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21 **400.2 Philosophy And Purpose**

22

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

25

26 **401.1 Adoptive Family Recruitment**

27 Major objectives:

- 28 A. Child and Family Services will utilize private child placement agencies or adoption
29 exchanges if necessary to find adoptive families in-state or out-of-state.
30
- 31 B. In addition, other recruitment activities may include media coverage, newspaper listings,
32 radio spots, or adoption parties in-state or out-of-state.
33

34

35 **Applicable Law**

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

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

39 Administrative Rule [R512-41](#). Qualifying Adoptive Families and Adoption Placement.
40

41 Practice Guidelines

- 42 A. Adoptive Family Recruitment Plan - Annually, in coordination with the state adoption
43 specialist, each region will develop a recruitment plan. Regions may be requested to
44 participate with additional recruitment efforts. Recruitment efforts shall be coordinated
45 with the Utah Foster Care.
46
- 47 B. Plan Requirements - The recruitment plan will, at a minimum:
- 48 1. Establish the number of adoptive homes needed, including specific needs of the
49 children they anticipate placing;
 - 50 2. Identify retention and training components;
 - 51 3. Identify advertising activities;
 - 52 4. Identify other agencies or resources that will be contacted.
53

401.2 Qualifying An Adoptive Family

Major objectives:

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

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

Applicable Law

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

Practice Guidelines

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

- 95 2. Child abuse screening of all adults present in the home;
- 96 3. Autobiography of parent(s) and family members;
- 97 4. Behavioral assessment of parent(s) and children living at home;
- 98 5. Health status verification of parent(s) and children living at home;
- 99 6. Financial status verification;
- 100 7. Home safety and health assessment;
- 101 8. Assessment of parenting skills for children living at home;
- 102 9. Recommendation - types of children that are appropriate for prospective
- 103 adoptive family.

104
105 For information on when to release the home study for adoptive purposes, refer to
106 Practice Guidelines [Section 305.6](#).

107

108 **401.3 Matching The Child And The Adoptive Family**

109

Major objectives:

110

A. In the matching process, the selection of an adoptive family will be in the best interest of the child.

111

112

113

B. The adoption decision must be based on a thorough assessment of the child's current and potential developmental, medical, emotional, and educational needs.

114

115

116

C. The ability of the adoptive or foster/adoptive care family to successfully meet the child's needs and to love and accept the child as a fully integrated member of the family must be considered.

117

118

119

120

D. Child and Family Services shall comply with The Interethnic Placement Act.

121

122

123

E. Sibling groups should not be separated. When separation is necessary to protect the well-being of one or more children in the sibling group, all reasonable efforts must be made to maintain contact between siblings.

124

125

126

127

Applicable Law

127

128

42 United States Code Section 1996b - Interethnic Adoption

128

(1) Prohibited Conduct

129

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

130

(A) deny to any individual the opportunity to become an adoptive or foster care parent, on the basis of the race color, or national origin of the individual, or of the child, involved; or

131

132

(B) delay or deny the placement of a child for adoption or into foster care, on the basis of the race, color, or national origin of the adoptive or foster parent, or the child involved.

133

134

135

136 **Practice Guidelines**

- 137 A. Child's Preference - The child's preference may be considered, if they have the capacity
138 to express a preference.
139
- 140 B. Foster Care Family Preference - A foster care family (or other caregiver with physical
141 custody) of the child may be given preferential consideration for adoption if the child
142 has substantial emotional ties with the foster family/caregiver and if removal of the
143 child from the foster family/caregiver would be detrimental to the child's well-being.
144
- 145 D. Geographic Boundaries - Geographic boundaries alone should not present barriers or
146 delays to the selection of an adoptive home.
147
- 148 E. Indian Child Welfare Act (ICWA) - The ICWA takes precedents for an adoption of an
149 Indian child who is a member of a federally recognized tribe or Alaskan native village.
150

151 **401.4 Adoption Decision**

152 **Major objectives:**

153 Permanency decisions should be made in a timely manner, recognizing the child's
154 developmental needs and sense of time.
155

- 156 A. If the child is not already in the adoptive home, Child and Family Services shall make
157 intensive efforts to place the child with an adoptive family within 30 days after the
158 child's permanency goal changes to adoption.
159
- 160 B. If an adoptive family is not found within 30 days of the child's permanency goal
161 changing to adoption, Child and Family Services will contact The Adoption Exchange
162 and/or a licensed child placing agency that contracts with Child and Family Services to
163 help recruit an appropriate adoptive family for the child.
164
- 165 C. If the child has already been placed with the family that intends to adopt at the time
166 the child is freed for adoption, Child and Family Services shall begin to assist the
167 adoptive family and child through the transition process to adoption.
168

169 **Applicable Law**

- 170 Utah Code Ann. [§62A-4a-106](#). Services provided by division.
171 Utah Code Ann. [§62A-4a-205.6](#). Adoptive placement time frame – Contracting with agencies.
172 Utah Code Ann. [§78B-6-128](#). Preplacement adoptive evaluations – Exceptions.
173 Administrative Rule [R501-7-9](#). Services for Children.
174 Administrative Rule [R501-7-10](#). Services to Adoptive Parents.
175 Administrative Rule [R512-31](#) Foster Parents Due Process.
176

177

178 Practice Guidelines

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

181

182 A. When a child's permanency goal changes to adoption, the out-of-home caregivers who
183 have been caring for the child are generally the first family to be considered to adopt a
184 child.

185

186 B. When a child or sibling group who has a permanency goal of adoption is not currently
187 living with the family who will be their permanent family, possible adoptive families will
188 be selected that can best meet the characteristics, history, and needs of the children.

189 1. If siblings had not been placed together and there are no safety concerns that
190 preclude the siblings being together, the Adoption Committee should consider a
191 family for all the siblings to be adopted together.

192 2. If siblings are not able to be adopted together or if being taken from a current
193 family would create undue trauma to the children, Child and Family Services will
194 facilitate agreements between the permanent families to allow lifelong contact
195 to be pursued between the siblings.

196 3. Relatives should be re-assessed as possible adoptive family options.

197 4. If no appropriate relatives are available, other appropriate adults known to the
198 child should be considered.

199

200 C. When no prospective relative families or appropriate adults known to the child are
201 identified as adoptive placements, Child and Family Services will appoint and convene
202 an Adoption Committee to select an adoptive family from the currently available
203 licensed Out-of-Home caregivers. Caregivers will be considered who want to adopt and
204 can best meet the needs of the child. A minimum of three possible adoptive families
205 will be presented to the Adoption Committee for consideration. If three families cannot
206 be identified because of the exceptional circumstances of the child or sibling group, the
207 Adoption Committee may approve an adoptive family for the children based on fewer
208 adoptive placement options.

209 1. Licensed families from across the state who are interested in adopting and who
210 could meet the child's needs (as outlined in Out-of-Home Care Practice
211 Guidelines [Section 301.5](#)) will be considered regardless of regional location.
212 Placement Committees will contact the other regions to find licensed caregivers
213 appropriate for the child's or sibling group's needs.

214 2. The Adoption Committee may choose not to place a child or sibling group with
215 any of the proposed adoptive or adoptive/foster care families if it is determined
216 that none of the families will adequately meet the needs of the child. In such
217 circumstances, an out-of-state search for adoptive/foster care or adoptive
218 families shall be initiated.

- 219
- 220 D. Children will be Listed with The Adoption Exchange:
- 221 1. When no permanent family who is appropriate for the child or sibling group is
- 222 identified in Utah.
- 223 2. Within 30 days of the child's permanency goal changing to adoption.
- 224
- 225 E. Registering the Child with The Adoption Exchange:
- 226 1. The caseworker will contact The Adoption Exchange to obtain a user name and
- 227 password. Then the caseworker shall go to www.utdcfsadopt.org and register
- 228 the child.
- 229 2. In the website, the caseworker shall enter the required information about the
- 230 child.
- 231 3. The Child and Family Team will choose the array and intensity of family
- 232 recruitment activities to be utilized for the child, such as:
- 233 a. Utah website family recruitment.
- 234 b. Profile party recruitment.
- 235 c. Utah Heart Gallery recruitment.
- 236 d. Televised and print media "Wednesday's Child" family recruitment.
- 237 e. The Adoption Exchange website, which includes eight western states.
- 238 f. National AdoptUsKids website family recruitment.
- 239 g. Database matching of the child with families on the database.
- 240
- 241 F. Inquiries from Prospective Adoptive Families for Children Registered with The Adoption
- 242 Exchange:
- 243 1. The Adoption Exchange will respond to initial inquiries from prospective
- 244 adoptive families.
- 245 a. When prospective adoptive parents make an inquiry about a specific
- 246 child but do not have an adoptive home study, The Adoption Exchange
- 247 will inform the interested parents about the adoption process, including
- 248 the acquisition of a home study and what they might expect when
- 249 parenting children who have been neglected or abused.
- 250 b. If prospective adoptive parents want additional information about a
- 251 specific child, the prospective adoptive parents will be given general
- 252 information about what kinds of behaviors and challenges children may
- 253 exhibit who have the same level of needs to help them decide if they
- 254 want to move forward with the training and adoptive home study
- 255 process.
- 256 c. If prospective adoptive parents seem to be an appropriate match for a
- 257 child but they need more information about the child to inform their
- 258 decision, the caseworker may share additional information regarding the
- 259 child after having the prospective adoptive parents sign form DCFS01

- 260 Confidentiality Agreement. The caseworker may not, however, share the
261 child's mental health diagnosis.
- 262 d. The Adoption Exchange will send home studies from prospective
263 adoptive families who want to be considered for a specific child or sibling
264 group to the assigned RFC and/or caseworker.
265
- 266 G. The assigned RFC and/or caseworker will screen the adoptive home studies they receive
267 from the recruitment efforts. The caseworker may choose up to three potential
268 adoptive families that can best meet the child's needs to present to the Adoption
269 Committee.
270
- 271 H. As the home studies are reviewed and decisions are made regarding the prospective
272 adoptive families, the assigned RFC and/or caseworker will respond to each as described
273 below:
- 274 1. The caseworker shall contact prospective adoptive families that will not be
275 considered for the specific child or sibling group to inform them of the decision
276 and the reasons why.
- 277 2. When more than one prospective adoptive family is being considered for the
278 specific child or sibling group, the caseworker will contact each family to inform
279 them they are one of multiple families being considered.
- 280 3. When there are three or more prospective adoptive families that will be
281 considered for a specific child or sibling group, the home studies will be brought
282 to the Adoption Committee for consideration and selection.
283
- 284 I. The prospective adoptive family, approved for the child, must have all background
285 clearances, including the FBI fingerprint-based background clearance.
- 286 1. Currently licensed foster parents who are licensed after April 1, 2007 should
287 have had the FBI fingerprint-based check completed in compliance with the
288 Adam Walsh Act.
- 289 2. Currently licensed foster parents who are licensed before April 1, 2007 will need
290 to have their FBI fingerprints scanned to comply with the Adam Walsh Act.
- 291 3. Prospective adoptive parents who are not licensed or are licensed as proctor
292 parents will need to have their background screening, including FBI fingerprints,
293 conducted as part of their adoptive home study. The adoptive home study, with
294 background screening, must be completed within 18 months of placement of the
295 child who is to be adopted in accordance with Utah Code Ann. [§78B-6-128](#).
296
- 297 J. When the prospective adoptive parents have decided that they want to move forward
298 with the adoption of the child, the caseworker shall develop a transition plan by holding
299 a Child and Family Team Meeting inviting the following to participate (when appropriate
300 and applicable): the child, the current caregivers, prospective adoptive parents, other

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

- 343 of the Permanency tab, on the lower left hand side of the Adoptive Placement
344 section for the "Intent to Adopt Signature Date")
345 2. The caseworker shall set a date for the family to review the file again before the
346 finalization of the adoption. If the family declines additional reviews of the file,
347 the caseworker will document this in an activity log.
348

349 **401.4a Disclosing Child's Information**

350 **Applicable Law**

351 Utah Code Ann. [§63G-2-202](#). Access to private, controlled, and protected documents.
352 Utah Code Ann. [§78B-6-143](#). Nonidentifying health history of adoptee filed with bureau –
353 Limited availability.
354

355 Practice Guidelines

356 The caseworker shall provide detailed information about the child to the prospective adoptive
357 parents, allowing sufficient time for the prospective adoptive parents to make an informed
358 decision regarding placement of the child in their home. When relevant, the caseworker shall
359 encourage adoptive parents to consult with other family members living in the home in making
360 the decision.
361

- 362
- 363 A. The prospective adoptive parents should review the child's file before making the life-
364 long decision to adopt. The file may contain information that will help the family decide
365 if they have the skills and support to raise the child. The file also has important
366 documents that the family would want to copy, for example immunization records and
367 school placement information. [See: Department of Human Services, Office of Licensing,
368 Child Placing Agencies, [R501-7-9](#), Services for Children and [R501-7-10](#) Services to
369 Adoptive Parents.]
370
- 371 B. The prospective adoptive parents need to know that the information in the child's file is
372 important in two ways.
- 373 1. First, it will help them decide whether or not they should adopt the child, and
 - 374 2. Second, this information is part of the child's history. The prospective adoptive
375 parents should gather information from the file and share it with the child as he
376 or she grows. Information from the file will help the child understand himself or
377 herself and his or her history.
378
- 379 C. Information about the "child" may be shared as follows:
- 380 1. Licensed foster parents who are considering adopting a child in Child and Family
381 Services custody shall have access to information contained in the child's file that
382 is important to understand and raise the child. Licensed foster parents are
383 contracted by Child and Family Services as a provider to care for the child. Thus,

