will have to help gather information for a lifebook. Previous foster parents or relatives are often eager to help and can assume most of the responsibility for gathering contents and compiling the scrapbook. There are many sources of valuable information:

- Biological parents and other relatives often have pictures of the child. Families are often willing to provide pictures, if the purpose is explained, and if they are assured that the pictures will always be in the child's possession. If they have only original prints, photo shops can make copies, and the originals can then be returned to the family members.
- Family members can contribute pictures of themselves. This should include parents, siblings, extended family, family friends, and others who

have been important to the child. Children should be asked who they remember or who is important to them and those individuals should be contacted to obtain pictures or stories from these individuals about the child.

- The worker can approach previous foster parents or caregivers; they may have many pictures of the child in their own family albums. They can provide negatives or extra photos, or copies can be made from prints or slides. Workers may find photos documenting a child's first tooth, first steps, birthday parties, and other family events. Photos of previous foster families should also be obtained.
- The worker, and when possible with the foster parents, can return with the child to previous schools, neighborhoods, and communities, and together they can photograph people and places familiar to the child. The worker can also obtain class pictures from the school, and school pictures from the school photographer.
- The worker can call the hospital where the child was born; inquire whether infant photos were taken, and contact the photography department to obtain the negative or a reprint. Footprints and other documentation may also be available. The hospital building can be photographed also.
- The worker can ask relatives and previous caregivers for examples of the child's drawings and artwork.
- Workers can encourage current caregivers to document what appear to be unimportant daily events. These current events will one day be the child's history, and this documentation will be of particular importance if the child leaves his or her home.

### **9.6.3.3 What is the child's role in creating the lifebook?**

A child's lifebook is exactly that- a book about the child's life and adults can only provide support and assistance. Children of all ages should play an active role in creating their lifebook. Infants can share their hand and foot prints, a toddler can chose the color scheme, teens can add personal stories, poetry, artwork or personal journal entries. Children and youth should pick out their own lifebook format, colors, etc. Children may have very different ideas about what they see as important in their lives and their perceptions and wishes shall be honored. Workers and foster parents should introduce ideas the child has not considered but should not force these ideas on the child.

Children should also be allowed to compile their lifebook in whatever fashion they choose. The format and layout should be in line with the child's perceptions and preferences.

It is important for foster parents and /or service workers to make a copy of the foster or adopted child's lifebook. A much loved lifebook will be toted around by little ones and may get messy or destroyed. A child may feel a lot of anger and resentment about what has happened to them and rip up his lifebook or a child may lose it during a move from foster home to foster home or to a new adoptive home. The worker and family should plan to preserve a copy of the lifebook through copying or storing a digital version on a disk or flash drive.

#### 9.6.3.4 Additional lifebook resources

- The [Iowa Foster Care and Adoptive Parents Association](#) (IFAPA) provides free lifebook pages that you can download from their website.
- [Adoption Lifebooks](#) Resources, articles, newsletters, plus the Lifebook shoppe (books, workbooks, and special e-reports)
- [Day of Birth](#) Learn what day of the week you were born and interesting facts about the special day.
- [Behind the Name](#) This site provides in depth information about your name.
- [Birthday Weather](#) This site allows you to find the weather for an historical date in whatever city/country you want to locate. Free
- [Age Progression](#). This is a unique source that offers realistic age regression services for families and their children who have no baby photos. May also be able to recreate what parents may have looked like.
- [Child Welfare Gateway](#) Multiple resources and tips for creating lifebooks, sample lifebooks.
- [FosterClub](#) This site provides lifebook downloadable pages specific to teens.
- [Google Maps](#) Very helpful tool for showing where children were born and where they live now.

## 9.7 Involving youth when the goal is adoption

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When the goal of adoption is in the best interest of the youth for a lifelong permanent connection, then the service worker shall provide services that assist the youth to consider the goal of adoption. When the youth comprehends the benefits of adoption and is involved in the recruitment of a permanent family, he may potentially agree at a later date to the termination of parental rights. For the youth and service worker, exploring the permanency option of adoption is a process and not a one-time event. The service worker should provide services that sensitively address the strong feelings that may underlie a statement by a youth that he does not want to be adopted.

Participation of youth in planning their own adoption is critical. Permanent, nurturing family connections are as critical for youth in foster care as they are for younger children. Youth need to be actively involved in identifying past and present connections who can be explored as potential adoptive resources.

During the normal interaction with youth, the service worker should include a focus on who might the youth like to go home with, who do they spend time with on the weekend and holidays, who do they trust, who would they like to visit, who do they wish to be in contact with such as former foster parents, neighbors, parents of close friends, members of their extended family, teacher, coaches, group home staff, etc. The service worker may use the information in the [Permanency Pact](#) to assist the youth in identifying the many supports he will need and how having a permanent family through adoption may provide these needs.

The service worker should take steps to involve the caring, committed adults identified by the youth in meetings aimed at planning for the youth's future and the identifying of a potential adoptive family.

The service worker may want to make arrangements for youth to talk to young adults who were adopted as youth or provide an opportunity for the youth to meet adoptive parents who have previously adopted a youth. The youth should be given the opportunity to have an open dialogue directed by the youth to assist in dispelling any of the concerns the youth has surrounding adoption.

