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**Authorized Signature**

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**Topic:** Adoptions

**Subject:** Transnational Adoptions

**Applies to (check all that apply):**

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| <input type="checkbox"/> All DHS employees                        | <input type="checkbox"/> County Mental Health Directors       |
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**Message:**

The attached guidelines are intended to be a general description of the steps that are needed to effect an outgoing (placement in another country) adoption pursuant to the Hague Convention, the U.S. Intercountry Adoption Act, and SB10 and HB3471 passed by the 2009 Oregon Legislature and signed into law by Governor Kulongoski.

The road to completing a placement for the purpose of an international adoption is quite complex and each case is proving to be unique. There are additional actions that may be necessary for many children in order to request final approval from the U.S. Department of State and obtain a Hague Declaration that must accompany the child when the travel for placement. The Adoption Program and the Diversity and International Affairs Program will be assisting branches with these adoption cases individually, as indicated in the guidelines. This is intended to ensure that the department makes every effort to ensure that children will be safe in their adoptive placements and that timely approvals are received from the Central Authorities in the United States and the receiving country.

Policy (Administrative Rules) and procedure are still being developed for outgoing adoptions and for incoming adoptions subject to the same statutes and regulations. Final policy will more than likely reflect additional clarification of these guidelines. Incoming adoptions are proving to be equally complex and there will be information available to the field as soon as possible.

## **Adoption of a Child by a Relative in a Foreign Country**

This is general guidance for CAF child welfare field caseworkers, supervisors, and program managers pending finalization and release of Oregon Administrative Rules and CAF Procedure Manual revisions implementing SB10, HB 3471, the Hague Convention (Convention) provisions for outgoing transnational adoptions, and the federal Intercountry Adoption Act (IAA) of 2000.

This information describes the basic activities that must be completed for each case that involves placement in another Convention country. Additional information about adoption of children who are subject to the Convention (i.e., they came to the United States originally with birth parents from another country) by families in the United States will be provided to the field in the near future.

Convention adoptions are somewhat complicated and each case has had unique elements. Further complexity is added by the addition of two other parties to the adoption selection and finalization process - the United States Department of State (State) who is our Central Authority for the Convention and the Central Authority of the receiving country. Until rule, procedure, and training are completed and provided to the field, the Adoption Program (AP) and the Diversity and International Affairs Program (DIAP) will be working directly (and very closely) with branch staff and the applicable Consulate to guide completion of all of the required steps. This should improve CAF's ability to reduce the potential for any delays in approval of the adoptive placement by the receiving Central Authority and obtaining a Hague Custody Declaration for placement from State.

This list is intended to be a general guide to all of the actions that **MUST** be completed before a child can be placed in another country for the purpose of adoption. Some steps may require completion in a different order, depending on the case, or may have additional components not listed here. And, some steps require involvement of the DIAP in their role as the DHS liaison to Consulate offices. Please be aware that each transnational case can have unique issues that must be addressed.

### **1) Clarification and documentation of the child's nationality and determination that the Convention applies to the child.**

The child's citizenship should be clarified, resolved and documented if the child was not born in the US. Caseworker obtains appropriate documentation verifying the child's citizenship. This can include a U.S. Certificate of Naturalization or an existing U.S. passport and must include obtaining the child's birth certificate. The AP and DIAP will determine whether the placement will be subject to the Convention based on dates determined by Central Authorities.

### **2) Request an adoption home study from a foreign country**

- Caseworker sends a copy of the Format/Outline for Home Study Request in both English and in the language of the receiving country to that country's closest Consulate office.

The Format/Outline for an Intercountry Home Study Request for the Purposes of Adoption is CF 0253 (currently available in English and Spanish – translation to other languages will need to be requested – see note at end of this section.).

- Caseworker completes a CF 0010 A to request translation (see note at end of this section that pertains to all translation needs for each case.).
- Caseworker sends additional case file material to the Consulate, which explains the child's history and special needs. The Adoption Child Summary 421 and the Genetic and Medical History of Child and Biological Family Form 246 must be included, as well as other relevant information. The documents must be appropriately redacted, including removal of all last names, treatment program names, SSN's, and child's current location. Include information about the child's special needs.
- Caseworker requests a criminal history background check and child abuse/neglect history background check be completed on all persons in the prospective adoptive home who are 18 years of age or older.