- 384 they may view any parts of the child's file that help them understand the child
385 and the child's background for purposes of adopting and parenting the child.
- 386 2. Prospective adoptive parents, who are not licensed foster parents, should also
387 have information that is important to raise a child. Pursuant to the Government
388 Records Access and Management Act (GRAMA), Child and Family Services has
389 determined that, when adopting a child, the interest in sharing the child's
390 information outweighs the privacy interests in the record.
- 391 a. Appropriate information about the child should be shared; however,
392 neither the biological parents' nor foster parents' medical, psychiatric,
393 psychological, or other personal information should be disclosed to
394 individuals who are not licensed foster parents.
- 395 b. Child and Family Services must use prudent judgment in providing non-
396 licensed prospective adoptive parents information about the child that
397 may be important for the stability of the child's adoptive placement.
398 Confidential information that is important to raising the child may be
399 shared, but should be shared in a non-identifying way.
- 400 3. Utah Code Ann. [§78B-6-143](#) states that adoptive parents may have the Health
401 Department's "Vital Records and Statistics" information that contains medical,
402 psychological, and social history about the child's biological family; however, it
403 must not identify the biological parents or members of their families. Child and
404 Family Services collects the same information on the Health Data report in SAFE.
405 A permanency caseworker transfers information from the Health Data Report to
406 the Vital Records and Statistics 'Non-Identifying Health, Genetic, and Social
407 Histories' form for adoptive parents.
- 408 a. A permanency caseworker shall print the Health Data Report without the
409 child's name for the purposes of the adoption finalization to be
410 submitted to Vital Records and Statistics for required 'Non-Identifying
411 Health, Genetic, and Social Histories' forms.
- 412 b. Printing the Health Data Report for the purposes of adoption is
413 conducted by going to the Person Health window in SAFE. Check the
414 bottom of the screen called Health Detail button, then from the "file" tab
415 select "Print Health Data Report". At the bottom of the Health Data
416 Report, you will find "Adoption Use Only" and "Vital Stats Letter & Health
417 Data Report". Then press the "print" button. This will print a letter to
418 Vital Statistics and Records, the non-identifying family health history data
419 and child's health history.
- 420 4. The prospective adoptive parents should be aware that the information in the
421 file is often the subjective opinions of the caseworker or therapist written at one
422 time in the child's life. Circumstances and the child's development can change
423 the way a child behaves and adjusts to current life situations. For instance, the
424 child may have received many different mental health diagnoses. The mental
425 health diagnoses in a child's file is affected by each therapist's interpretation, the

- 426 child's developmental stage, factors in the child's environment, and different life
427 circumstances.
- 428
- 429 D. Child and Family Services File Review Guidelines.
- 430 1. The confidentiality agreement must be signed by the prospective adoptive
431 parents. [SAFE form DCFS02.]
- 432 2. The caseworker should orient prospective adoptive parents to the structure of
433 the files and where information is located.
- 434 3. The caseworker should counsel prospective adoptive parents to consider specific
435 types of information, such as medical conditions, developmental delays,
436 disabilities, mental health diagnoses, placements and transfers, educational
437 needs, and other considerations for the child.
- 438 4. The booklet called "Prospective Adoptive Parent's Guide to a Child's File
439 Information" directs the prospective adoptive parents to look for specific
440 information they will need to parent the child and identify information to copy
441 for future reference. [*Red type* identifies information to copy for the prospective
442 parents, if they decide to adopt the child. Originals of pictures, letters, and
443 belongings should be given to the family adopting the child. Copies can be
444 retained in the file.]
- 445 a. Medical Information: *Immunizations, all allergies including food allergies,*
446 *disabilities and treatments, current medications and implications of*
447 *discontinuing medications, history of illnesses. Disabilities and*
448 *treatments.* Conditions from abuse or neglect, *serious accidents,*
449 *surgeries, past doctors, and hospital of birth.*
- 450 b. Dental Information: Dental records, *past dentists,* and orthodontic work,
451 and *orthodontist.*
- 452 c. Educational Information: *Schools and grades, evaluations, special*
453 *education plans such as Individual Education Plans (IEP) or Student*
454 *Education and Occupational Plans (SEOP), learning disability including*
455 *specific disability, and test results.*
- 456 d. Mental Health Information: *Current and prior therapists* and history of
457 treatment, diagnoses, and especially current diagnosis. What the
458 diagnosis means in raising a child, what behaviors are connected with the
459 diagnosis, and how are connected behaviors best dealt with. The
460 prospective adoptive parents should be encouraged to talk directly with
461 the child's mental health therapist when possible.
- 462 e. Family Story: *Health Data Report* information that is transferred to the
463 Vital Records and Statistics 'Non-Identifying Health, Genetic, and Social
464 Histories' form, family situation, moves or stability factors, abuse and
465 neglect history, domestic violence, reason for the child's removal from
466 their biological family, culture, *genogram including the siblings (with their*
467 *birth dates), timelines.* Family member's talents, hobbies, and interests.

- 468 *Family photos, especially photos with the child as a baby and early in life.*
469 *Letters to the child from relatives, especially the mother and/or father.*
- 470 f. Child's Personal Information: Developmental history, when available.
471 Placement history including the child's adaptation. Birth certificate.
472 Photos of the child, of pets, of foster parents, or of other significant
473 caretakers. The child's artwork, creations, or projects. Stories about the
474 child's birth and early life. Church records, such as baptismal, christening,
475 Bar mitzvah, and confirmation records. Activities such as scouts, sports,
476 choir, etc. Favorite foods, favorite toys or stories, names of friends, and
477 other things that may help the child feel more secure, such as chores and
478 house rules or bedtime routines.
479
- 480 E. After the prospective adoptive parents have looked through the file, talk with them
481 about what they found. Give them health and mental health diagnoses summary
482 sheets, and answer questions they may have.
483
- 484 F. Helpful websites include:
485 1. American Academy of Child & Adolescent Psychiatry: www.aacap.org.
486 2. American Psychological Association: www.apa.org.
487 3. American Academy of Pediatrics: www.aap.org.
488 4. Substance Abuse and Mental Health Services Administration: www.samhsa.gov.
489
- 490 G. The caseworker shall respond to questions or concerns of the potential adoptive parents
491 and give the prospective family time to think about all they have learned. The
492 caseworker should also encourage them to set another appointment to talk and ask
493 other questions.
494
- 495 H. The adoptive parent(s) shall be advised of possible financial and medical assistance
496 available through adoption assistance to meet the special needs of the child.
497
- 498 I. The caseworker will have the prospective adoptive parents sign the Child and Family
499 Services' information disclosure SAFE form AD13 to acknowledge they have been
500 provided relevant information obtained by Child and Family Services while the child was
501 in state custody.
502
- 503 J. No identifying information regarding the adoptive parents shall be released to birth
504 families without the written consent of the adoptive parents.
505

506 **401.5 Adoption Training**

507 Major objectives:

508 Adoptive and Adoptive/Foster Care Family Training - To successfully care for a child, the
509 caseworker will verify that the adoptive families and adoptive/foster care families have
510 completed a training course approved by Child and Family Services prior to the child's
511 placement in the home.
512

513
514 **Applicable Law**

515 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.
516

517 Practice Guidelines

- 518 A. Training for Adoptive and Adoptive/Foster Care families may consist of classroom
519 courses and/or in-home study materials as approved by Child and Family Services and
520 regional training staff. Training may be provided by the Child and Family Services, or
521 Child and Family Services may accept training provided by another agency if it meets the
522 standards of Child and Family Services. The caseworker will verify that all required
523 training has been completed. The training must address at least the following:
- 524 1. Orientation to Child and Family Services programs;
 - 525 2. Team building;
 - 526 3. Family systems;
 - 527 4. Child development;
 - 528 5. Abuse and neglect;
 - 529 6. Sexual abuse;
 - 530 7. Attachment/separation issues;
 - 531 8. Discipline;
 - 532 9. Cultural issues;
 - 533 10. Primary families;
 - 534 11. Effects of care giving on the family;
 - 535 12. Permanency issues for children and families.
536
- 537 B. Specialized Training - The adoption caseworker may require the adoptive family to
538 receive more specialized training before placement to ensure the parents have the
539 necessary skills to meet the needs of the child that they are willing to adopt. Specialized
540 training may address such topics as medically fragile infants, adolescents, behavioral
541 challenges, and others.
542
- 543 C. The caseworker will ensure that the family:
- 544 1. Has completed Child and Family Services approved adoption training;
 - 545 2. Has been assessed and qualified to adopt by a licensed child placement agency
546 or Child and Family Services;

-
- 547 3. Has received a foster care license issued by the Office of Licensing, or if the
548 family is interested only in a child who is legally free for adoption at the time of
549 placement, then a license is not required, but there must be documentation that
550 the standards of a foster care license are met.
- 551 4. And if the adoptive family is a Child and Family Services employee, the
552 appropriate procedure has been followed to ensure that no conflict of interest
553 exists in completion of the assessment, placement, and supervision. [See: Utah
554 Administrative Code [R512-40.5](#).]
555
- 556 D. Screening - The caseworker shall explain the Criminal Background Check, and Child
557 Abuse Database Screening and explain that an FBI check (including fingerprinting) is
558 needed if the applicant has not lived in Utah for the past five years. The caseworker will
559 explain the authorization form for the Criminal Background Check, and Child Abuse
560 Database Screening. If the applicant(s) does not pass the Criminal Background Check or
561 the Child Abuse Database Screening, the caseworker will inform the applicant(s) that
562 they are not eligible to proceed with the assessment.
- 563 1. Criminal Background Check - Complete a criminal background check for all adults
564 present in the home.
- 565 2. Child Abuse Database Screening - Complete a child abuse database screening for
566 all adults present in the home.
567
- 568 E. Assessment - Each region may develop their own assessment form and process. The
569 caseworker or other child placement agency will use the following criteria to assess the
570 potential of prospective adoptive families to determine if the adoption placement is in
571 the best interest of the child. The caseworker should consider the child's kin or
572 extended family as a possible placement at this stage of the process.
- 573 1. Child's Needs and Family's Strengths - The selection of an adoptive family shall
574 be based upon the child's needs and the family's strengths.
- 575 2. Race, Ethnicity, and Culture - An adoptive placement shall not be delayed or
576 denied on the basis of race, color, or national origin of the adoptive or foster
577 family or child, as required by federal law.
- 578 3. Religious Preference - A child's religious preference may be taken into
579 consideration in the selection of an adoptive family.
- 580 4. Safety of Children in Home - No child should be placed in a specific adoptive or
581 adoptive/foster care home if the placement would put other children residing in
582 the home at risk.
- 583 5. Preferential Placement Requirements Foster Family or Other Caregiver with
584 Physical Custody - A foster family (or other caregiver with physical custody) of
585 the child may have preferential consideration for adoption if the child has
586 substantial emotional ties with the foster family/caregiver and if removal of the
587 child from the foster family/caregiver would be detrimental to the child's well-
588 being.

- 589 6. Guardian ad Litem (GAL) Recommendation - The caseworker should solicit and
590 consider the input of the child's GAL in selecting the adoptive placement.
591 7. Age of Adoptive Parents - The selection of the adoptive parents shall not be
592 based upon the age of the adoptive parents, except that the adoptive parents
593 must be at least 10 years older than the child placed for adoption. [See: Utah
594 Code Ann. [§78B-6-114](#).] The Office of Licensing, Rules for Child Placing Agencies,
595 Rule R501-7-5.3.b.(2) states, "Age: Chronological age alone should not be the
596 determining factor for the selection of adoptive parents. Utah statutes require
597 that the adoptive parents be at least ten years older than the child placed for
598 adoption. Physical condition and life expectancy of the applicants should be
599 taken into consideration to protect the child against a repeated, foreseeable loss
600 of parents through death or incapacitating illness. Also, it is important for
601 applicants to be physically and emotionally capable of meeting the needs of the
602 children as they grow and develop."
603

604 **401.6 Foster Family Preferential Consideration**

605 Major objectives:

606 Foster Family Preferential Consideration - Foster parents may be given preferential
607 consideration when applying to adopt a child in their care. However, the Adoption Committee
608 may choose not to make the adoptive placement with the foster family who has become
609 licensed for adoption, if good cause can be demonstrated. The major objectives for removing a
610 child from a foster family shall be followed. [See: Utah Administrative Code, Human Services
611 Rule [R512-31](#).] Reasons for not placing the child with the foster family for adoption shall be
612 documented in the case record and provided to the family in writing.
613

614 **Applicable Law**

615 Utah Code Ann. [§78B-6-132](#). Children in the custody of the Division of Child and Family Services
616 -- Consideration of child's relationship with foster parents who petition for adoption.
617

618 Practice Guidelines

619 The foster family or caregiver's application to adopt shall be processed and, if satisfactory, the
620 adoptive assessment completed before any other applications to adopt the child are processed.
621 For preferential consideration, the foster family or caregiver shall submit the application for an
622 adoptive assessment to Child and Family Services within 60 days of the change of the goal to
623 adoption or of the court's discontinuation of reunification. If parental rights have been
624 terminated, the application shall be submitted within 30 days.
625

- 626
627 A. If the application has not been submitted within 30 days of termination of parental
628 rights, the caseworker shall consider approved adoptive families throughout the state,

- 629 shall contact other licensed child placing agencies, and shall list the child on appropriate
630 adoption exchanges.
631
632 B. Factors that shall be taken into consideration regarding selection of the home for
633 adoptive placement shall be consistent with those a court would use to determine if the
634 foster family would be selected. [See: Utah Code Ann. [§78A-6-510](#).]
635
636 C. Foster Parents Practice Guidelines for Preferential Adoptive Placement - When
637 evaluating the foster parents as adoptive parents, consider the following:
638 1. The extent to which the child has become integrated into the foster family and
639 has familial identity with that family;
640 2. The ability and willingness of the foster family to treat the child as a family
641 member;
642 3. The love, affection, and other emotional ties existing between the child and the
643 foster family, and the child's ties with the foster family;
644 4. The capacity and disposition of the foster family to give the child love, affection,
645 and guidance, to meet the emotional needs of the child, and to provide for the
646 education of the child;
647 5. The length of time the child has lived with a stable, satisfactory foster family and
648 the desirability of the child's continuing to live in that environment;
649 6. The likely permanence of the foster family as a family unit.
650

651 **401.7 Adoption Committee**

652 Major objectives:

653 In situations in which a child who has a permanency goal of adoption is not with the family who
654 will be their permanent family, an Adoption Committee shall select an adoption placement that
655 is in the best interest of the child.
656

657
658 **Applicable Law**

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

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

662 Utah Administrative Rule [R512-41-6](#) Adoption Decision
663

664 Practice Guidelines

665 Establishing an Adoption Committee

- 666 A. The region director shall review annually the membership and terms of service of the
667 regional Adoption Committee, along with the frequency of Adoption Committee
668 meetings.