Often youth feel that agreeing to adoption is a betrayal to the parents and family. The service worker should continue to maintain connections with the birth family and when appropriate facilitate discussion between the birth family and youth to address these issues in an informal or therapeutic setting in which the parent may give permission to the youth to maintain his birth family connection and move forward with another permanent family connection.

Adoption does not mean the complete replacement of the birth family by the adoptive family. Youth who wish to maintain family connections should be supported in their

desire to remain safely in contact with key members of their birth family including parents, grandparents, siblings and other significant members of the extended family.

The service worker should engage the youth, his parents, and foster parents or prospective adoptive parents in a discussion about ongoing contacts with members of the youth's birth family when considering adoption. Youth and parents need help understanding that although a termination of parental rights will end the legal rights of the birth parents, a TPR does not need to terminate their emotional relationship or prevent the youth from visiting or contacting his birth parents. (See [Section 9.12](#) on PACCA).

In certain cases, the best permanency resource for the youth who has been freed for adoption may be a member of the child's birth family, including a parent from whom the child was freed. Sometimes, a parent's situation has changed significantly since the time of the termination proceeding and the bond between the youth and his birth family continues. The assessment of whether this is an appropriate resource is a social work decision in collaboration with the LDSS attorney and the youth's GAL.

Youth 18 years and older should be informed by their service worker that they can consent to their own adoption and that there is no need for legal proceedings to terminate their parents' parental rights (see Adult Adoption, [Section 6.5](#), Chapter F. Child and Family Services Manual).

No youth should age out of foster care without a life-long connection that is as legally secure as possible to an adult committed to functioning in a parental capacity and the service worker shall plan and offer services to support this belief.

## 9.8 Pre-Adoption services

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When the goal of adoption has been selected and TPR has been granted, consultation between foster care and adoption staff should occur. The purpose of this consultation is to determine the roles and responsibilities of all involved service workers in carrying out the activities that will result in a finalized adoption for the child. The activities described in this section should be discussed by all service workers involved and a plan for how each service will be provided and by whom, should be developed. The service plan developed for the child whose permanency goal has been changed to adoption shall include the steps to finalize an adoptive placement in a timely manner. This shall include adding the child to AREVA or obtaining a deferment if appropriate (see [Section 9.9.3](#)).

## 9.9 The Adoption Resource Exchange of Virginia

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The purpose of AREVA is to increase opportunities for agencies to place children waiting to be adopted with families wanting to adopt.

### 9.9.1 Services provided by AREVA include:

- Maintaining a registry of children awaiting adoption and approved families waiting to adopt.
- Uploading information on waiting children with TPR (no pending appeal) onto the [AdoptUSKids](#) website and uploading information on waiting families into the [AdoptUSKids](#) website.
- Featuring these children on [Virginia's Adoption](#) website through a cooperative agreement with the Children's Bureau, Administration for Children & Families and the Department of Health & Human Services as well as other adoption websites.
- Providing on-going recruitment for waiting children; especially those featured on Heart Gallery of Virginia.
- Providing consultation and technical assistance to agencies in finding adoptive families for waiting children.
- Monitoring agency compliance with legal requirements for adoption and registering children and families.

### 9.9.2 Registration procedures

All children shall be registered with AREVA within 60 days of termination of parental rights. Registration with AREVA is mandatory; access to the Adoption Progress Report on OASIS will be denied if the registration has not been approved by the [AREVA coordinator](#). Approval should be received by the [AREVA coordinator](#) within five business days of registration.

To register a child in AREVA the service worker must:

- Complete the AREVA child's registration screen in the OASIS. Complete registration includes identifying all *documented* developmental, emotional, physical, behavioral and educational needs of the child by checking the appropriate boxes and creating a narrative that reflects the personality of the child in strength based language.
- "Lasting Impressions: A Guide for Photolisting Children" is a publication that should be used to assist in writing the narrative as it provides tips and worksheets for how to write descriptions for the photolisting. Copies can be obtained directly through [AdoptUsKids](#), from the Resource Family Specialists or from the [AREVA coordinator](#) in the Permanency Unit at VDSS.

- Mail or send electronically to AREVA copies of court commitments and/or permanent entrustment agreements.
- Mail or email a 5X7 or larger color photograph of the child to [AREVA coordinator](#). If the picture is other than a professional photograph, it should be a clear and age appropriate representation of the child. A clear shot of the child's face is vital, and where possible, siblings should be photographed together. Avoid identifying clothing and background information. Paper printouts from a digital camera and photocopied reproductions should be avoided due to difficulty in scanning these media. If it is necessary to have the picture returned, please contact the [AREVA coordinator](#) prior to mailing. School pictures may be submitted to AREVA, if no other photograph is available.
- Updated information on each child will be requested annually as well as a recent picture by the AREVA Specialist. The AREVA Specialist will send the old narrative from [AdoptUsKids](#) to the service worker who shall make necessary changes and updates. Updates should be returned to the AREVA Specialist **within five (5) working days**. This process will continue as long as the child remains on the website.
- Any information sent to the AREVA Specialist shall include the child's name, OASIS case ID number, along with the current service worker's name, agency, direct telephone number and email address.