*Note: Translation services information for documents may be accessed by completing a CF 0010 A to request translation. Refer to the Child Welfare Action Request, AR-08-001, effective date 7-21-08 located at*

[http://www.dhs.state.or.us/policy/childwelfare/ar/2008/cw\\_ar\\_08\\_001.pdf](http://www.dhs.state.or.us/policy/childwelfare/ar/2008/cw_ar_08_001.pdf).

### **3) Initiation of contact with the adoption worker in the receiving country**

- Caseworker verifies that the adoption worker studying the family in the other country has received documentation about the child's history and special needs.
- Caseworker discusses with the worker for the family in the receiving country the main points of the department's adoption placement process and post-placement supervision needs and supports. These needs and supports include:
  - a. Face-to-face visits in the home a minimum of once every 30 days for supervision and support of the adoption until finalized (no less than six months) and quarterly written reports sent to DHS regarding face-to-face contact that address the child's safety and well-being, and progress in treatment.
  - b. Referral of the adoptive family for services as needed, monitoring the home to confirm the safety of the environment.
  - c. A written recommendation to finalize the child's adoption after a minimum of six months in the home.
- Caseworker discusses required pre-adoption training the family is required to obtain.

### **4) Training of prospective adoptive parents prior to placement of child in a foreign country**

A minimum of 10 hours of Convention compliant training is required. This may be done in a variety of formats. The Central Authority in the receiving country and/or the adoptive family's worker may provide adoption training to the family. The family may attend classes or take Internet courses relevant to the child's special needs. The family is responsible for securing training. A caseworker with questions about training content and compliance should contact

the AP.

*Reminder: DHS does not accept training that promotes any physical punishment or holding therapy for attachment.*

### **5) Completion and acceptance of the home study**

- Caseworker receives and reviews the translated home study with his or her supervisor to determine if the home study is satisfactorily completed. It is particularly important that studies address how relatives will provide safeguards for children if birth parents will have potential access and how the child's special needs will be met.
- Home studies **MUST** address all items in the International Home Study template. Incomplete home studies will not be accepted and will delay acquiring the Hague Declaration from State for placement.
- The caseworker sends a copy of the English version of the home study to the AP (currently Ann Bennett) with a cover memo listing the first and last names of the children for whom the family is being considered. The program office will also review the home study to insure it is thoroughly completed.
- The program office informs the caseworker that the study is approved and that committee can be scheduled, or returns the incomplete study to the worker with directions about what must still be addressed.

### **6) Central Authority approval of placement**

The Central Authority of the receiving country must agree to the adoption. The foreign Central Authority, if satisfied that the prospective adoptive parents are eligible and suited to adopt, prepares a report on the family, and transmits the report to State.

The AP and DIAP will facilitate this piece of the process through the appropriate Consulate and foreign Central Authority.

### **7) Adoption committee for Convention studies**

Only Convention home studies that have been approved by the receiving country and the Adoption Program may be considered at an adoption committee, unless the local office has requested and received an exception from the AP Manager. The child's local office is responsible for assigning a CAF adoption worker to present an out-of-country family at adoption committee.

Once the department makes the decision via the adoption committee selection process to select the relative in a foreign country for the purpose of adoption, the caseworker should request that DIAP contact the applicable Consulate and advise them of approval of the relatives as the adoptive resource. The family's DHS adoption worker should also contact the selected relative family by phone to notify them of the decision.

### **8) Initiation of a formal placement supervision agreement (aka International Adoption**

## **Services Agreement) for post-placement supervision, monitoring, reporting, and services**

- The program office sends a copy of the approved adoption home study CAF's Adoption Program Contract Coordinator (currently Louie Thomas) who completes the International Adoption Services Agreement
- Agreements must cover all of the placement supervision, monitoring, reporting, and post-placement services requirements indicated in #3, above.

## **9) Passports and movement of children**

Children **cannot** be moved until they are legally free, they have applicable passports, and the court has approved the move for the purpose of adoption in another country (See #s 11 and 12, below).

Caseworkers should not apply for United States Passports for children **until they are legally free and DHS has permanent custody.** Earlier application will result in a time-limited, temporary or conditional passport. Children should not be placed until they have regular United States passports if they are citizens or hold dual-citizenship.

The caseworker should also continue to work with DIAP as that program office works with the Consulate to insure that all necessary steps and documents required by the receiving country for a child to physically enter and legally be placed for the purpose of adoption are completed. This should include any and all documentation that the Consulate says is specifically required for the child to remain in their country until the age of majority.