-
- 669 1. The Adoption Committee should consist of at least three members and include
670 senior level Child and Family Services staff and one or more members from an
671 outside agency with expertise in adoption and foster care.
672 2. If no Child and Family Services caseworker with adoption experience is available
673 in the local area to participate on the Adoption Committee, an individual with
674 adoption expertise from outside of the area may be included on the committee,
675 such as the state program administrator, a clinical consultant, or an adoption
676 caseworker from another region. The Adoption Committee should have at least
677 three members.
678
- 679 B. Adoption Committee members must disclose any personal relationship with a family
680 being discussed and may recuse themselves from the proceeding.
681
- 682 C. The Adoption Committee may meet in any location appropriate for the case.
683
- 684 D. The caseworker for the child or sibling group is responsible for presenting the
685 information necessary for the Adoption Committee to assess adoptive placement
686 alternatives for the child or sibling group. Information should include all assessments
687 for each child including the child's characteristics, history, strengths, preferences, and
688 needs. Recommendations regarding qualifications of potential adoptive families should
689 be shared with Adoption Committee members. The referring caseworker shall not be a
690 voting member of the Adoption Committee.
691
- 692 E. Anyone who has information regarding the child and the potential adoptive families
693 may be invited by the Adoption Committee to present information but not participate in
694 the deliberations.
695
- 696 F. The Adoption Committee will reach a decision regarding the most appropriate adoptive
697 family for the child or sibling group by consensus. If consensus cannot be reached, the
698 Adoption Committee will submit their recommendation to the region director or the
699 Child and Family Services director, if needed, who will make the final decision.
700
- 701 G. All proceedings from the Adoption Committee are confidential and maintained at a
702 protected status. Each participant at the Adoption Committee meeting shall sign
703 Confidentiality Form DCFS01.
704
- 705 H. Minutes shall be taken at each Adoption Committee meeting. A copy of the minutes
706 shall be maintained at the local office or at a centralized location within the region and
707 relevant portions may be added to a child's case record.
708

- 709 I. Justification for Selection of an Adoptive Family: The Adoption Committee will select
710 the best adoptive family to meet the needs of the child or sibling group and document
711 the proceedings in the meeting minutes according to the following:
- 712 1. Document the rationale, including how the selection of the proposed adoptive
713 family meets the long-term best interests of the child.
 - 714 2. If none of the proposed adoptive families are selected, document the rationale.
 - 715 3. If siblings are not placed together, document the reasons.
- 716
- 717 J. When a prospective adoptive family for the child has been selected, the caseworker will
718 notify the family in writing of their selection.
- 719
- 720 K. A family that is not selected for an adoptive placement of a specific child shall have no
721 right to appeal the decision unless they have been the child's current licensed foster
722 family for six months or more. In these cases, the foster parent due process rights for
723 removal of a child applies. [See: Foster Parents Due Process, Utah Administrative Code,
724 Human Services Rule [R512-31](#).]
- 725

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

Major objectives:

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

Applicable Law

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

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

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

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

-- Fees.

Practice Guidelines

- 742 A. Access to Relevant Records - Adoptive families will have access to all relevant
743 information in the case record to help them understand and accept the child and
744 preserve the child's history.
- 745
- 746 B. Ongoing Support - Child and Family Services will inform the adoptive family of
747 community services and adoption assistance available before and after the adoption is
748 finalized. Child and Family Services will provide ongoing support to the child and
749 adoptive parents during the transition until finalization of the adoption. At a minimum,

- 750 the finalization will take six months. Child and Family Services' involvement will
751 continue until the adoption is finalized. As part of the supervision, Child and Family
752 Services will develop a service plan within 30 days of placement. The caseworker shall
753 maintain contact with the adoptive family including frequent visits with the child for at
754 least the first six months after placement. Post Adopt Services shall be made available,
755 as needed, to the child and family.
756
- 757 C. Parental Request or Concerns with Adoptive Placement - Child and Family Services shall
758 consider removal of a child before an adoption is finalized if the adoptive parents
759 request removal or if serious circumstances impair the child's security or development.
760
- 761 D. Prior to removal, Child and Family Services shall respond to an adoptive family's
762 concerns in a timely manner, counsel with the family, and, if possible and appropriate,
763 offer further treatment, including intensive in-home services or temporary removal of
764 the child from the home for respite purposes.
765
- 766 E. Decision to Remove - If removal is sought, the Child and Family Team shall review the
767 placement progress and present situation and decide to either continue placement with
768 further services or to remove the child from the home. The placement committee will
769 be notified and will assist the Child and Family Team to locate a placement. The region
770 director will review and approve the decision.
771
- 772 F. Documentation of Removal - Removal of a child from an adoptive family shall be
773 documented in the child's record and in the adoptive family record.
774
- 775 G. Notice of Agency Action - If a decision is made to remove the child, a Notice of Agency
776 Action shall be sent to the adoptive parents notifying them of their due process rights.
777 The adoptive family shall be offered the same rights as those offered a foster family
778 regarding removal of a child. [See: Utah Administrative Code, Human Services, Rule
779 [R512-31.](#)]
780
- 781 H. Adoption Finalization and Post Adoption - Before an adoption is finalized, the
782 appropriate Adoption Committee shall review the placement, authorize finalization, and
783 approve adoption assistance, when appropriate.
784
- 785 I. Adult Adoptee or Adoptive Family Request for Records - The adoption records of Child
786 and Family Services shall be made available to the adoptive parents or adult adoptee
787 upon written request in accordance with GRAMA. [See: Utah Code Ann. [§63G-2.](#)]
788
- 789 J. Priority Guidance for Selecting Adoptive Parents:
790 1. Indian children must be placed with prospective adoptive families according to
791 the provisions of ICWA.

-
- 792 2. The decision to place a child with adoptive parent(s) must comply with Utah
793 Code Ann. [§62A-4a-602\(5\)\(c\)](#) and [§78B-6-117](#).
- 794 3. A child may be adopted by:
- 795 a. Legally married couples who have a valid proof of a legal marriage or
796 have a court document for registration of a common law marriage from a
797 court of competent jurisdiction.
- 798 b. A single adult who is not cohabiting with another person in a sexual
799 relationship.
- 800 4. The prospective adoptive parent(s) must be 10 years older than the child being
801 adopted.
- 802 5. The prospective adoptive parent(s) must be able to meet all of the child's unique
803 medical, educational, or behavioral and mental health needs.
- 804
- 805 K. Tax Credit Information – Inform the adoptive family who was selected for a child that
806 there is a tax credit for adopting a child from foster care. The family can find out more
807 about the tax credit by going to the Adoption Connection website at utahadopt.org and
808 looking up tax credit information under the “Considering Adoption” tab.
809
- 810 L. Preparation of the Child for an Adoption:
- 811 1. The caseworker will make every effort to ensure that a child who may be free for
812 adoption is placed with a family who is qualified for adoption.
- 813 2. The caseworker shall help the child work through the issues associated with
814 adoption (for example, concerns about separation from foster parents, transition
815 to a new family, etc.). A therapist may assist in this process if the caseworker
816 determines that this assistance is needed.
- 817 3. When appropriate, the caseworker shall encourage continuation of a child's
818 relationships with individuals with whom the child has previous, supportive
819 emotional ties such as a foster family, a caseworker, a therapist, and/or
820 extended family members. The caseworker shall counsel the adoptive parents
821 concerning the issues the child may have as the transition is made to an adoptive
822 placement.
- 823 4. The caseworker shall ensure that the child's life book is prepared to accompany
824 the child to the adoptive placement. The child's life book, including personal
825 information regarding the child's life and family of origin that has been gathered
826 by the foster family or biological family, shall be forwarded to the adoptive
827 family. This may include written records, photographs, birth information, and
828 schoolwork.
- 829
- 830 M. Steps to Prepare for an Adoptive Placement:
- 831 1. The caseworker shall provide ongoing support to the adoptive parents during the
832 transition, placement, and supervisory period.

-
- 833 3. The caseworker shall inform the adoptive family about specific services that are
834 available during the supervisory period and after finalization. These services
835 may include adoption assistance, Post Adoption Services, and/or training that
836 may be available to help the parents respond to special needs of the child.
837 Adoptive parents shall verify in writing that Post Adoption Services were offered.
- 838 4. The caseworker shall notify the family that if they are requesting adoption
839 assistance, an adoption assistance agreement must be signed prior to the
840 finalization of the adoption.
- 841 5. The caseworker shall inform the family that they have the right to apply for
842 adoption assistance. The regional adoption subsidy committee will determine if
843 the child qualifies. If the child is denied adoption assistance, the family will be
844 sent a notification of a right to a fair hearing at which they can appeal that
845 decision.
- 846 6. If the level of adoption assistance is offered at less than the requested amount,
847 the regional adoption subsidy committee shall send the family a notification of a
848 right to a fair hearing.
849
- 850 N. Payment to Adoptive and Foster/Adoptive Care Parents Prior to Finalization:
- 851 1. The caseworker shall explain the appropriate types of adoption assistance to the
852 adoptive parents and assist them with the process.
- 853 2. The caseworker shall explain to the adoptive parents that funds for the child who
854 is not legally free for adoption are foster care funds.
- 855 3. The caseworker shall explain that assistance for the child who is legally free for
856 adoption may be foster care funds or upfront adoption assistance funds if the
857 child is eligible for adoption assistance and Child and Family Services funding is
858 available. The amount and type of payments for a child in Child and Family
859 Services custody placed with an adoptive family may be the same as for any
860 other child in custody until finalization.
- 861 4. The caseworker will negotiate the level of adoption assistance. The Adoption
862 Committee will approve or disapprove the negotiated level of adoption
863 assistance. If the proposed level of adoption assistance is disapproved, the
864 caseworker will renegotiate the level of adoption assistance with the adoptive
865 family prior to finalization.
- 866 5. The caseworker shall inform the family that they have the right to apply for
867 adoption assistance. The regional adoption subsidy committee will determine if
868 the child qualifies. If the child is denied adoption assistance, the family will be
869 sent a notification of a right to a fair hearing at which they can appeal that
870 decision.
871
- 872 O. Community Services - The caseworker shall inform adoptive parents of appropriate
873 community services, as needed, after placement but before the adoption is final. The

- 874 caseworker shall facilitate linking the family with community services to help the child
875 become successfully integrated into the adoptive family.
876
- 877 P. Court Finalization of an Adoption - The caseworker will help adoptive parents
878 understand the juvenile, district, or tribal court proceedings for finalizing the adoption:
879 1. Adoptions are finalized in the juvenile or tribal court that has jurisdiction of the
880 case of the child.
881 2. If the child has reached the age of majority (18 years of age or older), the
882 adoption is finalized in juvenile or tribal court that has jurisdiction of the case as
883 long as:
884 a. The juvenile or tribal court determined that the child cannot safely return
885 to his or her parents, and
886 b. The juvenile or tribal court has terminated parental rights of the parents
887 of the child in custody, and
888 c. The child has reached the age of majority and continues to be in state
889 custody.
890 3. If the child has reached the age of majority while in custody but the parental
891 rights of the parents have not been terminated or voluntarily relinquished, the
892 adult adoption must be finalized in district court in the district where the
893 adopting family resides.
894 4. The adopting parent(s) are responsible for hiring a private attorney to petition
895 the court and pay for fees associated with the adoption finalization. Up to
896 \$2,000 of attorney and filing fees may be reimbursable to the adopting parent(s)
897 by submitting receipts.
898 5. At the request of the attorney, the court preceding may be closed for an
899 adoption finalization proceeding.
900
- 901 Q. Adoptive Placement from Another Region or Child and Family Services Office - If it is
902 necessary to remove a child who was placed with an adoptive family at the request of
903 another region, staff from the sending region shall establish a plan for future placement
904 based upon the needs of the child. The plan shall be submitted for approval to the
905 Adoption Committee and the region director in the region where the child was placed.
906
- 907 R. Parent Support Groups - The caseworker may arrange for and facilitate parent support
908 groups for families who have adopted a child with special needs and who request
909 ongoing supportive services. The adoptive parents may be encouraged to take an active
910 role in developing and maintaining the support group.
911

912 **401.8a Contact Between Adopted Child And Birth Family Members**

913 Philosophy

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

917
918 Major objectives

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

- 922
923 A. Relieve grief and loss. Children have often lost connections with birth family members
924 through being in out-of-home care and further lose connections after they are adopted.
925
926 B. Cultivate pride in their biological heritage to develop self-worth and good self- esteem.
927 Contact with appropriate birth family members can help an adopted child understand
928 their biological heritage.
929
930 C. Explain things like their genetic traits and possible inherited medical and mental health
931 conditions.
932

933
934
935 **Applicable Laws**

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

937 Utah Code Ann. [§78B-6-146](#). Post Adoption Contact Agreement.
938

939 Definitions

940 A. Post Adoption Contact Agreement: A document, agreed upon prior to the finalization of
941 an adoption of a child in custody of Child and Family Services, that outlines the
942 relationship between an adoptive parent, birth parent, or other birth relative and an
943 adopted child after the finalization of adoption.
944

945 B. Other Birth Relative: A grandparent, stepparent, sibling, stepsibling, aunt, or uncle of
946 the prospective adoptive child.
947

948 Practice Guidelines

949 A. The caseworker shall discuss with the Child and Family Team the short- and long-term
950 advantages and disadvantages of a post adoption contact agreement with birth family
951 members.