### 9.9.3 Children on deferment from photo-listing services

Service workers may receive permission to defer photo-listing a child for 60 days when:

- A family has been identified for the child and placement with the family (including the signing of the adoption placement agreement) is pending; or
- An out of state family has been identified and the local agency is working with the Interstate Compact On the Placement of Children Unit to meet all of the requirements for placement across state lines.

To obtain a deferment, the service worker shall:

- Complete the AREVA child's registration screen in the OASIS including the section on the reason for deferment. All sections of this screen shall be completed. The complete names of the prospective adopting parents along with their complete mailing address must be included.

- Private CPA's can retrieve the form for registration under the Forms on the [VDSS public website](#) or by calling the Permanency Unit at 1-800-DO-ADOPT.

Upon the request of the local supervisor, additional deferment time may be granted at the discretion of the AREVA unit for an additional 30 days. Additional time may be granted only under extenuating circumstances that are beyond the agency's control. For example, a case involving an interstate placement where completion of the adoptive home study has been delayed in the other state may be granted an extended deferment. When requesting extended time, the CPA must:

- Specify the reason for the extension.
- Provide a time period for the needed extension.
- Make the request on the change-of-status form which must be signed by the supervisor. Requests will be considered by the AREVA unit on a case-by-case basis.

A child on deferment status shall be featured on the website the month following expiration of the deferment period, unless an adoptive home placement agreement has been signed or upon the request of the local agency supervisor as defined above. A narrative written in strength based language, picture and copy of all court documents terminating parental rights of all parents will be required.

Placement into a residential facility, group home, etc. does not qualify for continuation of a deferment status.

Deferments relate only to the photo-listing service. Children and families for who deferments are being requested must be registered with AREVA.

#### **9.9.4 Families registered with AREVA**

- Families that are interested in children with special needs who are featured on [AdoptUsKids](#), Heart gallery, or other adoption websites.
- Complete the AREVA family registration screen on Oasis or complete the AREVA family registration form
- Mail to AREVA a 5 X 7 color picture of the family, including all persons that comprise the family. If the picture is other than a professional photograph, it should be a clear representation of the family. Paper printouts from a digital camera and photocopied reproductions should be avoided, due to difficulty in scanning these media. If it is necessary to have the picture returned, please contact AREVA staff prior to mailing.

- Include with the picture a printed copy of the last page of the AREVA family registration form with the original signatures; a copy of the completed home study with a narrative that describes the family and includes the family's email address
- Information and photos on families registered with AREVA will be uploaded onto the [AdoptUsKids](#) website under "Family Registration" unless the approving agency or the family have completed the [AdoptUsKids](#) forms independently.
- Annual updates will be done on all families registered with both AREVA and [AdoptUsKids](#).
- Agencies that are not a part of the OASIS system can retrieve the printed forms for registration under the Forms on the [VDSS public website](#) or by calling the Permanency Unit at 1-800-DO-ADOPT.

#### **9.9.5 Acknowledgment of materials submitted to AREVA**

AREVA staff will acknowledge receipt of all registration forms by entering the registration received date in Oasis. Agencies that are not part of the Oasis system may receive acknowledgement from AREVA staff by including an email address under their signatures on the AREVA registration form.

#### **9.9.6 Notification to AREVA of change of status**

When there is a change in the status of a child or family, notice shall be provided to the [AREVA coordinator](#). Possible changes in status and how to report them are listed below.

- Use the AREVA change of status form to provide updated information on the child; change in primary worker, new contact information, new email address, telephone number, etc.
- Use the AREVA change of status form to indicate that a case needs to be closed in AREVA, specifying the reason for the withdrawal. If the case is to be closed be certain to complete the text boxes at the bottom of the appropriate OASIS screen. Service workers should send the change of status form prior to closing the foster care case.

### **9.10 Adoptive home selection and preparation**

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Services related to the placement of the child are of paramount importance. Placement for the child will be based on the needs and attachments of each child and on the strengths and needs of the prospective family. When adoption is the plan for the child,

the agency should develop a child specific written strategy for recruitment of an adoptive home, unless a family has been clearly identified.

The Multiethnic Placement Act of 1994 (MEPA) as amended by the Interethnic Adoption Provisions of 1996 (IEP) shall be followed in all adoptive placements. Placement considerations on the basis of race, color or national origin are prohibited, except in individual situations where it can be proved that the consideration is in the best interest of the child.

An agency shall make reasonable efforts to place siblings together whenever possible in the same adoptive placement, unless it is contrary to the safety or well-being of any of the siblings to do so. If siblings are separated, frequent and regular ongoing contact should be encouraged among the adoptive placements.

### **9.10.1 Selecting the adoptive home**

Services for adoptive applicants begin with a study that involves the adoptive applicants in a process to determine with the agency whether they can meet the needs of an adopted child. A home study shall only be completed by a licensed or duly authorized CPA. The study should be carried out so that it brings about increased understanding of the process and begins to prepare the applicants for adoption.

