

## **1600 GENERAL PROVISIONS; ADMINISTRATION**

- 1600.1 This chapter shall govern the placement of children under 16 years of age in family homes and the care and guidance to be provided children and their families during the placement process.
- 1600.2 Each child-placing agency shall have a written statement of its child-placing philosophy, purpose, and program. The statement shall contain a description of each service the agency provides and the methods of service delivery. The statement shall be available to the Department of Consumer and Regulatory Affairs, referral sources, and the public on request.
- 1600.3 Each child-placing agency shall provide a description of the geographical area the agency serves or intends to serve with the specific services it provides or proposes to provide.
- 1600.4 Each child-placing agency shall have an office and staff within the District of Columbia.

AUTHORITY: Unless otherwise noted, the authority for this chapter is Reorganization Plan No. 3 of 1986, 3 D.C. Code, 2001 Ed. at 382; the District of Columbia Child-Placing Authority Act of 1979, D.C. Law 3-59; the District of Columbia Child-placing Authority Act Amendments Act of 1982, D.C. Law 4-141; D.C. Code, 2001 Ed. §4-1403(a); and Mayor's Order 82-205.

SOURCE: Final Rulemaking published at 37 DCR 3033 (May 11, 1990).

## **1601        INCORPORATION**

1601.1    Each child-placing agency shall be:

- (a)        A nonprofit corporation incorporated in the District of Columbia; or
- (b)        A nonprofit corporation incorporated outside the District of Columbia with a certificate of authority to conduct its affairs in the District of Columbia as a nonprofit corporation.

1601.2    Each child-placing agency shall operate according to by-laws and articles of incorporation which state the purpose of the organization includes the operation of a child-placing agency.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3034 (May 11, 1990); as amended by Final Rulemaking published at 44 DCR 59 (January 3, 1997).

## **1602 BOARD OF DIRECTORS**

- 1602.1 Each child-placing agency shall have a board of directors (Board) which shall be the governing body responsible for the operation, policies, and practices of the agency.
- 1602.2 The Board shall have, as members, at least five (5) unrelated persons, who are representatives of diverse communities and experience, have knowledge of and belief in the program, and are able to contribute to it from their experience.
- 1602.3 The members of the Board shall include past consumers of services of a child-placing agency. There shall be a written policy statement providing for the rotation of Board members.
- 1602.4 The executive director of the child-placing agency may be a member of the Board. The executive director shall not serve as a presiding officer of the Board.
- 1602.5 Members of the Board shall be of good character as determined by letters of reference and criminal background investigations.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3034 (May 11, 1990).

## **1603        RESPONSIBILITY OF THE BOARD OF DIRECTORS**

- 1603.1    The Board shall employ a qualified executive director to administer and operate the child-placing agency.
- 1603.2    The Board shall regularly evaluate the executive director's performance.
- 1603.3    The Board shall establish overall policy for the child-placing agency. Written policies shall be available to each Board member, employee, and consumer of the child-placing agency's services.
- 1603.4    The Board shall approve the annual budget of anticipated income and expenditures necessary to provide the services of the child-placing agency. The Board shall approve the annual financial audit report.
- 1603.5    The Board shall meet at least quarterly. A quorum shall be present at each meeting.
- 1603.6    The Board shall maintain records of attendance and minutes of its meetings. The records and minutes shall be available for inspection by the Department of Consumer and Regulatory Affairs.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3034 (May 11, 1990).

## **1606      RECORD KEEPING**

- 1606.1    Each child-placing agency shall maintain financial records of all receipts, disbursements, assets, and liabilities in such a manner as to facilitate adequate financial reporting and shall establish an accounting system capable of tracking all movements of funds and the actual expenditures for each case.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3035 (May 11, 1990).