- 952 1. Determine if there are birth family members who can be safe and appropriate.

- 953 2. Determine if contact with safe and appropriate birth family members would
954 benefit the child and be in the child's best interest.
955
- 956 B. The caseworker shall discuss with the prospective adoptive parents if they are willing to
957 consider contact with safe and appropriate birth family members. If so:
- 958 1. Assess if a relationship with birth family member(s) can be non-judgmental and
959 trusting and if not, what things would be helpful to develop a basic trust.
- 960 2. Assess whether both the prospective adoptive parents and birth family
961 member(s) for who contact is being considered agree that they want contact.
- 962 3. For each birth family member for whom contact is agreed upon by both the
963 adoptive parents and the birth family member, determine:
- 964 a. What kind of contact (such as letters, email, telephone calls, video
965 conferencing, or face-to-face visits).
- 966 b. How often contact would be beneficial. Examples may be yearly,
967 quarterly, or monthly.
- 968 c. The kind and frequency of contact should be defined separately for each
969 birth family member for whom contact would benefit the child.
970
- 971 C. The caseworker shall educate the prospective adoptive parents that post adoption
972 contact agreements may be a:
- 973 1. Verbal agreement between them and the birth family member.
- 974 2. Written agreement between them and the birth family member which details
975 agreed-upon contact. This type of agreement is written in good will but is not
976 legally enforceable.
- 977 3. Legally enforceable written post adoption contract agreement between them
978 and the birth family member that is submitted in court at the time of the
979 adoption finalization.
980
- 981 D. The caseworker shall help the prospective adoptive parents think through how changes
982 in the agreed-upon contact will be addressed in the future.
983

984 Legally Enforceable Post Adoption Contact Agreement

- 985 A. When both the prospective adoptive parents and birth parent or other birth relative
986 agree to enter into a legally enforceable post adoption contact agreement, a caseworker
987 may help in the development of that agreement.
- 988 1. Child and Family Services may NOT take into account a prospective adoptive
989 parent's willingness, or unwillingness, to enter into a post adoption contact
990 agreement before placing the prospective adoptive child for adoption.
- 991 2. Child and Family Services may NOT imply a legally enforceable post adoption
992 contact agreement is required before an adoption may be finalized.
- 993 3. In order to be legally enforceable, a post adoption contact agreement shall be:

-
- 994 a. Approved by the court before the finalization of the adoption, with the
995 court making a specific finding that the agreement is in the best interest
996 of the child;
997 b. Signed by each party claiming a right or obligation in the agreement; and
998 c. Approved by the child, if the adopted child is 12 years of age or older.
999
- 1000 B. The caseworker shall ensure that the post adoption contact agreement includes the
1001 following;
- 1002 1. A description of visits, if any, that shall take place between the birth parent,
1003 other birth relative, prospective adoptive parent, and adopted child, and the
1004 degree of supervision, if any, that shall be required during a visit between a birth
1005 parent, other birth relative, and adopted child.
- 1006 2. What information, if any, shall be provided to a birth parent or other birth
1007 relative about the adopted child and how often that information shall be
1008 provided.
- 1009 3. A description of what grounds, if any, on which the adoptive parent may;
1010 a. Decline to permit visits between the birth parent or other birth relative
1011 and the adopted child; or
1012 b. Decline to permit information provided to a birth parent or other birth
1013 relative about the adopted child.
1014
- 1015 C. The caseworker shall ensure that all parties understand that a violation of a post
1016 adoption contact agreement is not grounds:
- 1017 1. To set aside an adoption; or
1018 2. For monetary damages.
1019
- 1020 D. Child and Family Services and the court shall presume that the adoptive parent's
1021 judgment about the best interest of the child is correct in any action seeking to enforce,
1022 modify, or terminate the post adoption contact agreement.
1023
- 1024 E. The caseworker will ensure that all parties understand that in the case of a violation of a
1025 post adoption contact agreement, the court that approved the post adoption contact
1026 agreement may order the parties to attend mediation if it is determined to be in the
1027 child's best interest. The mediation will determine if:
- 1028 1. The parties performed the duties outlined in the post adoption contact
1029 agreement in good faith;
- 1030 2. There is a reasonable alternative that fulfills the spirit of the post adoption
1031 contact agreement without ordering mandatory compliance with the post
1032 adoption contact agreement; and
- 1033 3. Enforcement of the post adoption contact agreement is in the best interest of
1034 the adopted child.
1035

- 1036 F. The caseworker shall ensure that the post adoption contact agreement does not limit
1037 the adoptive parent's ability to move out of state.
1038
1039 G. The caseworker shall have the prospective adoptive parents and any birth family
1040 member who is a party of the draft agreement read and sign the agreement.
1041
1042 H. The caseworker shall send the post adoption contact agreement to the Assistant
1043 Attorney General and the child's Guardian ad Litem for input and to be written as a
1044 court document.
1045

1046 **401.9 Post Adopt Services**

1047 Philosophy

1048 Adoption is an ongoing process that brings joys and challenges and unknown factors. The
1049 emotional highs and lows all families experience may be intensified by the many facets of
1050 adoption.

1051
1052 Child and Family Services has Post Adopt Services for families who have adopted children from
1053 foster care or who have been involved with Child and Family Services.
1054

1055 Major objectives

- 1056 A. The following Practice Guidelines are for use by post adopt workers.
1057
1058 B. Post adopt workers will support families who have adopted children from any state's
1059 foster care system.
1060
1061 B. Post Adopt Services are to prevent the disruption of children from adoptive placements.
1062
1063 C. Post Adopt Services include:
1064 1. Helping adoptive families who have questions or concerns.
1065 2. Helping adoptive families find community resources specific to their needs.
1066 3. Accessing the adopted child's case file and information.
1067 4. Assisting adoptive families and their children with appropriate connections with
1068 birth family members.
1069 5. Providing clinical expertise to assess and help adoptive families with the
1070 challenges of parenting children who have special needs.
1071
1072

1073 **Applicable Law**

1074 Utah Code Ann. §53A-2-207. District of residency.

1075 Utah Code Ann. §62A-4a-101. Definitions.

1076 Utah Code Ann. §62A-4a-106. Services provided by Division.

1077 Utah Code Ann. [§62A-4a-607](#). Promotion of adoption -- Agency notice to potential adoptive
1078 parents.

1079 Utah Code Ann. [§62A-4a-906](#). Adoption Assistance Eligibility.

1080 Utah Code Ann. [§75-5-103](#). Delegation of powers by parent or guardian.

1081 [Utah Code Ann. §78B-6-143. Nonidentifying health history of adoptee filed with office.](#)

1082

1083 Practice Guidelines

1084 A. Pathways to Adoption. Post adopt workers will teach Pathways to Adoption (eight
1085 hours) and other adoption-related training for adoptive parents to help them
1086 understand how trauma, grief, and loss create challenging survival behaviors in the
1087 children they are adopting and raising. The training will also address common special
1088 needs found in children who are adopted from foster care such as fetal exposure, sexual
1089 issues, sensory-related challenges, and mental illness. The training will allow adopting
1090 parents to know the role of their post adopt worker and meet other adoptive parents,
1091 as well as learn about resources such as support groups, respite care, and mental health
1092 providers.

1093

1094 B. Place to Call for Help. Post adopt workers will help adoptive families who have
1095 questions or concerns.

1096

1097 C. Community Resources for Adoptive Families. Post adopt workers will have a working
1098 knowledge of community resources that may help adoptive families with their specific
1099 situations. Post adopt workers may:

1100 1. Connect families to helpful informational resources, support groups, schools,
1101 respite care options, mental health professionals, and an adoption lending
1102 library with many resources. Refer families to Utah's Adoption Connection
1103 website for updated adoption, trauma, and special needs resources as well as
1104 printed materials such as the Child and Family Services Adoption Connection
1105 newsletter and resources from the lending library.

1106 2. Cultivate resources or find creative alternatives to address the specific needs of
1107 adoptive families.

1108 [3. All non-identifying family health history data and child's health history from the
1109 child's foster care record in the Health Data Report from the screen called "Vital
1110 Stats Letter & Health Data Report" will be printed for the adoptive parents.](#)

1111

1112 D. Access to Case Files and Information. Post adopt workers will access information from
1113 the adopted child's out-of-home file for parents to review for information needed to
1114 understand the child. Information may include the child's history that make
1115 connections between the child's past, timeframes for life events, gaps in information,
1116 and past services that may be helpful.

1117

- 1118 The post adopt worker may help the adoptive parent share file information with the
1119 child as they grow. [See: [Section 401.4a](#) for information on file disclosure.]
- 1120 1. The confidentiality agreement, SAFE form DCFS02, must be signed by the
1121 adoptive parent prior to viewing the file.
 - 1122 2. Child and Family Services should orient the adoptive parent to the structure of
1123 the file and where information is located.
- 1124
- 1125 E. Contact with Birth Family. Post adopt workers may provide their expert guidance to
1126 help bridge the gap between the adoptive family and the birth family at the adoptive
1127 parents' request.
- 1128
- 1129 F. Clinical Expertise. Post adopt workers will provide clinical expertise and help access
1130 resources in the community to help adoptive families understand how trauma, fetal
1131 alcohol, and other special needs affect brain development and create challenges in
1132 parenting adopted children.
- 1133
- 1134 Post adopt workers will provide or facilitate crisis and time-limited counseling to
1135 stabilize a difficult situation. When an adoptive family is in crisis:
- 1136 1. The post adopt worker will conduct an assessment to determine the appropriate
1137 level of interventions needed to serve the child and preserve the family.
 - 1138 2. The post adopt worker will develop a Child and Family Team and meetings will
1139 be held as needed to work concurrently with mental health, respite care, cluster
1140 groups, and other resources to provide the ongoing formal and informal
1141 supports needed to help stabilize the family.
 - 1142 3. When an adoptive parent, who has adopted a child from foster care, contacts
1143 Child and Family Services to request services, Child and Family Services is
1144 permitted to reassess adoption assistance or use FPA grant funds or supplement
1145 adoption funds, when available, to help a child remain in the custody of his or
1146 her parents.
 - 1147 4. If a case is opened by the post adopt worker to help the post adopt child and
1148 family, it will be opened under a post adopt In-Home Services code unless there
1149 are allegations of abuse and/or neglect.
 - 1150 5. When a child has been adopted from foster care and there is a CPS investigation,
1151 the CPS caseworker will notify a post adopt worker to coordinate services.
 - 1152 6. Unless the parents of the adopted child expressly request the child be removed
1153 (see subsection L), the child may not be removed based solely on the reason the
1154 adoptive parents are seeking services to help the child and adoptive family. Child
1155 and Family Services may not do any of the following unless there are indications
1156 of abuse and/or neglect:
 - 1157 a. File a petition for removal of a child from the child's home,
 - 1158 b. File a petition for a child protective order,
 - 1159 c. Make a supported finding,

-
- 1160 d. Seek a substantiated finding,
1161 e. File a petition alleging a child is abused, neglected, dependent, or
1162 abandoned, or
1163 f. File a petition for termination of parental rights.
1164
- 1165 G. Documentation of Post Adopt Services.
- 1166 1. Referrals for services, short meetings, or conversations with an adoptive family
1167 will be logged in the Adoption Assistance (AAM) file.
- 1168 2. Assessments and short-term interventions will be documented in an IHS case.
- 1169 3. A post adopt (PAT) case will be opened for anything that involves a plan to
1170 develop services, based on assessments, even on a limited basis such as:
- 1171 a. Intense intervention to prevent an out of home placement.
1172 b. Intense intervention with the parents to coordinate treatment when
1173 there is a need for out-of-home care or treatment.
- 1174 4. When an adopted child who has an open AAM case comes into Child and Family
1175 Services custody, the post adopt worker may be assigned as a secondary worker
1176 on the foster care (SCF) case.
- 1177 a. When the child returns home and the Child and Family Services foster
1178 care case is closed, the post adopt worker may open an IHS or PAT case
1179 to provide transition support at the request of the adoptive parents.
- 1180 b. If there are other Child and Family Services adopted children in the home
1181 in need of services, the post adopt worker may open an IHS or PAT case
1182 at the request of the adoptive parents.
- 1183 5. PAT interventions will include a UFACET and Child and Family Plan.
- 1184 6. If the PAT interventions include services that require funding considerations,
1185 funding requests will be coordinated with the Adoption Assistance Committee.
- 1186 a. If the AAM case is in a different region than where the family resides, the
1187 family will be asked by the post adopt worker if the AAM case could be
1188 transferred to the region where the family resides.
- 1189 b. When considering transferring an AAM case, the monthly adoption
1190 subsidy will be reviewed by the Regional Adoption Assistance Committee
1191 to assess a need for an increase before the case transfer is made.
- 1192 c. Post adopt and adoption assistance workers from each region will
1193 coordinate to make a request to transfer the AAM case.
- 1194 d. The combined recommendation from each region's post adopt and
1195 adoption assistance workers will then be submitted to the region director
1196 for the AAM case and funding transfer.
- 1197 7. Reviews of PAT cases.
- 1198 a. If there is a monthly adoption subsidy increase or a subsidy increase
1199 within the child's current adoption subsidy level range to address service
1200 needs, PAT cases should be reviewed at least every six months with the
1201 Adoption Assistance Committee.