The study should consist of a series of interviews in which adoptive applicants and the worker exchange factual information, discuss emotional factors involved in adoption, and come to recognize feelings and attitudes that may affect adoption. The study process should help to establish a relationship with the applicants that will make it possible for the applicants to continue to use help both during the selection and placement of the child and the post placement period.

Once a written application has been received, the study process should be carried through to completion unless the applicants request to withdraw their application. The request to withdraw should be in writing and documented in the record.

Adoptive families shall meet the criteria for a foster/adoptive home and the adoptive home study format in the [Local Department Resource, Foster and Adoptive Family Home Approval Guidance](#).

If the child is already living in the home of the potential adoptive parents, strong consideration should be given to placement with these persons, taking into account the length of time the child has been in the home, the depth and degree of bonding that has occurred and the child's ability to move from the home and form satisfactory attachments in another home and with another family.

The adoption team (see [Section 9.10.2](#)) should consider foster parents with whom the child has developed emotional ties as a primary adoptive resource for the child.

If the foster family is to be the adoptive family, the foster family needs to be prepared for the differences between foster care and adoption. (NOTE: Foster parents have the right to file a petition for adoption, without consent of the LDSS, when:

- The child has resided in their home continuously for at least 18 months.
- The birth parents' rights to the child have been terminated (§ [63.2-1229](#)).

### **9.10.2 Utilizing a team approach**

Selecting the adoptive home for a child should be done using a team approach. Development of a group of professional resource people in the community to serve as consultants can also be beneficial, especially for special needs children. A multi-disciplinary group can provide information specific to the needs of the child and can help assess the impact of placement of a child with a particular family under consideration.

The purpose of this team is to:

- Confirm the adoptive placement with caregivers with whom the child is presently residing; or
- Establish the adoption of the child with another selected family with whom the child has significant attachments.
- Be the deciding body in selecting an adoptive home for the child from among families who have shown an interest in adopting the child.

The team should be composed of a minimum of three persons, including a person in a management position in children's services, the child's worker and the worker responsible for placement and adoption services for the child. When two or more agencies are working in a collaborative partnership to match children to an adoptive family to finalize the adoption, the other CPAs involved in the collaboration should also be represented on the adoption team.

This team should meet whenever there is a minimum of one home interested in adopting a child to determine next steps in selecting the adoptive family and placing the child.

#### **9.10.2.1 Criteria for selection of a family for the child**

- The family's ability to meet the physical, emotional, and mental health needs of the child.
- The compatibility between the child's personal characteristics and the expectations of all members of the adoptive family.

- The specific experiences and/or training the family has had that prepares them to provide for the special needs the child may have.
- The resources in the family's community that are available to meet the child's special needs.
- The degree to which the family is willing to initiate and participate in medical and/or therapeutic treatment, if the child is in need of such services.
- The degree to which the family can accept the child's need for contact with siblings, other birth family members, and/or foster family if the need is indicated.

### 9.10.3 Educating and partnering with adoptive parents

Educating and building collaborative partnerships with adoptive parents should begin with their initial contact with the child welfare system and continue throughout the adoption process.

When the adoptive parents indicate interest in adopting a specific child with special needs, the agency shall provide and discuss the following information:

- The child's background and needs including non-identifying information about the birth family.
- The long term needs of children who have experienced trauma.
- The [Information Sheet on Adoption Assistance Program](#) including:
  - The purpose and types of adoption assistance and/or supports that may be available to help address the child's needs.
  - The application, assessment and negotiation process.
  - The adoption assistance agreement and how to request changes in the agreement when the child's needs and/or family circumstances of the adoptive parents change.
  - Contact information for the LDSS that has jurisdiction for adoption assistance to further discuss the program and submit their application).

While adoptive parents want to make a difference in the child's life, they may have concerns about how this decision will impact their lives and whether they will have the necessary resources to meet the child's needs once the adoption is finalized. The agency should discuss with the adoptive parents how they can integrate the

child with special needs into their lives and future. Providing sufficient information about the child to the prospective adoptive parents allow them to decide whether they and the child are right for each other and gives them time to examine their feelings about adoption as a means of having a family or enlarging the one they already have.

Discussions with the adoptive family about the option for establishing a Post-Adoption Contact and Communication Agreement (PACCA) shall occur in order to ensure the family understands the options for the child's contacts with their biological parent's post-finalization of the adoption (see [Section 9.12](#)). For those children who want to continue this contact once adopted, the adoptive parents will need to understand what the PACCA process includes in order to make a decision as to their willingness to support the child's need to maintain contact with his biological parents.

For more information on educating and partnering with adoptive parents, (See Adoption Assistance, [Section 2](#), Chapter F. Adoption).

Failure to provide the adoptive parents with relevant, full, factual information that the CPA has about the child and the child's birth family, except that which would reveal the identity of the child's birth family, the availability of adoption assistance for an eligible child, and the required application process prior to finalizing the adoption can provide grounds for the adoptive parents to appeal the agency's actions regarding adoption assistance.

#### **9.10.4 Full disclosure of child information**

The CPA shall provide the adoptive parents all known and relevant information about the child. The service worker should discuss this information, responding to all questions the adoptive parents may have.