## **1608 FEES**

1608.1 Except as provided in §1608.2 and 1608.3, a child-placing agency shall not charge more than \$7,500 in fees for services provided in connection with a domestic adoption. The maximum fee authorized by this subsection may not be charged if the services listed in paragraphs (a) through (c) of this subsection are not provided. Fees may be charged for providing the following services in connection with a domestic adoption:

- (a) A homestudy assessment of an adoptive parent;
- (b) A homestudy update;
- (c) Post-placement supervision of an adoptive parent;
- (d) Birthparent counseling;
- (e) Adoptive parent education, orientation, or training;
- (f) Processing an application for adoption;
- (g) Referral, administrative, and support services;
- (h) Foster care and related services provided for sixty (60) days or less;
- (i) Coordination of Interstate Compact compliance;
- (j) Preparing an application for an adoption subsidy or other benefits for the child;
- (k) Placement activities, including providing reports to the court to finalize the adoption and arranging, conducting, or attending meetings:
  - (1) To review social, medical, and foster care information;
  - (2) Between the social worker and the birth parent;
  - (3) Between the social worker and the adoptive parent;
  - (4) Between the social worker and the child; and
- (l) Post-placement education, support, and social activities for the child and adoptive parent for a period of one (1) year after the date that the adoption is final.

1608.2 A child-placing agency may charge an adoptive parent up to \$2,500 over and above the \$7,500 limit in §1608.1 for the actual costs of the following expenses attendant to a domestic adoption:

- (a) Customary and reasonable legal fees and costs of the agency;
- (b) Costs of locating an absent birthparent;
- (c) Living expenses of the birthmother, including food, shelter, clothing, counseling by an independent mental health professional, or the costs of transportation to obtain medical or adoption related services; and
- (d) Foster care expenses provided after the first sixty (60) days of foster care.

1608.3 Notwithstanding the \$7,500 fee limit established by §1608.1, a child-placing agency may charge an adoptive parent for the actual costs of the following expenses which exceed the \$7,500 limit in §1608.1 attendant to a domestic adoption:

- (a) The birthmother's medical expenses;
- (b) Legal fees and costs in connection with contested adoption proceedings;
- (c) Expenses incurred by the child-placing agency in connection with a disruption and alternative placement of a child prior to the adoption or readoption; and
- (d) Expenses involved in obtaining documents required to complete the homestudy assessment.

1608.4 A child-placing agency shall not charge more than \$7,500 in fees for services provided in connection with an international adoption. The maximum fee authorized by this subsection shall not be charged if the services listed in paragraphs (a) and (b) of this subsection are not provided. The child-placing agency may charge fees for providing the following services in connection with an international adoption:

- (a) A homestudy assessment of an adoptive parent;
- (b) Post-placement supervision of an adoptive parent;
- (c) A homestudy update;
- (d) Education, orientation, and training services for an adoptive parent;
- (e) Processing an application for adoption;
- (f) Referral, administrative, and support services;
- (g) Coordination of Interstate Compact compliance;
- (h) Providing information on compliance with U.S. Immigration and Naturalization Services requirements for international adoptions;
- (i) Consultations with parents about the international adoption climate, including policies, protocol, laws, and rules, exploration of adoptive parents' feelings about adopting a child of a different race or national origin, and the adoptive parents' capacity to accept limited medical and social background information on the child and the implications of the background information;
- (j) Placement activities, including reports to the court to finalize an adoption or readoption; and
- (k) Post-placement education, support, and social activities for the child and adoptive parent to a period of one (1) year after the date that the adoption is final.

1608.5 A child-placing agency may charge for the following actual expenses attendant to an international adoption over and above the \$7,500 limit established by §1608.4, except that additional fees shall not be charged unless the child-placing agency pays the fee on behalf of the adoptive parent or directly provides the service subject to the fee:

- (a) Fees charged by the foreign source, including the government, a child-placing agency, attorney, orphanage, or other person who provides adoptive services;