- 1202 b. If there is an increase in the monthly adoption subsidy to a higher level
1203 range and/or use of Federal Adoption Promoting Safe and Stable Family
1204 (FPA) and/or supplemental funding requests to address the service
1205 needs, PAT cases should be reviewed at least every three months by the
1206 Adoption Assistance Committee.
1207
- 1208 H. Medicaid Carve-Out. When an adoptive family or Child and Family Services thinks that
1209 the family is not able to meet their mental health needs through the Public Mental
1210 Health Provider (PMHP), the post adopt worker will assist the parent in evaluating their
1211 needs and, if indicated, ask for an exemption from the PMHP. The post adopt worker
1212 will then help the parent select a contracted mental health provider that is willing to bill
1213 Medicaid and is best suited to help the family and adopted child achieve the desired
1214 outcomes.
- 1215 1. If the requested therapist is the mental health therapist who was treating the
1216 child while the child was in out-of-home care, the post adopt worker will discuss
1217 with the family what PMHP can offer that may not be available with the contract
1218 provider, such as a psychiatrist and psycho-educational groups.
- 1219 a. The post adopt worker will determine if the requested therapist contracts
1220 with the PMHP. If so, the post adopt worker will inform the parent they
1221 may remain in the PMHP and continue to receive services from the
1222 current therapist.
- 1223 b. If the parent wants to carve-out of (or be exempt from) the PMHP, the
1224 post adopt worker will contact the identified mental health therapist and
1225 verify their willingness to treat the family and obtain the date the
1226 treatment will begin.
- 1227 c. The post adopt worker will use the Department of Health, Child and
1228 Family (DHCF) template to submit the PMHP exemption information and
1229 request to Medicaid. The request for the Medicaid carve-out should be
1230 sent via fax or email directly to the Department of Health, Medicaid
1231 adoption carve-out contact person.
- 1232 2. If a mental health therapist has not yet been identified, a clinical post adopt
1233 worker will work with the adoptive family to clinically assess the adopted child's
1234 treatment needs, including level and type of treatment (e.g., outpatient family or
1235 group therapy, residential treatment, etc.).
- 1236 a. During the clinical assessment, the post adopt worker will determine the
1237 clinical appropriateness of the Medicaid carve-out.
- 1238 b. The post adopt worker will obtain the child's treatment history from the
1239 parent, including any inpatient or residential treatment and involvement
1240 with the PMHP, including:
- 1241 (1) the names of providers;
- 1242 (2) the reasons for the treatment;
- 1243 (3) the length of the treatment episode;

-
- 1244 (4) when services were provided; and
1245 (5) the parent's perceived outcome of the treatment.
1246 c. The post adopt worker will determine if the child has been staffed by a
1247 multi-agency team. If the child has been staffed, the post adopt worker
1248 will obtain:
1249 (1) the name of the team and participating agencies;
1250 (2) when the staffing occurred; and
1251 (3) what was the recommendations of the staffing.
1252 d. The post adopt worker will discuss with the PMHP and parent, preferably
1253 together, whether the PMHP and parent can develop an agreed-upon
1254 treatment plan.
1255 (1) If they can, the Medicaid carve-out process ends.
1256 (2) If they cannot, the Medicaid carve-out process continues.
1257 e. The post adopt worker or professional team will provide information to
1258 the parent about the level and kind of treatment that has been
1259 recommended for the child.
1260 f. The post adopt worker will assist the parent with the selection of a
1261 mental health therapist by providing information about the therapist's
1262 areas of expertise and by offering several names of qualified contracted
1263 mental health providers who provide the level of services recommended
1264 and who practice in the family's area.
1265 g. The post adopt worker will submit the Medicaid exemption information
1266 and request to Medicaid via fax or email and will send the request
1267 directly to the Department of Health, Medicaid adoption carve-out
1268 contact person. Using the DHCF template, the post adopt worker will
1269 provide the:
1270 (1) name of the child/youth;
1271 (2) Medicaid ID number;
1272 (3) parent's name;
1273 (4) name of the post adopt worker;
1274 (5) phone number and fax number of post adopt worker;
1275 (6) name of PMHP;
1276 (7) reasons for requested PMHP exemption (this is important so
1277 Medicaid can track trends and PMHP accessibility);
1278 (8) date of the carve-out request;
1279 (9) summary of the:
1280 (a) services requested (outpatient or residential);
1281 (b) name of the provider;
1282 (c) date the provider was contacted to verify that the provider
1283 is willing to treat the family;

- 1284 (d) name of the staff person contacted if different than the
1285 therapist (e.g., Mary Jones, receptionist at ABC counseling
1286 center);
- 1287 (e) date the provider will begin services; and
1288 (10) clinical recommendation.
- 1289 h. Medicaid will then implement the carve-out from the PMHP for mental
1290 health services and return the completed request to the post adopt
1291 worker, documenting the:
- 1292 (1) date the exemption request was received, and
1293 (2) date the exemption will be effective.
- 1294 i. The post adopt worker will inform the parent that the Medicaid carve-out
1295 has been processed and that a new Medicaid card will be issued.
- 1296 j. Medicaid will send information to the PMHP that the child has been
1297 exempt.
1298
- 1299 I. Out-of-Home Placement. When a family cannot address an adopted child's needs
1300 within their family setting, out-of-home placement may need to be assessed.
- 1301 1. Youth Service Centers (in regions where they exist) or Family Support Centers
1302 should be used to allow for a cooling down period for the family and to allow the
1303 post adopt worker to assess the child and family's needs.
- 1304 2. A Child and Family Team Meeting will be convened with the family, Child and
1305 Family Services staff, and any others who are involved or who may be helpful.
- 1306 3. The Child and Family Team will explore what services or supports may help
1307 address the problems while allowing the child to stay with the family.
- 1308 4. Extended respite care (two to 15 days) may be sought as a time to continue to
1309 assess family needs.
- 1310 5. If regular extended respite care could address the family's needs, then
1311 appropriate resources will be explored.
- 1312 6. If out-of-home placement is indicated, explore a voluntary agreement the family
1313 might make with a relative, friend, or proctor family (family-to-family) without
1314 Child and Family Services involvement. This allows the family to negotiate costs,
1315 visits, and other plans.
- 1316 7. Voluntary family-to-family agreements should always address how the family will
1317 stay involved. The long-term view should be evaluated with questions such as;
1318 "Where will the child spend holidays and vacations? Who will help when the car
1319 breaks down or the child breaks a leg? Who will help with post-high school
1320 education? When the child becomes an adult, who will help with the wedding or
1321 when a baby is born?" In a voluntary agreement between an adoptive family
1322 and another family:
- 1323 a. The adoptive family will arrange to give the family who is assuming
1324 physical custody a temporary Delegation of Custody and/or a properly

- 1325 executed Power of Attorney (Utah Code Ann. [§75-5-103](#)). The family may
1326 require legal advice.
- 1327 b. The child's Medicaid card will be sent to the family with physical custody
1328 of the child.
- 1329 c. The monthly adoption subsidy will continue to go to the adoptive family
1330 who will forward it to the family with physical custody of the child.
- 1331 d. The family with physical custody has no legal standing.
- 1332 e. The adoptive family continues to be financially and legally responsible for
1333 the child.
- 1334 f. Either family can revoke the voluntary agreement at any time.
- 1335 g. The family with physical custody has the power to make decisions
1336 regarding routine medical and basic educational needs of the child.
- 1337 h. Either family may stay in contact with Child and Family Services as
1338 needed.
- 1339 8. Legal custody and guardianship is a legal process in which an adoptive family
1340 may give another family the legal rights to raise the child. The following are
1341 required for such an arrangement:
- 1342 a. Court involvement.
- 1343 b. The child's Medicaid card will be sent to the legal guardianship family.
- 1344 c. The monthly adoption subsidy continues to go to the adoptive family,
1345 who continues to be financially responsible and they will forward it to the
1346 family with guardianship of the child.
- 1347 d. Either family may stay in contact with Child and Family Services as
1348 needed.
- 1349 9. If an out-of-home placement is indicated and a voluntary family-to-family
1350 placement is not appropriate because of the mental health treatment needs of
1351 the child, a Medicaid carve-out for residential treatment may be assessed. Clear
1352 treatment objectives, family involvement, and the child's return home plan will
1353 be part of the Medicaid carve-out plan.
- 1354 a. A PAT case will be opened in SAFE.
- 1355 b. Child and Family Team Meetings will be held as often as needed to keep
1356 the family involved in decisions and facilitate the return home plan for
1357 the child.
- 1358 c. The case will be reviewed a minimum of every three months.
- 1359
- 1360 J. Medicaid Carve-Out for Residential Treatment.
- 1361 1. The post adopt worker and the parent together will determine if residential
1362 treatment is indicated, as well as the level and kind of residential treatment that
1363 would best meet the child's mental health needs.
- 1364 2. The post adopt worker may want to contact a Child and Family Services contract
1365 specialist to:

- 1366 a. Obtain information on the most appropriate residential treatment
1367 provider, taking into account the location of the provider, provider
1368 expertise, availability of a bed, etc.
- 1369 b. Obtain the correct Child and Family Services code (that would have been
1370 used for a child in out-of-home care) for the residential treatment
1371 provider ultimately selected (e.g., DRM, DIR, etc.). This is absolutely
1372 necessary so Medicaid can ensure that the provider bills only the rate
1373 agreed to in the provider's contract with Child and Family Services.
- 1374 3. The parent is responsible for the room, board, and educational costs of the
1375 residential treatment program. The post adopt worker will discuss with the
1376 parent how this will be paid. The parent may use the adoption monthly subsidy
1377 to help cover costs.
- 1378 a. Staff should be aware that the local school district is required by §53A-2-
1379 207 to allow the student to enroll and may not charge for educational
1380 services.
- 1381 4. The post adopt worker then:
- 1382 a. Contacts the selected residential treatment provider to ensure the
1383 provider is willing to serve the child and determines the date the provider
1384 will begin providing services.
- 1385 b. Estimates the length of treatment and develops an after-care plan,
1386 including a transition plan for the child to successfully return home,
1387 services the family will receive after discharge from the residential
1388 treatment to maintain stability, and whether the child will be re-enrolled
1389 in the PMHP.
- 1390 c. Using the DHFC template, submits the exemption information and
1391 request to Medicaid via fax or email and sends the request directly to the
1392 Department of Health, Medicaid adoption carve-out contact person.
- 1393 d. Using the DHCF template, provides the:
- 1394 (1) name of the child;
- 1395 (2) Medicaid ID number;
- 1396 (3) parent's name;
- 1397 (4) name of the post adopt worker;
- 1398 (5) phone number and fax number of the post adopt worker,
- 1399 (6) name of the PMHP;
- 1400 (7) reasons for requested the PMHP exemption (this is important so
1401 Medicaid can track trends and PMHP accessibility);
- 1402 (8) date of the carve-out request;
- 1403 (9) summary of the:
- 1404 (a) services requested (outpatient or residential);
- 1405 (b) name of the provider;
- 1406 (c) date the provider was contacted to verify if the provider is
1407 willing to treat the child;

- 1408 (d) name of the staff person contacted if different than the
1409 therapist (e.g., Mary Jones, receptionist at ABC counseling
1410 center);
1411 (e) date the provider will begin services;
1412 (f) level of care (e.g., DIR, DRM, etc.);
1413 (g) proposed discharge date; and
1414 (10) Clinical recommendation.
- 1415 5. Medicaid will implement the exemption from the PMHP for mental health
1416 services and will return the completed request to the post adopt worker,
1417 documenting the:
1418 a date the exemption request was received; and
1419 b. date the exemption will be effective.
- 1420 6. The post adopt worker will inform the parent that the Medicaid carve-out has
1421 been processed and that a new Medicaid card will be issued.
- 1422 7. Medicaid will send information to the PMHP that the child has been exempt.
- 1423 8. The post adopt worker will staff the case of a child who is in out-of-home
1424 treatment every three months to assess treatment progress, parent
1425 engagement, and needed adaptations and transition planning, including services
1426 needed for the child and family to be successful upon the return home.
- 1427 9. The post adopt worker will create a return home plan when a child has been in
1428 an out-of-home placement and the following circumstances exist:
1429 a. Parents appear to be disengaged from the child and show no willingness
1430 to look at options of how the child will successfully return home, or
1431 b. Parents actively refuse to allow the child to return home, or
1432 c. Parents are not paying the fees for room and board, or
1433 d. The child wants to go home and it may be harmful for the child's future
1434 success to remain in out-of-home services, or
1435 e. There are no further benefits from out-of-home placement.
- 1436 10. If the parents are disengaged or refuse to allow the child to return home after
1437 efforts to engage them in a return home plan, the post adopt worker will staff
1438 with a CPS caseworker to determine if abuse, neglect, or dependency needs to
1439 be addressed and a CPS case open.
1440
- 1441 K. Determining the Appropriate Funding Source. When both state Supplemental Adoption
1442 Assistance (SAC) and federal FPA funding would be appropriate to use for a funding
1443 request, the following guidelines should be considered.
- 1444 1. Federal funds should be considered before state funds to assure all federal funds
1445 (which include a state match) are used in each fiscal year.
1446 a. The level of Title IV-E monthly subsidy should be assessed to determine if
1447 it is appropriate to increase the monthly subsidy with a time-limited
1448 amendment to address the special needs of a child who requires
1449 residential mental health treatment.