The agency shall provide the adoptive parents a copy of the [Full Disclosure of Child Information](#) form which provides information on:

- The child's special needs, the services the child currently requires, and to the extent possible, the services the child will need.
- Medical, dental, developmental, behavioral, emotional, and educational information for the child.
- The child's experience in foster care, including the child's age when entering care, the reason(s) for entering care, and the child's placement history.
- The child's biological family, without revealing the family's identity, including but not limited to:

- Ages and genders of parents and siblings.
- Education, occupations, and talents of parents.
- Language, culture and traditions of family.
- Medical, mental health and substance abuse history of birth parents, grandparents, and other family members.
- Level of contact the child has had with biological and extended family prior and during foster care placement.
- Strengths, positive contributions, issues and challenges in the child's relationship with biological and extended family members.

The service worker should encourage adoptive parents to talk with the foster parents and any professionals (e.g., physician, teacher, and service providers) involved with the child to gain as comprehensive an understanding of the child's needs as possible.

The CPA shall share all relevant documentation, including medical records, prescription histories, psychological evaluations, school records, and any other information that documents the child's needs.

Failure to disclose all relevant information may result in an appeal by the adoptive parent and potential financial liability for the LDSS.

The adoptive parents may have a legitimate interest in disclosure of information from a child protective services record as the potential caretaker of the child. When the LDSS determines that disclosure of records or information in a child protective services (CPS) case is in the child's best interest, the LDSS may provide this information without a court order and without the consent of the family. (§ [63.2-105](#)).

#### **9.10.5 Arranging pre-placement visits**

After all information is shared with the prospective adoptive parents, the family decides to pursue placement of the child, the child has been prepared for the family, pre-placement visits should begin.

- When a specific adoptive family is selected for the child, the child's worker shall provide him with detailed information about the family, including sharing pictures of all family members, their home, pets, etc. The worker should also prepare the child for the anticipated number and location of visits with the prospective adoptive parents.

- There is no standard number of visits that is required before a child moves into an adoptive home, however, no child should be placed into an adoptive home on one visit unless the child is less than three days old.
- All parties, including the foster parents, the adopting parents, the child, and the child's worker are involved in planning the pre-placement visits. Visits should take into consideration the needs of each particular child.
  - Pre-placement and placement plans should be well thought out and outlined so that the child, the worker, the prospective adoptive parents, the foster parents, know what is being planned and the general timing of the various visits.
- If the child wants ongoing contact with the birth parents and the prospective adoptive family supports this contact, the service worker should also consider and discuss with the child and family, whether the birth parents should be included in any of the pre-placement visits. The purpose of including birth parents and how such visits would be arranged must be clear and in the best interest of the child (see [Section 9.12](#) for information about PACCA).

#### 9.10.6 Placement procedures

When all the parties involved in the child's adoption, including the child, believe the child is ready to move and the adoptive parents are ready for placement, arrangements are made for the move. If this is not a local placement, it is important to keep the agency who will supervise the placement informed of developments.

The LDSS and the schools shall jointly determine the child's best interest for his school placement up until the final order of adoption. A best interest determination meeting should be held when the child is in foster care, is placed in an adoptive home outside of the child's current school district and there is reason to believe that the child would be best served by remaining in his current school placement prior to the adoption being finalized. The adoptive parents should be actively engaged in the best determinations meeting and should be educated as to the purpose of the meeting, the practice of allowing children to remain in their current school when in the child's best interest and the plan for the child once the adoption is finalized (see [Section 12.12.1](#))

When an agency is considering an out of state adoptive placement for a child in its care, the agency shall take the steps necessary to initiate a request for approval for placement under the Interstate Compact on the Placement of Children before the visiting process can begin.

### 9.10.7 Completion of forms at the time of placement

- [The Adoptive Home Placement Agreement](#).
  - This form shall be signed on the date the adoptive placement begins. Even if the child was living in the home on a foster care basis, this agreement must be signed to show that the placement has changed to an adoptive placement.
- The [Adoption Assistance Agreement](#) if the child is to receive adoption subsidy. (See Adoption Assistance, [Section 2](#), Chapter F. Child and Family Services Manual).

### 9.10.8 Continuation of foster care services

Foster care services continue after adoptive placement until the final order of adoption. Foster care services to be continued include:

- Medicaid
- Therapeutic, tutoring, respite and other services as needed by a child based on each child's unique needs
- Eligibility for CSA funded services pending the final order of adoption
- Yearly foster care review hearings alternating with administrative panel reviews or court reviews, every six months until entry of the final order of adoption

For the child who is in foster care with the LDSS, adoption assistance payments and/or services may begin as soon as the adoptive home placement agreement and the adoption assistance agreement is signed by all parties and in effect. A final order of adoption is not necessary to begin making payments or reimbursing expenses. The decision to use either foster care funds or adoption assistance funds for the child prior to the final order of adoption is at the discretion of the LDSS, based on LDSS policy. However, the LDSS shall not use both foster care funds and adoption assistance funds for the child prior to the final order of adoption. Only one fund source shall be utilized.

## 9.11 Finalizing the adoption

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Following the placement of the child in the adoptive home and the signing of the Adoptive Home Placement Agreement form, the family and the CPA move to finalize the adoption. (See Finalizing the Adoption, [Section 3](#), Chapter F, Child and Family Services Manual).