- (b) Fees for overseas foster care;
  - (c) Translation and authentication fees;
  - (d) Costs of travel to and from the foreign country and lodging in the foreign country;
  - (e) Escort fees;
  - (f) Passport and immigration fees;
  - (g) Expenses incurred by the agency in connection with a disruption and alternative placement of a child prior to an adoption or readoption; and
  - (h) Expenses involved in obtaining documents required to complete the homestudy assessment.
- 1608.6 A child-placing agency shall not charge more than \$100 in fees per request for providing non-identifying information from a closed adoption file. No child-placing agency shall refuse to provide non-identifying information to a person who requests the information solely because the person is unable to pay the fee for the information.
- 1608.7 A child-placing agency shall not charge more than \$500 in fees for services provided in connection with an adoptee-birth parent search or reunion, except that the child-placing agency may charge for actual costs incurred in conducting the search.
- 1608.8 If the services of an independent search consultant or other non-agency investigative personnel are used in connection with an adoptee-birth parent search or reunion, the child-placing agency may charge the person who requests the search consultant's services a reasonable fee for the costs of the search consultant's services, if the fee was agreed upon in writing in advance.
- 1608.9 The child-placing agency shall have a written policy that describes the relationship between fees and services provided and the conditions under which fees are charged, waived, or refunded. Each child-placing agency shall inform the public of the existence of its written policy on fees and shall make the policy available for public inspection.
- 1608.10 Each child-placing agency shall provide each client with a written estimate of the cost of services to be provided, contracted for, or arranged by the agency, prior to delivery of the services.
- 1608.11 Each child-placing agency shall require each client who is paying for agency services to sign a copy of the written estimate of the cost of services as described in §1608.10 and the written policy as described in §1608.9. The agency shall maintain the signed copy of these documents or combined document in the client's file.
- 1608.12 A child-placing agency shall not solicit or accept money or any item of value or services from any client or any representative of the client on behalf of the child-placing agency beyond the established fees for services provided in connection with placing a child for adoption.
- 1608.13 A child-placing agency shall not solicit or accept any donation of any type or form for any purpose from any prospective adoptive parent during the period that begins on the date that the prospective adoptive parent applies to the child-placing agency to adopt and ends on the date that the final decree of adoption is entered.
- 1608.14 If a Relinquishment of Parental Rights to a child born in the United States is transferred to a child-placing agency licensed in the District of Columbia pursuant to D.C. Code, 2001 Ed. §4-1406(e), the adoptive family shall pay the child-placing agency no more than the difference



between any payment made to a child-placing agency in another jurisdiction and the limit on fees established by this section.

- 1608.15 At the time that the child-placing agency prepares the report and recommendation to the D.C. Superior Court to approve or disapprove the adoption, the child-placing agency shall require the prospective adoptive parent to execute an affidavit that sets forth each fee and expense of \$500 or more paid to any individual or organization by the prospective parent for any one service or combination of services, including the amount, purpose of payment, and name and address of the recipient of the payment.

SOURCE: Final Rulemaking published at 37 DCR 3033 (May 11, 1990); as amended by Final Rulemaking published at 44 DCR 60 (January 3, 1997).

## **1609        OFFICE SPACE**

1609.1    Each child-placing agency shall provide suitable space for the following purposes:

- (a)        Office and reception areas with convenient space and privacy for clients and staff;
- (b)        Areas for confidential interviewing with parents and children; and
- (c)        Storage areas for personnel and client records that provide controlled access, retrieval, and confidentiality.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3036 (May 11, 1990).

## **1617      ADOPTIVE SERVICES**

- 1617.1 Each child-placing agency shall have a written plan for recruitment of adoptive homes which shall include:
- (a) Methods of recruitment;
  - (b) Time-related goals for applicant recruitment;
  - (c) Staffing requirements; and
  - (d) Funding to implement the plan.
- 1617.2 A child-placing agency that serves minority children shall have a plan for actively recruiting homes of the same race or ethnic category as the children.
- 1617.3 Each child-placing agency shall provide the following information to prospective adoptive parents:
- (a) A statement of the agency's purpose, philosophy, and policies;
  - (b) Description of children available;
  - (c) The agency's eligibility criteria, procedures, and responsibilities;
  - (d) The approximate time the process will take;
  - (e) Fees for services;
  - (f) Fee refund policies and procedures; and
  - (g) Service termination policies and procedures.
- 1617.4 Each adoptive applicant shall submit an application in writing on a form provided by the child-placing agency.
- 1617.5 The applicant shall sign a statement acknowledging receipt of a copy of the child-placing agency's policies as outlined in §1617.3 and such acknowledgment shall be maintained in the applicant's file.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3042 (May 11, 1990).

## **1618 INTAKE PROCEDURES FOR ADOPTIVE SERVICES**

- 1618.1 At the time of referral of a child or application for services, the child-placing agency shall assess the needs and strengths of the child's family.
- 1618.2 A written intake study shall include:
- (a) The identification of the specific needs of the child and family which warrant consideration of removal and adoptive placement of the child;
  - (b) The family's strengths;
  - (c) The involvement of the child's parents and significant others in his or her care;
  - (d) The available resources;
  - (e) The goals of the family;
  - (f) Available social and medical history of the child and each family member; and
  - (g) The child's legal status.
- 1618.3 Each child-placing agency shall keep a record of all requests for services, placements, and the reasons for acceptance and denial of services.
- 1618.4 Each child-placing agency shall provide referral assistance to persons requesting services not provided by the agency.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3043 (May 11, 1990).