## **10) Adoption assistance and adoptive placement with a relative in a foreign country**

To be eligible for Adoption Assistance, the child must be a United States citizen. The caseworker coordinates closely with the AP adoption assistance unit coordinator, who will be assigned to the case post adoption committee and pre-placement, and the AP staff who designate adoptive placements. The department cannot provide health and dental insurance coverage outside the United States and its territories

## **11) Obtain court approval for adoptive placement in another country**

The caseworker contacts their assigned branch AAG to request preparation of a motion to obtain a court order for approval of the placement of the child in another country for the purpose of adoption if the child is a United States citizen OR is a citizen of both the United States and another country. Court orders that are compliant with Convention placements must reflect specific findings identified in the IAA and the Convention.

## **12) Obtaining permission from the U.S. Department of State to move a child to a receiving Hague Convention country**

- A United States Hague Custody Declaration (HCD) will need to be obtained from the Department of State. The form specifies what supporting documents must be provided, including the court finding that the child is eligible for adoption and that the proposed adoption is in the child's best interests. The Application for the US Hague Adoption Certificate or Custody Declaration DS—5509 is available on-line at

[http://travel.state.gov/pdf/DS\\_5509\\_ApplicationforHagueCertificate.pdf](http://travel.state.gov/pdf/DS_5509_ApplicationforHagueCertificate.pdf). The caseworker must complete this form, but the program office(s) will assist with this process for the time-being.

- Caseworker sends the DS5509 Application for Hague Certificate and required accompanying documents to (currently Ann Bennett) the AP.
- The AP will submit the application for the HCD and required documents to State. The HCD is issued by State and, among other things, declares that temporary physical care and custody of the child has been granted to the prospective relative adoptive parents for the purpose of adoption in accordance with the Convention and IAA pending finalization of the adoption and that the placement is safe.
- The HCD and Passport (plural – if dual citizenship) are **BOTH** required for the child to pass through customs to another country for the purpose of adoptive placement.

### **13) Transitioning a child to the relative in a foreign country**

The caseworker is responsible for insuring that the child is thoroughly prepared for the transition. In addition, the caseworker contacts DIAP to ascertain that the region the child is traveling to continues to be approved as a safe place to travel by the United States Secretary of State. The department will take all measures to ensure that the transfer of the child takes place in secure and appropriate circumstances, with a properly trained and qualified escort, if used, and, if possible, in the company of the prospective adoptive parent(s).

If the pre-adoptive parents are traveling to the USA, they will need to apply for the necessary visas allowing them entry to this country for the purposes of taking the child/children back to the foreign country. The family may apply for reimbursement of adoption related costs up to \$1500 (inclusive of legal fees) through “Adoption Assistance Non Recurring Expenses.”

Finally, the caseworker provides the supervising worker for the adoptive placement and collateral contacts for the child (school personnel, pediatricians, dentists, therapists, etc.) in the receiving country with a phone number they can call if they become concerned about the child’s safety and/or well being. The program office is in the process of determining a number to be used – for now, please provide a local number that is linked with 24/7 child protective services response.

### **14) Disclosure of information to the relative adoptive family**

The caseworker is required to provide the CF 963 package to the selected adoptive parents prior to placement of the child/children, translated as necessary.

### **15) U.S. Department of State tracking of outgoing transnational adoption placements.**

The AP and DIAP will keep the Central Authority of the receiving Convention country and Department of State informed as necessary about the adoption process and the measures taken to complete it, as well as about the progress of the placement during the supervision period prior to finalization. Department of State has a federal requirement under the IAA to track all outgoing/incoming Convention adoption cases and the program office will be responsible for Hague/IAA federal reporting requirements.

## 16) Finalization of the Adoption

See Chapter V, section 13, Legalizing the Adoption, for additional information about finalization:

[http://www.dhs.state.or.us/caf/safety\\_model/procedure\\_manual/ch05/ch5-section13.pdf](http://www.dhs.state.or.us/caf/safety_model/procedure_manual/ch05/ch5-section13.pdf).

The adoption is best finalized in Oregon pursuant to Oregon law.

All Hague cases require that the adoptive family obtain a Hague Adoption Certificate (HAC) from the Central Authority in the country in which they reside. **This is the family's responsibility and is secured following finalization.**

## 17) Court dismissal of wardship

The court must maintain jurisdiction until finalization of the adoption. Dismissal of court wardship and care and custody to DHS must occur after the adoption is finalized.

*If you have any questions about this information, contact:*

<b>Contact(s):</b>	Ann Bennett		
<b>Phone:</b>	1-503-945-5998	<b>Fax:</b>	1-503-945-6633
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