-
- 1450 b. Federal FPA funds (which include a state match) should be considered for
1451 use before state SAC funds.
- 1452 c. Federal FPA funds are best used for time-limited expenditures of less
1453 than \$2,000 per family. When using federal FPA funding, take into
1454 account other needs the region may have for the use of such funds.
- 1455 2. State SAC funds are best used for extensive, expensive, or long-term expenses
1456 after it is determined that increasing Title IV-E monthly adoption subsidy and
1457 federal FPA funding are not sufficient, appropriate, or available.
- 1458
- 1459 L. Juvenile Justice Services or Department of Human Services Custody. Post adopt workers
1460 may need to help an adoptive family when an adopted child is involved with the Division
1461 Juvenile Justice Services and the court orders the child into the custody of Child and
1462 Family Services or an adopted child is taken into the custody of the Department of
1463 Human Services to receive services for people with disabilities.
- 1464
- 1465 M. Requests for Child and Family Services to Take Custody. When a family requests Child
1466 and Family Services take custody of their child, the post adopt worker should offer the
1467 family respite care and help the family assess their options.
- 1468 1. The post adopt worker will offer the family respite care by having them take the
1469 child to Youth Service Centers (in regions where they exist), Family Support
1470 Centers, or other regional respite care options.
- 1471 2. A PAT case will be opened.
- 1472 3. Child and Family Team Meetings will be held to assess the family's strengths and
1473 challenges, what resources have been utilized, and what resources may be
1474 available. The Child and Family Team will explore what services or supports may
1475 help address the problems while allowing the child to stay with the family.
- 1476 4. A UFACET will be completed by the post adopt worker from information
1477 gathered from the team.
- 1478 5. When the parents insist on Child and Family Services taking custody of a child,
1479 the post adopt worker will explain to the parents about court involvement,
1480 permanency time frames and that the Office of Recover Services will assess child
1481 support payments.
- 1482 6. An out-of-home placement may be arranged if the assessment deems it is
1483 appropriate for the child and family.
- 1484 7. A Child and Family Plan for reunification services will be developed.
- 1485 8. Child and Family Services custody may be considered after the child has been in
1486 an out-of-home placement and the return home plan is unsuccessful.
- 1487
- 1488 N. Adoptive Parents Who Want to Relinquish Parental Rights. A family may want to
1489 voluntarily relinquish their parental rights to an adopted child.
- 1490 1. The post adopt worker will work with the family to show that reasonable efforts
1491 were made to keep the child out of state custody.

-
- 1492 a. Intensive family preservation services should be offered.
- 1493 b. Placement of the child with extended family, friend, neighbor, birth
- 1494 relatives, etc. should be explored.
- 1495 2. If the child must be removed from the adoptive home immediately, have the
- 1496 parent sign a Consent to Place form giving custody and guardianship to Child and
- 1497 Family Services and place the child in shelter care.
- 1498 a. Child and Family Services will maintain custody for 12 months following a
- 1499 Child and Family Plan, before relinquishment of parental rights are
- 1500 considered to allow court reviews and permanency hearings to take
- 1501 place.
- 1502 b. Another alternative permanent family for the child should be in place
- 1503 before relinquishment of parental rights will be considered.
- 1504 3. The adoptive family will need to hire their own attorney. The family's attorney
- 1505 will file a petition with Juvenile Court to terminate the parents' parental rights.
- 1506 Because the state has no jurisdiction, the family will be the party petitioning the
- 1507 court to dissolve the adoption. Once this is done, an Assistant Attorney General
- 1508 (AAG) will be involved and a judge and Guardian ad Litem (GAL) will be assigned
- 1509 to the case.
- 1510 4. The court is often against the relinquishment of parental rights if it makes the
- 1511 child an orphan or terminates the parents' financial support of the child.
- 1512 5. The current therapist, post adopt worker, and anyone who can address what is
- 1513 in the best interest of the child will need to write a report and may need to
- 1514 testify in court.
- 1515 6. The post adopt worker should write a court report that clearly states what is in
- 1516 the best interest of the child, such as:
- 1517 a. There are irreconcilable differences in the home (i.e., the child does not
- 1518 feel safe in the adoptive home, the child is a threat to other children in
- 1519 the home, or the home environment has become unsafe for the child).
- 1520 b. There are other significant people in the child's life who will fulfill a
- 1521 parental role and who will adopt the child, or who will take custody and
- 1522 guardianship of the child.
- 1523 c. The appropriateness of a goodbye visit or future contact with the
- 1524 adoptive parents.
- 1525 d. Future contact with birth siblings, if there are birth siblings in the
- 1526 adoptive home.
- 1527 e. A recommendation that the relinquishment of parental rights not be
- 1528 granted until another permanent family for the child is found.
- 1529 7. The post adopt worker should inform the parents that the case could go to a full
- 1530 termination trial and the parents may not be allowed to voluntarily relinquish
- 1531 their parental rights.
- 1532 8. The post adopt worker should inform the parent that the court will order them
- 1533 to contact the Office of Recovery Services and pay a portion of the out-of-home

-
- 1534 care costs until their parental rights are terminated or if parental rights are not
1535 terminated, until the child is no longer in state custody.
- 1536 9. The adoption assistance worker should be informed of how long the parent will
1537 be paying child support.
- 1538 10. If an adopted child was receiving adoption assistance and there is another family
1539 who wants to adopt the child, the child will continue to be eligible for adoption
1540 assistance without the child coming into state custody. In such circumstances:
1541 a. The child must be in the new adoptive home for at least six months.
1542 b. If the first adoptive family continues to receive the monthly adoption
1543 subsidy, and they must forward it to the second adoptive family during
1544 the six-month period as the payee cannot be changed.
1545 c. The first family can relinquish their parental rights and consent to the
1546 adoption, and the second family can adopt the same day.
- 1547 11. An adopted child who was receiving adoption assistance is automatically eligible
1548 for adoption assistance in the next adoption. It must be screened with the
1549 Adoption Assistance Committee prior to the finalization.
- 1550 12. Termination of the parent-child legal relationship does not terminate the child's
1551 right to inherit from the parents.
- 1552 13. When a child adopted in Utah resides in another state, a petition must be filed in
1553 the state where the adoptive family resides. Utah has no jurisdiction.
1554

1555 **401.9a Adoption Assistance**

1556 Philosophy:

1557 Adoption assistance was originated by the federal government to address the financial barrier
1558 to adopting a child with special needs who waits in public foster care for a permanent family.
1559 The purpose of the Adoption Assistance Program is to aid an adoptive family to establish and
1560 maintain a permanent living arrangement for a child who qualifies.
1561

1562 Adoption preparation is much more than helping a prospective adoptive family understand
1563 financial and medical assistance. It involves helping the family understand all the ways things
1564 will change as they go from fostering a child to adopting and being the legal parent to a child
1565 with special needs.
1566

1567 Major objectives:

- 1568 A. The caseworker will begin to educate the permanent family about the changes adoption
1569 will bring to their family at the time reunification services are no longer offered or the
1570 permanency goal changes to adoption.
1571
- 1572 B. The Child and Family Team will help the prospective adoptive family assess what they
1573 will need to parent the child in the present and in the future.
1574
- 1575 C. The Child and Family Team will help the prospective adoptive family begin to think about
1576 all the needs the child has and the services that have been and/or will be required to
1577 meet those needs.
1578
- 1579 D. The caseworker will help the family determine what they may or may not have available
1580 to them after the adoption.
1581
- 1582 E. The caseworker, through the prior objectives, will help the family start thinking about
1583 their adoption assistance needs.
1584

1585
1586 **Applicable Laws**

1587 Federal Law Title IV-B Part 2 Promoting Safe and Stable Families

1588 Federal Law Title IV Part E Adoption Assistance Program

1589 Federal Regulations 45 CFR 1356.22,30,40,41, 50, 60, and 71

1590
1591 Utah Code [§62A-4a-709](#). Medical assistance identification.

1592 Utah Code [§62A-4a-902](#). Definitions

1593 Utah Code [§62A-4a-903](#). Eligibility.

1594 Utah Code [§62A-4a-904](#). Adoption assistance.

1595 Utah Code [§62A-4a-905](#). Supplemental adoption assistance.

1596 Utah Code [§62A-4a-906](#). Termination or modification of adoption assistance.
1597 Utah Code [§62A-4a-907](#). Interstate compact adoption assistance agreements.

1598
1599 Utah Administrative Code, Rule [R512-43](#). Adoption Assistance. Addresses Federal and State
1600 requirements for adoption assistance including determining eligibility, nonrecurring costs,
1601 monthly subsidy, medical assistance, supplemental assistance, termination of a subsidy, fair
1602 hearing, and interstate adoption assistance.

1603
1604 Types of Adoption Assistance

1605 A. Reimbursement of Non-Recurring Adoption Expenses (SAR).

1606
1607 B. State Medical Assistance (SA Medicaid).

1608
1609 C. Monthly Subsidy (SUB Federal or SAP State).

1610
1611 D. State Supplemental Adoption Assistance (SAC).

1612
1613 E. For details see Utah Code [§62A-4a-902](#).

1614
1615 Adoption Support

1616 In addition to adoption assistance, an adoptive child and family may be supported with Federal
1617 Adoption Promotion and Support Funds, Promoting Safe and Stable Families Grant funding
1618 (FPA).

1619
1620 General Requirements for Adoption Assistance

1621 A. Child and Family Services is responsible for notifying a prospective adoptive family of
1622 the availability of adoption assistance when the family begins an adoptive placement of
1623 a qualified child in public foster care.

1624
1625 B. Adoption assistance is based upon the child meeting qualifying factors, not the adoptive
1626 family.

1627
1628 C. Basic Qualifying Criteria: A child meets the basic qualifying criteria for adoption
1629 assistance if all of the following are met:

1630 1. State Has Determined Child Cannot or Should Not Return Home: The state has
1631 determined that the child cannot or should not be returned home. This means:
1632 a. The child received services through Child and Family Services and parents
1633 have voluntarily relinquished parental rights or the court has terminated
1634 parental rights.

- 1635 b. The child who is an SSI recipient at the time the adoption proceedings are
1636 initiated cannot return home because parents have voluntarily
1637 relinquished parental rights or the court has terminated parental rights.
1638 2. Efforts to Place Without Adoption Assistance: Child and Family Services has
1639 documentation that reasonable efforts were made to place the child for
1640 adoption without adoption assistance.
1641 a. An exception applies if the child has significant emotional ties with the
1642 prospective adoptive family prior to the adoptive placement and it is not
1643 in the child's best interest to consider a different adoptive placement.
1644 3. Child/Youth with a Special Need: The child meets at least one of the following
1645 special needs factors:
1646 a. Five years of age or older.
1647 b. Under 18 years of age with a physically, emotional, or mental disability.
1648 A child is considered to meet this requirement if under age five years old
1649 and at risk of developing a physical, emotional, or mental disability due to
1650 specific factors identified in the child's or birth parents' health or social
1651 histories.
1652 c. Member of a sibling group placed together for adoption.
1653
1654 D. A child must be a U.S. citizen or qualified alien to receive adoption assistance.
1655
1656 E. An application for adoption assistance is submitted to the regional Adoption Subsidy
1657 Committee on a form provided by Child and Family Services.
1658
1659 F. Application for adoption assistance, approval, and completion of the adoption
1660 assistance agreement, including signatures of an adoptive parent and a representative
1661 from Child and Family Services, are to be completed prior to finalization of the adoption.
1662
1663 G. Adoption assistance usually begins after finalization of an adoption. However, adoption
1664 assistance may be initiated at the time of placement if the child is legally free for
1665 adoption, the adoptive home is approved, adoption proceedings are initiated, an
1666 adoption assistance agreement is fully executed prior to placement, and foster care
1667 maintenance payments are not being provided for the child.
1668
1669 H. An adoption assistance agreement shall be approved and signed by an adoptive parent
1670 and Child and Family Services representative before any payments may be made to an
1671 adoptive family or before state medical assistance may be initiated.
1672
1673 I. Refer to Administrative Rule [R512-43-3](#) General Requirements for Adoption Assistance
1674 for additional details. Also see Utah Code Ann. [§62A-4a-903](#). Eligibility.
1675

1676 Reimbursement of Non-Recurring Adoption Expenses (SAR)

- 1677 A. Child and Family Services may reimburse an adoptive family up to \$2,000 per child for
1678 non-recurring adoption expense directly related to the legal adoption of a child, such as,
1679 attorney fees, court costs, adoptive home study, health and psychological examinations
1680 of adoptive parents, supervision of placement, and transportation and reasonable costs
1681 of lodging and food for the child and parents during the placement or adoption process.
1682
- 1683 B. To qualify for reimbursement of non-recurring adoption expenses the criteria in the
1684 prior section "Basic Criteria for Adoption Assistance" must be met.
1685
- 1686 C. The regional Adoption Subsidy Committee must approve non-recurring expenses.
1687
- 1688 D. Adoptive parents are responsible to provide necessary receipts for reimbursement. This
1689 funding may not be provided in advance. It is a reimbursement of costs already
1690 incurred.
1691
- 1692 E. Refer to Administrative Rule [R512-43-4](#) Reimbursement of Non-Recurring Adoption
1693 Expenses for additional details. Also Utah Code Ann. [§62A-4a-904](#). Adoption
1694 Assistance.
1695
- 1696 F. Summary Table of Qualifications for Non-Recurring Costs Reimbursement.
1697