## **9.12 Post-Adoption Contact and Communication Agreement (PACCA)**

The PACCA is a voluntary, legally enforceable, written agreement between the birth parent(s) and the adoptive parent(s) for contact and communication after the legal adoption of a child that has specific requirements included in the agreement (§§ [63.2-1220.2](#), [63.2-1220.3](#), [63.2-1220.4](#), [16.1-277.01](#), [16.1-277.02](#), [16.1-278.3](#), and [16.1-283.1](#)).

The PACCA is intended to support open adoptions in Virginia, especially for older children in foster care who have significant emotional attachments to their birth parents. Open adoption is a permanency practice that facilitates communication between the birth parent and the adoptive parent throughout the lifetime of the child.

Service workers should implement PACCA using the Virginia Children's Services System Practice Model to guide practice.

- Children, parents, and families have the right to be heard and involved in decision making. They are the experts about their own families. It is the responsibility of the service worker to understand the children and families within the context of their own family rules, traditions, history, and culture.
- The service worker should engage the families in a deliberate, collaborative manner to develop and implement creative, individual solutions that build on their strengths to meet their needs.
- Permanency is best achieved through a legal relationship such as parental custody, adoption, kinship care, or guardianship.
- Children have a right to connections with their biological family and other caring adults with whom they have developed emotional ties.
- Lifelong family connections are crucial for children and adults. It is our responsibility to promote and preserve kinship, sibling, and community connections for each child. We value past, present, and future relationships that consider the child's hopes and wishes.

The Code of Virginia uses the term "agency sponsoring the adoption" in describing the process for developing a PACCA. For the purpose of this guidance, this is the LDSS.

### **9.12.1 When PACCAs may be used**

A PACCA shall only be used in cases where all of the following conditions are met:

- It is determined to be in the child's best interests.

- The child placing agency (CPA) with custody of the child, usually the LDSS, recommends a PACCA.
- The child's guardian ad litem (GAL) recommends a PACCA.
- One or both of the birth parents want to sign a PACCA.
- The prospective adoptive parents want to sign a PACCA.
- If the child is at least 14 years old, the child agrees to a PACCA.

If any one of these conditions cannot be met, there can be no PACCA.

### **9.12.2 Submitting PACCA at permanency planning hearing**

At the time of the permanency planning hearing, if prospective adoptive parents have been identified and all parties agree to and sign a PACCA, the CPA service worker shall submit the PACCA to a juvenile court along with the service plan. The court may consider the appropriateness of the PACCA at the hearing, and if all requirements have been met, the judge will enter the PACCA into the order.

Although the agency is not required to consider a PACCA prior to terminating parental rights, it may do so in appropriate cases. For example, if the child is at least 14 years old and is objecting to the termination because of his or her desire to maintain contact with the birth parents, discussion of the PACCA should occur prior to the TPR. The decision to pursue a PACCA, however, should be made independently of the decision to pursue termination of parental rights.

A court or a CPA cannot require a PACCA as a precondition to making a decision in any case involving a child prior to the adoption ([§ 16.1-277.01 D](#)).

### **9.12.3 Approval of PACCA by circuit court**

The circuit court has the final authority to approve the PACCA if included in the final adoption order. However, if circumstances change between the permanency planning hearing and the circuit court hearing, the PACCA may not be included in the final order of adoption.

### **9.12.4 Enforcement of PACCA**

Once the adoption is approved, the terms of the PACCA become enforceable in circuit court by either the biological or the adoptive parents as long as the PACCA has been expressly included in the final order of adoption.

The termination of parental rights (TPR) and adoption are irrevocable. Failure to comply with the PACCA by either party has no effect whatsoever on the validity of

the TPR decision or adoption. Instead, if a party is not complying with the terms of the PACCA after the final order of adoption is entered, the other party(ies) can enforce the PACCA through a contempt (show cause) proceeding in court.

#### **9.12.5 Factors in deciding whether to enter into PACCA**

The scope of post-adoption contact is not limited by law. Accordingly, post-adoption contact between biological parents and the child can be as extensive (e.g., weekly visitation) or as limited (e.g., a photo once a year) as the birth and adoptive parents agree, subject only to the CPA and GAL approval with the agreement.

Birth parents, prospective adoptive parents, and the child to be adopted will have different factors to consider in deciding whether to enter into a PACCA. Some benefits and limitations of the agreement follow:

Family Member	Benefits	Limitations
<b>Child</b>	<ul style="list-style-type: none"> <li>• Has a realistic understanding of the circumstances regarding the birth parent(s)</li> <li>• Has a sense of security and well-being knowing the adoptive parent(s) and birth parent(s) work collaboratively to support the child</li> </ul>	<ul style="list-style-type: none"> <li>• Allows only the birth parent(s) and adoptive parent(s) to enter into the PACCA as a party</li> <li>• Does not allow grandparents, siblings or other birth relatives the option to enter into a PACCA</li> </ul>
<b>Birth Parent</b>	<ul style="list-style-type: none"> <li>• Have the ability to exchange information with the adoptive parent on an ongoing basis</li> <li>• Know that the child is in a safe and secure environment</li> <li>• Know that the child will have information regarding the birth family</li> </ul>	<ul style="list-style-type: none"> <li>• Interest in a PACCA does not guarantee an agreement will occur</li> <li>• Allows only the birth parent(s) to enter into the PACCA as a party</li> <li>• Does not allow grandparents, siblings or other birth relatives to enter into a PACCA</li> </ul>
<b>Adoptive Parent</b>	<ul style="list-style-type: none"> <li>• Supports the child's need to identify with the birth family and accept the new adoptive family</li> <li>• Allows a better understanding and knowledge of the biological family</li> <li>• Allows access to obtain additional family information, if needed</li> <li>• Obtains support of the birth parent(s) to help the child to become a member of the adoptive family</li> <li>• Having the ability to exchange ongoing information about the child</li> </ul>	<ul style="list-style-type: none"> <li>• Entering into a PACCA will not guarantee a continued relationship with the birth parent(s)</li> <li>• Requires the PACCA be submitted to and enforced by a circuit court in Virginia.</li> </ul>

A PACCA requires acknowledgements and conditions which include, but are not limited to:

- The PACCA can be used in all CPA placements.
- The prospective adoptive parent(s) and birth parent(s) shall be informed that a PACCA is optional.
- The PACCA allows the birth parent(s) or the prospective adoptive parent(s) the right to seek enforcement of the agreement.
- A PACCA is not required to complete an adoption nor shall it be a precondition to any decision related to a petition for a court order involving a child (e.g., TPR, changing the permanency goal to adoption).

- The prospective adoptive parent(s)/petitioner(s) shall submit the PACCA with the petition for the adoption.
- The CPA sponsoring the adoption, or the CPA that completes the adoption report, and the child's guardian ad litem (GAL) shall recommend that the PACCA be approved.
- The adoption is irrevocable even if the adoptive parent(s) or birth parent(s) do not honor the PACCA.

#### **9.12.6 Determining best interest of child with PACCA**

Generally after the decision to seek TPR has been made or after TPR has been achieved (whichever is most appropriate in the particular case), the CPA sponsoring the adoption should use a team approach to assess and determine the best interest of the child for a PACCA. The team should include the CPA service worker, GAL, any agency professional(s) preparing the child or adoptive parent for adoption, the child if appropriate, and/or involved therapists.

To determine the best interests of the child, the team should consider whether:

- After the adoption, the child would be at risk of physical and/or emotional harm.
- The incident of extreme cruelty, sexual abuse, or other factors that occurred prior to foster care or while in placement that would negatively impact a child having contact or communication with the birth parent(s) after an adoption.
- The child has a therapist, and the therapist's perception on a PACCA's impact on the child's well-being.
- The child has expressed interest in maintaining contact with the birth parent and in what form.
- The child has an ongoing relationship with the birth parent(s), and the nature of that relationship is supportive of the child.

The CPA service worker documents the discussion of "best interests" and the reasons why a PACCA is or is not recommended in the foster care contacts section of the OASIS. If the team determines that a PACCA is in the best interest of the child, the CPA service worker consults with the following individuals about whether they are interested in pursuing the PACCA:

- The child.

- The prospective adoptive parent(s).
- The birth parent(s).

If the child is 14 years of age or older, the child shall consent to the PACCA.

If the child, birth parent(s), and the prospective adoptive parent(s) are interested in developing an agreement, the CPA service worker should discuss the benefits and limitations with them, separately or together, as appropriate.

### 9.12.7 Who enters into agreement

The parties who enter into the PACCA shall be:

- The birth parent(s) of a child in the custody of an LDSS or licensed CPA.
- The pre-adoptive parent(s) who have signed an adoptive home placement agreement (§ [16.1-283.1](#)).

The CPA and GAL are not considered parties to the agreement. However, they sign the PACCA to indicate they have seen and approved the agreement as being in the best interest of the child and recommend its approval.

The child is also not a party to the agreement. Children age 14 years or older sign the PACCA indicating their consent to the agreement.

### 9.12.8 How to develop the PACCA

When a birth parent(s) and prospective adoptive parent indicate a willingness to develop a PACCA, the agency service worker provides suggestions for terms of the agreement and a packet of information to the birth parent(s) and prospective adoptive parent(s), which contains at least the following:

- A fact sheet with the following statements:
  - The adoption is irrevocable even if either party does not honor the PACCA.
  - A PACCA is optional.
  - The agency sponsoring the adoption or completing the adoption report and GAL shall recommend that the PACCA is in the best interest of the child.
  - The prospective adoptive parent(s) shall agree to the PACCA.
  - The birth parent(s) shall agree to the PACCA.