## **1619 CASE PLAN**

- 1619.1 Each child-placing agency shall develop a written case plan on each child prior to placement. In cases of emergency placements, the assessment and case plan shall be initiated within one (1) week and completed within six (6) weeks of placement.
- 1619.2 Each case plan shall include the followings:
- (a) Documentation of whether available social services to preserve and strengthen the family unit have been provided to the family and child and that all alternatives to placement and their consequences have been explored;
  - (b) The reasons for the selection of the type of care and how it meets the child's and family's needs;
  - (c) Projected length of time in care;
  - (d) Pre-placement activities with child and family;
  - (e) Specific initial case goals for the child and family and steps to accomplish goals;
  - (f) Specific time schedule to achieve the goals;
  - (g) Designation of responsibility for carrying out steps with the child, parents, foster parents, adoptive parents, and the court (when involved), including frequency of contacts;
  - (h) Visitation plans between the child, parents, and siblings, if appropriate;
  - (i) Date for first review of progress on steps and goals;
  - (j) Conditions under which the child shall be returned home or when steps shall be taken to seek termination of parental rights;
  - (k) The names and addresses of the child's health and educational providers;
  - (l) The child's grade level performance and school record;
  - (m) Assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement;
  - (n) A record of the child's immunizations;
  - (o) The child's known medical problems and medications; and
  - (p) Any other relevant health and education information concerning the child determined to be appropriate.
- 1619.3 Each child-placing agency shall include the parents, other significant persons, and the child (when appropriate to age and understanding) in the development of placement and care plans.
- 1619.4 Before accepting a child for placement, each child-placing agency shall secure written authorization to place the child from the parents, guardians, or court.

- 1619.5 Before accepting a child for placement, each child-placing agency shall secure written authorization to provide medical care from the parents, guardians or court to provide medical care.
- 1619.6 Each child-placing agency shall assist the parent(s) in understanding the legal rights and obligations that they retain and those delegated to the agency by the court. The agency shall provide this information to the parents in writing and shall document this action in the case record.
- 1619.7 Each child-placing agency shall provide information on the legal rights and obligation of the parties in adoptions to parents in their own language if English is not easily understood.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3043 (May 11, 1990).

## **1620        ADOPTIVE HOME STUDY SERVICES**

- 1620.1    An adoptive home study shall be conducted prior to the placement of a child in a home.
- 1620.2    The child-placing agency shall complete an adoptive home study which is a counseling and assessment process with the primary goal of providing secure nurturing and permanent families for children. In conducting the adoptive home study, the agency shall:
- (a)        Work together with the applicant to evaluate the applicant's ability and readiness for adoptive parenthood;
  - (b)        Make appropriate recommendations regarding the type of child to be placed with the family;
  - (c)        Build supportive relationships and activities that will ensure the success of the placement;
  - (d)        Provide educational opportunities for the applicant regarding the ongoing adoption process and those issues unique to the type of adoption being considered; and
  - (e)        Provide a written report integrating all of the information and culminating in an agency recommendation.
- 1620.3    Each child-placing agency shall provide home study services to families living in the District of Columbia and adjacent jurisdictions which render adoptive services under reciprocal agreements. Each adoptive home study service provided shall be documented in a written report.
- 1620.4    Each adoptive home study report shall include information obtained in at least three (3) face-to-face interviews with each adoptive parent. The home study process shall include:
- (a)        One (1) face-to-face interview with the adoptive couple and one (1) face-to-face individual interview with each applicant;
  - (b)        One (1) interview with the prospective adoptors shall take place in the home of the adoptive family; and
  - (c)        One (1) face-to-face contact with each member of the potential adoptive family household.
- 1620.5    Each home study report shall include the following information on the adoptive applicants:
- (a)        Dates and types of agency contacts with adoptive applicants and family;
  - (b)        Applicant's motivation for adoption;
  - (c)        Verification of date and place of birth of the applicants;
  - (d)        Readiness of the applicants to parent a child not born to with them;
  - (e)        Identification of each person living in the home;
  - (f)        Description of each member of the applicant's immediate family;
  - (g)        The attitudes and feelings of the family and significant others involved with the family toward adoptive children;