1698

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

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

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

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1702

Monthly Adoption Subsidy (AAM) and Medicaid (SA)

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

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- 1708 Medicaid are designed to help adoptive families address special needs for which their
1709 adopted children may struggle.
1710
- 1711 B. The amount of monthly adoption subsidy to be paid for a child is based on the child's
1712 present and long-term treatment and care needs and available resources, including the
1713 family's ability to meet the needs of the child. A combination of community resources,
1714 the parents' resources, and monthly adoption subsidy should cover the ordinary and
1715 special needs expenses of the child projected over an extended period of time.
1716
- 1717 C. The monthly subsidy may be used according to the parents' discretion. Some examples
1718 of the uses of the monthly subsidy payment are medical, dental, or mental health
1719 services not paid for by the state medical assistance or family insurance, special
1720 equipment for physically or mentally challenged children, respite care, day care,
1721 therapeutic equipment, minor renovation of the home to meet special needs of the
1722 child, damage and repairs, speech therapy, tutoring, specialized preschool based on
1723 needs of the child, private school, exceptional basic needs such as special food, clothing,
1724 and/or shelter, visitations with biological relatives, and cultural and heritage activities
1725 and information.
1726
- 1727 D. Qualifying Child/Youth for Monthly Adoption Assistance: In order to qualify for a
1728 monthly adoption subsidy, the child must meet the three BASIC QUALIFYING CRITERIA in
1729 the above section, AND must also meet the definition of a child in public foster care,
1730 qualify for SSI, or be a prior recipient of adoption assistance.
- 1731 1. Child or Youth in Public Foster Care: For the purposes of adoption assistance, a
1732 child is considered to meet the definition of a child in public foster care if the
1733 child was placed with the family who adopts from the temporary or legal custody
1734 with Child and Family Services. For example:
- 1735 a. A child is in foster care (state custody) until the adoption is finalized.
1736 (1) The child is adopted either by a licensed foster care provider or an
1737 approved adoptive family through an upfront adoption subsidy,
1738 OR
- 1739 b. A child or youth who was taken into protective custody and, as a result of
1740 the protective episode, was placed with a relative who was given legal
1741 custody meets the definition of a child in public foster care. This
1742 includes:
- 1743 (1) If the court orders Child and Family Services to continue to
1744 provide Protective Supervision Services (PSS) for the family in
1745 making safety and permanency decisions for the child, including
1746 placement decisions and permanency goals. And
1747 (2) This may include a change in placement to another relative while
1748 the PSS continue to be court ordered, OR

-
- 1749 c. Guardianship of a child in foster care is given to the licensed foster care
1750 provider and that provider adopts the child, OR
1751 d. The parent of the child to be adopted is in foster care and, although Child
1752 and Family Services did not take custody of the child to be adopted, Child
1753 and Family Services did make a maintenance payment on the child's
1754 behalf as the child of a minor who is a foster care recipient, OR
1755 e. The child was placed in foster care with Child and Family Services through
1756 a Voluntary Placement Agreement and a foster care maintenance
1757 payment was made for the child.
- 1758 2. Supplemental Security Income (SSI) Recipient: The child qualifies as a recipient
1759 of Supplemental Security Income (SSI) for a disability at the time the adoption
1760 proceedings are initiated. This means that prior to initiation of the adoption
1761 proceedings, the child has received written notice from the Social Security
1762 Administration that he or she qualifies for SSI payments, or the child has been
1763 receiving SSI payments.
- 1764 3. Prior Subsidized Adoption: The child was in a prior adoption in which an
1765 adoption assistance agreement was executed for monthly adoption subsidy.
- 1766 4. Exclusions:
- 1767 a. A child **cannot** qualify for adoption assistance if adopted by one of his or
1768 her biological parents whose parental rights were previously terminated.
- 1769 b. A child who is adopted through a private or independent adoption
1770 **cannot** qualify for a monthly adoption subsidy **unless** he or she qualifies
1771 as a recipient of SSI for a disability at the time the adoption proceedings
1772 are initiated.
- 1773
- 1774 E. Eligibility for Federal Adoption Assistance: When the adoption subsidy worker has
1775 determined that a child qualifies for adoption assistance, it is the responsibility of the
1776 eligibility worker to determine if the monthly adoption assistance is eligible for Title IV-E
1777 funding.
- 1778
- 1779 F. Summary Table regarding Qualifications for Monthly Adoption Subsidy.

Requirements to Qualify for Monthly Adoption Subsidy (including Medicaid only)	
<p>All three of the following must be met:</p> <ol style="list-style-type: none"> 1. The state has determined that the child cannot or should not be returned home. 2. Child and Family Services has documentation that reasonable efforts were made to place the child for adoption without adoption assistance OR the child has significant emotional ties with the prospective adoptive family prior to the adoptive placement and it is not in the child's best interest to consider a different adoptive placement. 3. The child meets at least one of the following special needs factors: <ol style="list-style-type: none"> a. Five years of age or older. b. Under 18 years of age with a physically, emotional, or mental disability. <ol style="list-style-type: none"> i. A child is considered to meet this requirement if under age five years old and at risk of developing a physical, emotional, or mental disability due to specific factors identified in the child's or birth parents' health or social histories. c. Member of a sibling group placed together for adoption. 	
<p>In addition to the three requirements listed above, at least one of the following situations must also exist:</p> <ul style="list-style-type: none"> • Child/youth is in Utah's public foster care or was in foster care immediately prior to the adoptive placement. • Child/youth qualifies for SSI prior to the initiation of the legal adoption proceedings. • Child's parent is in foster care and child received a maintenance payment. • Child/youth was in prior subsidized adoption. <p>(Except in situations in which the child is adopted by one of his or her biological parents.)</p>	

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1781

G. Table of Frequent Types Scenarios requesting Monthly Adoption Subsidy

Licensed Resource Family	A child in public foster care who is placed with a licensed resource family meets the qualifications for monthly adoption subsidy if documentation shows that the three requirements defined in the prior requirement table are met and the child is adopted directly from foster care.
Unlicensed Kin Caregiver	<p>A child or youth who was taken into protective custody and, as a result of the protective episode, was placed with a relative who was given legal custody meets the definition of a child in public foster care.</p> <p>If the court then orders Child and Family Services to continue to provide Protective Supervision Services for the family in making safety.</p>
	<p>and permanency decisions for the child, including placement decisions and permanency goals, this also meets the definition of a child in foster care. This may include a change in placement to another relative while the Protective Supervision Services continue to be court ordered.</p> <p>The child would then qualify for monthly adoption subsidy if documentation shows the three basic qualifying factors defined in the prior requirement table are met.</p> <p>A child or youth does not qualify for monthly adoption subsidy if the child or</p>

	youth was never in protective custody or foster care
Private or Independent Adoption	A child who is adopted through a private or independent adoption only qualifies for monthly adoption subsidy if documentation shows the three requirements defined in the prior requirement table are met and he or she qualifies for SSI disability at the time the adoption proceedings are initiated.

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

- 1819 9. When the prospective adoptive family agrees on the negotiated monthly subsidy
1820 amount, the Adoption Assistance Agreement is signed by the prospective
1821 adoptive parents and returned to the Child and Family Services office, then
1822 signed by a Child and Family Services representative to initiate the monthly
1823 adoption subsidy, beginning the month following the final foster care payment.
1824 10. Adoption Assistance Agreement will be written to terminate the end of the
1825 month of the youth's 18th birthday.
1826 11. The amount of monthly adoption subsidy may increase or decrease when the
1827 child's level of need or the family's ability to meet those needs changes. The
1828 family or the caseworker may initiate a change in the amount of monthly
1829 adoption subsidy at any time when needs or resources change.
1830 a. The monthly adoption subsidy is increased to meet the special needs of
1831 the child for a limited time period, such as when a youth is admitted to a
1832 residential treatment program. The Adoption Assistance Agreement
1833 would then be written for a period of time up to one-year and reassessed
1834 based on the youth's special needs.
1835 12. The amount of the monthly adoption subsidy is subject to the approval of the
1836 regional Adoption Subsidy Committee. If the requested amount is not granted,
1837 the adoptive parent has a right to appeal.
1838
1839 K. Refer to Administrative Rule [R512-43-5](#), Monthly Subsidy, and [R512-43-6](#), State Medical
1840 Assistance, for additional details. Also Utah Code Section [§62A-4a-709](#) Medical
1841 assistance identification.
1842

1843 Changes in Adoptive Parents' Circumstances

- 1844 A. In the Adoption Assistance Agreement, the adoptive parents verify that they will
1845 immediately notify Child and Family Services in writing if any of the following changes in
1846 circumstances occur:
1847 1. The adoptive parents have a change of address and/or telephone number.
1848 2. The adoptive parents divorce. Verification of the parent granted physical
1849 custody of the child will be needed.
1850 3. The adoptive child no longer resides with the adoptive parents.
1851 4. The adoptive parents are no longer providing any financial support to the child,
1852 or are providing reduced financial support for the child.
1853 5. The adoptive parents no longer have physical custody or legal guardianship of
1854 the child.
1855
1856 B. If an adopted child who is receiving Adoption Assistance comes back into out-of-home
1857 care, the adoption subsidy worker and the adoption subsidy worker's supervisor shall
1858 receive a SAFE notice.
1859 1. The adoption subsidy worker shall send a notification letter, SAFE form SUB04
1860 "Notification of Child Coming into Foster Care", to inform the adoptive parents

- 1861 that the amount of the monthly adoption subsidy will be re-assessed based on
1862 changes in the child's special needs and the parents' ability to meet those needs
1863 based on coming into out-of-home care.
1864 2. The notification will inform the adoptive parents they will continue to be
1865 financially responsible for the child and that Office of Recovery Services will be
1866 assessing child support for the care of their child.
1867 3. Medicaid will be re-assessed by an eligibility worker for a child in out-of-home
1868 care and issued the appropriate Medicaid benefits.
1869 4. If the adoptive parents do not contact Child and Family Services within 30 days
1870 of the date of the letter to re-assess the adoption monthly subsidy, the monthly
1871 adoption subsidy will be suspended beginning the month following the day the
1872 notification should have been made.
1873

Annual Review of Adoption Assistance

- 1874
1875 A. Annually a Review of Adoption Assistance letter will be sent to adoptive parents of a
1876 child who receives adoption assistance. The annual letter:
1877 1. Provides current contact information for the post adopt worker, the subsidy
1878 worker, and the Medicaid worker.
1879 2. Reminds the parents of the signed agreements language to notify Child and
1880 Family Services of changes in address, phone, and legal and/or financial
1881 responsibility for the identified adopted child.
1882 3. Reminds the parents of grounds for termination of the Adoption Assistance
1883 Agreement. Those reasons are listed in the section below.
1884 a. The Annual Review of Adoption Assistance letter includes language that
1885 the Adoption Agreement Assistance continues until the month the youth
1886 reaches his or her 18th birthday even if the youth is in high school at that.
1887 4. When sending an Annual Review of Adoption Assistance letter to adoptive
1888 parents who reside in Utah, a current Utah's Post Adoption Resource Connection
1889 booklet and Post Adopt Services brochure should be included.
1890

Renewal of Adoption Assistance Agreement

- 1891
1892 A. A renewal of an Adoption Assistance Agreement would be warranted when:
1893 1. The Adoption Assistance Agreement has never been converted to the long term
1894 (age 18 years of age) agreement because of an oversight by Child and Family
1895 Services or because there was a problem locating the adoptive family for a
1896 period of time.
1897 2. The child qualifies as a child with a disability and will continue to receive the
1898 monthly subsidy beyond his or her 18th birthday.
1899

Amendment of an Adoption Assistance Agreement

- 1900
1901 A. An amendment of an Adoption Assistance Agreement would be warranted when:
1902 1. There is a change in the monthly subsidy.