- The child age 14 and older shall consent to the PACCA.
- A PACCA grants the birth parent(s) and/or adoptive parent(s) the right to seek enforcement of the PACCA through contempt proceedings in court.
  - The prospective adoptive parent would have to submit the agreement with the petition for the adoption. The PACCA shall be filed with the petition in a Virginia circuit court to be legally enforceable.
  - Future changes, such as either party moving out of the state, should be considered when developing the terms of a PACCA, and the PACCA should state, if possible, what the parties will do in the case of such future changes.
- Examples of types of contact and communication that can occur and suggestions regarding frequency of contact:
  - Types of contact: Letters, phone calls, visits, email, online video contact (e.g., Skype).
  - Provisions of visits: Sharing photos and information on health, education, and welfare; discussing the child's goals.
  - Frequency of in-person contact: Whenever the adoptive and birth parent agree to a visit based on discussion ahead of time; on specified days; at the request of the child, and with the approval of the biological and adoptive parent; on holidays, twice a year, three to four times a year, or annually.
  - Whether visits/contact should be made in person or not.
  - Whether contact and communication is just between parents or includes the child.
- The form for a [PACCA Agreement](#).

#### **9.12.9 Role and responsibility of CPA completing the adoption report**

The primary role of the CPA is to:

- Ensure the team determines whether a PACCA is in the best interest of a child.

- Provide information to the birth parent(s) and/or prospective adoptive parent(s), if the PACCA is determined to be in the best interest of the child.
- Determine if the parties are interested in a PACCA.
- Assist in determining appropriate types of contact and communication.
- Review the PACCA after it is developed.
- Sign the PACCA, if approval is recommended by the agency.

The CPA sponsoring the adoption signs the agreement to indicate its recommendation for approval of the PACCA.

The CPA will not sign the agreement if the CPA does not agree with one or more terms within the PACCA.

If there is no sponsoring agency, the CPA ordered by the circuit court to complete the Report of Investigation will include in the report that they have been informed of the PACCA and whether they recommend approval of the agreement.

Circumstances where there would not be an agency sponsoring the adoption include:

- In the event that the agency that has custody with the right to consent to adoption for a child is withholding consent.
- A foster parent files a petition to adopt the foster child placed in their home.
- Another CPA is ordered to complete the Report of Investigation.

#### **9.12.10 Modification and enforcement of PACCA**

A PACCA can be modified upon request by either the birth parent(s) or adoptive parent(s). Legal fees, the cost for a GAL and court reporter fees are the responsibilities of the parties involved. Special service payments from adoption assistance agreements shall not be used to modify and/or enforce a PACCA.

### **9.13 Adoption disruption**

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Adoption disruption is the termination of an adoptive placement prior to the finalization of the legal adoptive process. The child cannot be removed from the adoptive home without the consent of the adoptive parents unless:

- The juvenile or circuit court orders the child's removal; or
- The child is being mistreated, neglected, or subjected to unwholesome influences. ([§ 63.2-904](#))

Recognizing that disruptions are a possible occurrence in any adoption, families should be made aware that this could happen. Disruption is often not a topic discussed - possibly because no one wants to anticipate the failure of an adoption, or because it seems to imply that the people involved (agencies, parents, professionals) have failed a child. The topic can generate accusatory and negative comments and, as a result, many who face the prospect of disruption struggle to find solutions. A positive communication process between the family and the CPA can facilitate an open and productive discussion of a pending disruption and aid in mutual planning if this should occur. Agencies may refer families to websites that provide additional support and guidance such as [What to Do When Your Adoption is Failing - Introduction](#).

The decision to stop the adoption process should be mutual, that is, arrived at between the parents and worker and, when feasible, the child. The decision should be made slowly and carefully, only after all alternatives and resources have been exhausted. Families considering disruption are distressed and in crisis and are likely to have difficulty in evaluating the situation objectively and in sorting out issues. The worker should offer assistance to the family either directly or through a referral of the family to an adoption-competent therapist to sort out the issues affecting a successful adoption.

Specific steps workers can take to help a family through disruption include:

- Respond to the family's request for assistance immediately.
- Maintain open communication with the family.
- Schedule a Family Partnership Meeting to identify services and/or solutions needed to support the family and child in crisis.
- Negotiate an agreeable plan of action with the family and the child.
- Help parents discuss disruption openly with the child and refer the family for therapeutic services to assist the parents and child in processing the disruption.
- Discourage the family from blaming anyone, including themselves.
- Review with the family the progress the child has made while in their care.
- Recognize the family for their efforts, time, concern, and love for the child.
- Help the family with their grief at the loss of the adoptive child.

- Educate the family on the importance of their attitudes toward a child during disruption.
- Help the disrupting family understand the importance of their support and preparation of the child as he moves to another family and of their responsibility to send the child with all of his belongings, including photographs and other mementos depicting the time he lived with them.

The child in a disruptive situation needs understanding, emotional support, and permission to grieve. The child needs to be assured that the service worker will continue to plan for and with him and demonstrate that he will be taken care of.

Specific steps workers can take to help the child through disruption include:

- Discuss with the child in words he can understand that living in this home is not working.
- Help the parents and child to discuss disruption together.
- Help the child recognize and cope with his reactions and feelings and to express them appropriately.
- Address with the child the loss of his family.
- Help the child complete a section of his Lifebook dealing with this placement and its disruption.
- Assure the child of continued adult interest and caring.
- Carefully plan for the next placement so that the child's needs are the primary consideration.

## **9.14 Achieving permanency with goal of Adoption**

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The goal of Adoption is achieved when the final order of adoption is entered (see [Chapter F](#). Adoption, Child and Family Services Manual).