- (h) Attitudes of the applicants toward birth parents and the reasons the children are in need of adoption;
- (i) Emotional stability and maturity of an applicant, including the capacity to give and receive affection;
- (j) Physical description and assessment of the personality of the applicants;
- (k) Assessment of the ability to cope with, problem, stress, crisis, and losses including availability of formal and informal support system;
- (l) Verification of any present marriage and, if applicable, information on divorces or deaths of former spouses, and an assessment of the compatibility and marital satisfaction and stability of the couple in relation to the length of their marriage;
- (m) Ability to provide for the child's physical and emotional needs;
- (n) Verification of the date and place of birth/adoption of all children in the home of the applicant;
- (o) Adjustment of children in the home, if applicable;
- (p) The applicant's attitude toward discipline and child-rearing;
- (q) Clearance with the child abuse and neglect registry and record of criminal convictions, if any;
- (r) A summary of the medical report for each member of the adoptive family living in the household, within six (6) months of the study, which verifies that each person has no communicable disease, specific illness, or disabilities which would interfere with the family's ability to parent a child;
- (s) Level of education completed;
- (t) The applicant's financial status including current job and income, other sources of income, savings, assets, and liabilities;
- (u) A minimum of three (3) personal and community character references;
- (v) The interest, hobbies, and use of leisure time for each applicant;
- (w) Religious orientation, if any;
- (x) Description of the home including the adequacy of space and privacy in relation to parent and age and sex of children; and
- (y) Worker's assessment of the plan for child care if parents work.

1620.6 After completion of the home study, the child-placing agency shall make a recommendation on the adoption which shall be included in the adaptive home study report. If the agency recommends approval of the application, the report shall describe the children which shall include the age, sex, number, and their special needs. If the agency recommends denial of the application, it shall state the reasons for denial.



- 1620.7 If a placement has not been made and twelve (12) months have elapsed since the adoptive home study, a prospective adoptive home shall be re-evaluated.
- 1620.8 In those cases where the initial home study was performed by the same agency as that performing the re-evaluation, the child-placing agency shall do the following:
- (a) Visit the home of the prospective adoptive parent(s);
  - (b) Have a face-to-face interview with all household members;
  - (c) Update the medical reports on all members of the household; and
  - (d) Make an evaluation of any changes in the information contained in the initial home study.
- 1620.9 In those cases where the initial home study is performed by a different agency, the second child-placing agency shall do the following:
- (a) Have two (2) visits with the prospective adoptive parents, one (1) of which should be in the home;
  - (b) Have a face-to-face interview with all household members;
  - (c) Update the medical reports on all members of the house-hold; and
  - (d) Make an evaluation of any changes in the information contained in the initial home study.
- 1620.10 After an adoptive placement has been made and the family seeks an additional placement, a home study update shall be performed in accordance with §1620.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3045 (May 11, 1990).

## **1621        NOTIFICATION REGARDING APPLICATION**

- 1621.1    Each child-placing agency shall notify each applicant in writing within thirty (30) days of completion of the home study of the acceptance or denial of his or her application to be an adoptive parent.
- 1621.2    When an application is denied, the child-placing agency shall inform the applicant of the reasons why a child cannot be placed in his or her home during a face-to-face interview. The child-placing agency shall offer counseling services to the applicant(s) to assist him or her in adjusting to the denial.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3049 (May 11, 1990).

## **1622 SERVICES TO ADOPTIVE PARENTS**

- 1622.1 Each child-placing agency shall provide services to adoptive applicants to assist them in making an informed decision about adoption.
- 1622.2 Each child-placing agency shall provide an opportunity for the applicants to participate in the adoptive study and the evaluation of his or her potential for meeting the needs of the children available for adoption.
- 1622.3 Each child-placing agency shall discuss children available for adoption with the adopting family.
- 1622.4 Each child-placing agency shall prepare the adoptive family for the placement of a particular child. Preparation shall include:
- (a) Information about the needs, characteristics, and expectations of the child, of the child's family, and of the adoptive family;
  - (b) Review of medical histories of the child and of the child's family; and
  - (c) A visit with the child prior to placement.
- 1622.5 A child-placing agency employee shall visit the adoptive family at least three (3) times after the placement of a child prior to final decree. Observations made during the visits shall be used in making recommendations for the finalization of the adoption.
- 1622.6 The child-placing agency shall make services available to the adoptive parents, the birth parents, and the adoptee after the finalization of the adoption.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3049 (May 11, 1990).