-
- 1903 a. The changed amount may be approved for the duration of the agreement
1904 (end date being the end of the month of the child's 18th birthday), or
1905 b. The changed amount may have a "time-limited" end date.
1906 (1) Time-limited end dates need to tracked.
1907 (2) Time-limited subsidy changes include changes in the amount of
1908 the monthly subsidy due to out-of home treatment or a child re-
1909 entering foster care.
1910 2. A "zero" subsidy is changed to a monthly subsidy.
1911 3. When there are two adoptive parents in the family, the parent to receive the
1912 payment changes:
1913 a. At the request of the family.
1914 b. Because the parent receiving the payment dies.
1915 c. The adoptive parents divorce and the parent awarded custody is not the
1916 one receiving the payment.
1917 4. The adoptive parent gets married, or re-marries, and the new spouse legally
1918 adopts the child and wants to be added to the agreement.
1919 5. There is a change in the eligibility.
1920

Termination of Adoption Assistance

- 1921 A. A monthly adoption subsidy is in effect as long as the adoptive parents continue to be
1922 legally responsible to provide financial support for the identified adopted child until the
1923 youth turns 18 years of age, unless any of the following reasons exist:
1924 1. The adoptive parents request termination of the Adoption Assistance
1925 Agreement.
1926 2. The child dies.
1927 3. Both of the adoptive parents die.
1928 4. The adoptive parents' legal responsibility for the child ceases.
1929 5. The state determines that the child is no longer receiving financial support from
1930 the adoptive parents.
1931 6. The youth marries.
1932 7. The youth enters the military.
1933
1934 B. The monthly adoption subsidy cannot be extended beyond the month of a youth's 18th birthday even if the youth is still in school,
1935 unless disabled as described below.
1936
1937 C. The monthly adoption subsidy may extend until the youth reaches age 21 years old
1938 when the regional Adoption Subsidy Committee has determined that he or she has
1939 physical or mental disability as defined in the criteria for Department of Human
1940 Services, Division of Services for People with Disabilities (DSPD).
1941 1. In such cases the young adult may also likely be eligible for SSI for a disability,
1942 the amount of the monthly adoption subsidy would be taken into account by the
1943 Social Security Administration in determining the Social Security disability
1944

1945 Income (SSI) amount. Parents of an adopted young adult who has a disability
1946 will want to determine if there is an advantage in continuing with the monthly
1947 adoption subsidy. If the young adult meets the criteria for DSPD, he and she may
1948 also be eligible for an array of adult special services, when available.
1949

- 1950 D. Termination of State Medical Assistance (Medicaid) is subject to the policies of the
1951 Division of Health Care Financing, Department of Health.
1952 1. For a youth who is not Title IV-E eligible, Subsidized Adoption Medicaid
1953 terminates at age 18, even if adoption assistance continues due to disability.
1954 The youth may qualify for continuing Medicaid coverage until age 19 under
1955 another Medicaid program.
1956 2. For a youth who is Title IV-E eligible, Subsidized Adoption Medicaid may continue
1957 until the Adoption Assistance Agreement ends. This means the Subsidized
1958 Adoption Medicaid may continue for a disabled youth up to age 21, if the
1959 Adoption Assistance Agreement is extended. If the Title IV-E Adoption
1960 Assistance Agreement ends at age 18, the youth may still qualify for continuing
1961 Medicaid coverage until age 19 under another Medicaid program.
1962

- 1963 E. Refer to Administrative Rule [R512-43-10](#), Termination of Adoption Assistance, for
1964 additional details. Also Utah Code [§62A-4a-906](#) Termination or modification of
1965 adoption assistance.
1966

1967 Interstate Adoption Assistance

- 1968 A. If a child in Utah foster care is placed for adoption with parents in another state, Utah's
1969 Child and Family Services is responsible to determine if the child qualifies for adoption
1970 assistance. If the child qualifies, Utah's Child and Family Services provides adoption
1971 assistance regardless of the state of residence of the adoptive family.
1972
1973 B. If a child with a previous Title IV-E Adoption Assistance Agreement enters public foster
1974 care because the adoption was dissolved or ended due to the result of the death of the
1975 parents, the state in which the child is taken into custody in public foster care is
1976 responsible to provide adoption assistance in a subsequent adoption.
1977
1978 C. If a child with a previous Title IV-E Adoption Assistance Agreement does not enter public
1979 foster care when the adoption dissolved or ended due to the death of both parents, the
1980 new adoptive parent is responsible to apply for adoption assistance in the new adoptive
1981 parent's state of residence.
1982
1983 D. A parent desiring to adopt an out-of-state child who is not in public foster care but is
1984 receiving SSI for a disability shall apply for adoption assistance in the parent's state of
1985 residence.
1986

- 1987 E. Provision of Medicaid is subject to the Interstate Compact on Adoption and Medical
1988 Assistance (ICAMA). Medicaid services vary considerably from state to state.
1989 1. If the adoption assistance is funded through federal Title IV-E, the
1990 interests of the Child will be protected through the Interstate Compact on
1991 Adoption and Medical Assistance. All States will allow Title IV-E
1992 Medicaid to be instated in the Adoptive Parent's state of residence.
1993 2. If the adoption assistance is funded through state funds, many states allow a
1994 child with adoption assistance to qualify for Medicaid in their state, however in
1995 some states this benefit may not be available
1996
1997 F. Other services the child may need prior to finalization of the adoption are requested in
1998 the receiving state through the Interstate Compact for the Placement of Children (ICPC).
1999
2000 G. If a needed service specified in the ICPC agreement is not funded by the new state of
2001 residence, the state making the original adoption assistance payment remains
2002 financially responsible for paying for the specific service.
2003
2004 Supplemental Adoption Assistance (SAC)
2005 A. Supplemental Adoption Assistance may be available for a child who meets all the
2006 qualifying criteria for a monthly adoption Subsidy and for whom an Adoption Assistance
2007 Agreement is in effect.
2008
2009 B. Supplemental Adoption Assistance may only be used for extraordinary, infrequent, or
2010 uncommon documented needs not covered by a monthly adoption subsidy, state
2011 medical assistance, or other public benefit for which a child who has special needs is
2012 eligible.
2013
2014 C. Supplemental Adoption Assistance is subject to the availability of state funds
2015 appropriated for adoption assistance. It is not an entitlement and will be granted only
2016 when justified by unique needs of the child and when all other resources for which a
2017 child is eligible have been exhausted.
2018
2019 D. The post adopt or adoption subsidy worker will request verification from the payment
2020 technician to check CAPS (Contracts, Approvals, and Payment System) for any payments
2021 made to DSPD for the same child.
2022 1. If there are no payments to the same child in DSPD records, then the worker may
2023 proceed to assess the request for SAC funding.
2024 2. If there are payments to the same child in the DSPD database, then the worker
2025 will check to see if there have been payments in the last six months. If not, the
2026 worker may proceed to assess the request for SAC funding.
2027 3. If there have been DSPD payments for the same child in the past six months,
2028 then the worker will check the DSPD payment against the request the parent has

- 2029 made for SAC funding. If the request is for a different service, then the worker
2030 may proceed to assess the request for SAC funding.
- 2031 4. If the request for SAC funding is for the same service as the DSPD payment, the
2032 SAC request will be denied.
- 2033 5. A DSPD worker will be identified in each region to address additional questions
2034 regarding DSPD payments for services for children adopted or receiving services
2035 through Child and Family Services.
- 2036
- 2037 E. An email will be sent to the post adopt or adoption subsidy worker as well as the
2038 supervisor of the worker regarding the DSPD services purchased for the same child in
2039 the same period of time for whom SAC funds are being requested.
- 2040
- 2041 F. Documented requests for Supplemental Adoption Assistance, including amendments or
2042 renewals, will be considered by the Adoption Subsidy Committee in the region where
2043 the adopted child's monthly adoption subsidy is managed.
- 2044 1. Requests for amounts up to \$3,000 will be considered by the regional Adoption
2045 Subsidy Committee.
- 2046 2. Requests for amounts from \$3,001 to \$10,000 will be considered by the
2047 appropriate regional advisory committee established under Utah Code [§62A-4a-
2048 905\(2\)](#).
- 2049 3. Requests for amounts exceeding \$10,001 will be considered by a state level
2050 advisory committee with the same membership composition as the regional
2051 advisory committee established under Utah Code [§62A-4a-905\(2\)](#).
- 2052 4. Recommendations from the advisory committee are subject to the approval of
2053 the region director or designee.
- 2054
- 2055 G. When the amount of the Supplemental Adoption Assistance is approved by the
2056 appropriate committee, a Supplemental Adoption Assistance Agreement will be
2057 initiated for signature by the adoptive parents.
- 2058 1. The Supplemental Adoption Assistance Agreement will include both an amount
2059 and a time limit.
- 2060
- 2061 H. Refer to Administrative Rule [R512-43-7](#), Supplemental Adoption Assistance, for
2062 additional details. Also see Utah Code [§62A-4a-905\(2\)](#).

2063 Fair Hearings

- 2065 A. An adoptive family may request a fair hearing if:
- 2066 1. The Adoption Assistance Application is denied;
- 2067 2. The Adoption Assistance Application is not acted upon with reasonable
2068 promptness;
- 2069 3. Adoption assistance or supplemental adoption assistance is reduced,
2070 terminated, or changed without the concurrence of the adoptive parents;

- 2071 4. The amount of adoption assistance or supplemental adoption assistance
2072 approved was less than the amount requested by adoptive parents;
2073 5. Adoption assistance was denied because it was requested after finalization of
2074 the adoption.

- 2075
2076 B. Refer to Administrative Rule [R512-43-11](#) for more information.

2077

2078 Federal Adoption Promotion and Support, Promoting Safe and Stable Families (FPA) Funding

- 2079 A. Adoption Promotion and Support, Promoting Safe and Stable Families (FPA) federal
2080 funding is available to each state. The purpose of this program is to enable states to
2081 promote and support adoption services and activities designed to encourage more
2082 adoptions out of foster care. Activities include pre- and Post Adopt Services designed to
2083 expedite the adoption process and support adoptive families to make a lifetime
2084 commitment to their children.

2085

- 2086 B. FPA funds may be used within Child and Family Services for services to promote and
2087 support adoption.

2088

- 2089 C. FPA funds may be used to contract for services to promote and support adoption.

2090

- 2091 D. FPA funding may be used to help adoptive families directly.

2092 1. A family who adopts a child from Child and Family Services.

2093 2. An adoptive family who is utilizing the services of Child and Family Services.

2094

2095 Federal Adoption Promotion and Support, Promoting Safe and Stable Families (FPA) Funding

2096 Regional Guidelines

- 2097 A. Each fiscal year each region is given an equal amount of base FPA funding, with the
2098 remaining FPA funding divided by the percent of adoptive families with Adoption
2099 Assistance Agreements who reside in the region.

2100

- 2101 B. Annually each region will plan how the FPA funding will be best used in their region.
2102 Allocation of some funding for predictable requests such as the annual adoption
2103 conference and therapeutic summer programs could be part of the annual planning
2104 process.

2105

- 2106 C. When considering a request for FPA funding, the post adopt or adoption subsidy worker
2107 will determine that the service is not available through Medicaid or other community
2108 funded services.

2109

- 2110 D. FPA funds paid directly to a family cannot exceed \$2,000 per family per fiscal year. FPA
2111 payments to a family are taxable income. Direct payments to families are discouraged.

2112

- 2113 E. Direct payment to a service provider may exceed \$2,000 with appropriate bids and
2114 contracts, as required by state procurement requirements.
2115

2116 Determining the Appropriate Funding Source

- 2117 A. When either State Supplemental Adoption Assistance (SAC) or federal Adoption
2118 Promotion and Support, Promoting Safe and Stable Families (FPA) funding could be
2119 appropriate for a funding request, the following guidelines should be considered:
2120 1. Federal funds should be considered before state funds to assure all federal funds
2121 (which include a state match) are used in each fiscal year.
2122 a. If the monthly adoption subsidy is from federal Title IV-E funds, it may be
2123 appropriate to amend the Monthly Subsidy Agreement for a limited time
2124 period, when a child would qualify for a higher subsidy to cover the costs.
2125 An example of higher costs might be room, board, and educational costs
2126 of a residential treatment program.
2127 b. The federal FPA funds (which includes a state match) should be
2128 considered for use before State Supplemental Adoption Assistance.
2129 c. The federal FPA funds are best used for time-limited expenditures of less
2130 than \$2,000 per family.
2131 2. State Supplemental Adoption Assistance funds are best used for extensive,
2132 expensive, or long-term costs after it is determined that increasing Title IV-E
2133 monthly adoption subsidy and federal FPA funding are not appropriate or
2134 available.
2135

2136 **401.10 Access To Adoption Records**

2137 Major objectives:

- 2138 A. Child and Family Services Adoption Records - When parental rights are terminated, the
2139 caseworker shall create a new file for the child from relevant information in the child's
2140 family file. The caseworker shall establish a separate file for each child or each sibling
2141 group placed with the same adoptive home.
2142
2143 B. Access to Adoption Records - The information in the file relevant to an adopted child
2144 may be accessed by the adult adoptee or the adoptive parents. Identifying information
2145 about biological parents shall not be released by Child and Family Services, unless
2146 ordered by the court. A biological parent who has relinquished parental rights may only
2147 access case information up to the time of relinquishment. Information in the family file
2148 may be accessed as specified in the GRAMA procedures for Child and Family Services.
2149
2150

2151 **Applicable Law**

2152 Utah Code Ann. [§78B-6-141](#). Petition, report, and documents to be sealed -- Exceptions.
2153

2154

2155 Practice Guidelines

2156 A. An option for sharing adoption information is a cooperative adoption, which is an
2157 agreement between adoptive parents and the birth family that allows sharing of
2158 information and/or maintaining a relationship between the child and identified
2159 members of the birth family, such as birth parents, grandparents, or other extended
2160 family members.

2161

2162 B Adoptee Request for Information - The region director shall designate staff who will
2163 respond to the following requests for information:

2164 1. Request for Identifying Information - An adult adoptee seeking identifying
2165 information about biological parents shall be referred to the court. If contact
2166 with the biological parents is desired, the caseworker may also suggest that the
2167 adoptee register with the Utah Department of Health Adoption Registry. [See:
2168 Utah Code Ann. [§78B-6-144.](#)]

2169 2. Request for Non-identifying Information - An adult adoptee seeking non-
2170 identifying information about biological parents, such as genetic and social
2171 history or health history [Utah Code Ann. [§78B-6-104](#)], may request information
2172 from the Bureau of Vital Records as specified in Utah Code Ann. [§78B-6-143.](#)

2173

2174 C. Biological Parent Request for Information - A biological parent requesting information
2175 about a child after relinquishment of parental rights shall be notified that information
2176 about the child may only be released by court order. It is the responsibility of the
2177 biological parents to obtain a court order. The caseworker may also suggest that the
2178 biological parent register with the Utah Department of Health Adoption Registry if
2179 contact with the child is desired. [See: Utah Code Ann. [§78B-6-144.](#)]

2180