## **1623 PRE-PLACEMENT RESPONSIBILITIES OF CHILD-PLACING AGENCIES**

- 1623.1 Prior to placement of a child for adoption, the child-placing agency shall establish through documentary evidence that the child meets one (1) of the following criteria:
- (a) The child is legally free for adoption in accordance with the laws of the District of Columbia; or
  - (b) The child is legally able to enter the District of Columbia for adoption in accordance with the laws of the District of Columbia.
- 1623.2 If a family identifies a child for adoption outside of the District of Columbia, the family shall notify a child-placing agency located in the District of Columbia of the identification of the child and of all available information regarding the child. The child-placing agency shall evaluate the information provided on the child and the background of the prospective parents to determine the appropriateness of the placement.
- 1623.3 After a review of the information provided to the agency, the child-placing agency shall notify the prospective, rents of its assessment of the appropriateness of the placement.
- 1623.4 If the child is identified by the family in another country, the family shall contact the child-placing agency to provide all information available about the child.
- 1623.5 The child-placing agency shall notify the family and the United States Immigration and Naturalization Service of its agreement or disagreement with a proposed placement of a child identified in another country.
- 1623.6 The child-placing agency shall ensure that prior to the placement of the child, the adoptive parents sign a notarized statement of financial responsibility for the expenses for replacement of the child in the event a disruption should occur prior to adoption in the local jurisdiction. The statement shall be placed by the agency in the family's file.
- 1623.7 The local child-placing agency shall notify the Department of Human Services of the following:
- (a) The date of placement;
  - (b) The legal status of the child; and
  - (c) That the statement of financial responsibility has been completed and placed in the agency's family file.
- 1623.8 Each child-placing agency shall maintain all adoptive placement agreements in the family records on the family's acceptance of a child identified for adoption outside the District of Columbia.
- 1623.9 The child-placing agency shall be notified in all interstate adoptions of the following:
- (a) The date of the placement; and
  - (b) The legal status of the child.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3050 (May 11, 1990).

## **1624 POST-PLACEMENT RESPONSIBILITIES OF THE CHILD-PLACING AGENCY**

- 1624.1 Each child-placing agency shall provide post-placement services for at least six (6) months from the date of the adoptive placement of a child.
- 1624.2 Each child-placing agency shall conduct at least three (3) interviews during the six (6) month period with the child and the parent(s), and shall make at least one (1) visit to the home.
- 1624.3 If a final decree of adoption has not been granted within six (6) months of placement, the child-placing agency shall continue to provide services until the final decree is granted.
- 1624.4 The child-placing agency shall retain in its records all post-placement reports until finalization of the adoption. A copy of the adoption decree shall be placed in the adoptive parent's record.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3051 (May 11, 1990).

## **1625 ADOPTION RECORDS**

- 1625.1 Each child-placing agency shall maintain adoptive family records which shall contain the following:
- (a) The application with photograph;
  - (b) The home study;
  - (c) Medical records of each family member and financial verifications;
  - (d) Documentation of the agency's contacts with at least three (3) references;
  - (e) Criminal and child abuse records and reports of family members;
  - (f) Summary narrative of the pre-placement and post placement contacts with the adoptive family and the adopted child;
  - (g) Verification of each marriage and divorce of the applicants;
  - (h) The adoptive placement agreement;
  - (i) Each legal document pertaining to adoption;
  - (j) A statement signed by the applicant stating that he or she has reviewed agency policies and procedures;
  - (k) All correspondence related to the adoption;
  - (l) Identifying information on each child placed in the home;
  - (m) A physician's report on the health of the child prior to finalization, and
  - (n) A report of the supervisory period to include:
    - (1) Significant changes in family circumstances since the initial home study such as employment, place of residence, birth, death, and illness;
    - (2) The child's emotional adjustment and the family's response;
    - (3) Acceptance of placement by the extended family and community;
    - (4) The health, physical, and intellectual development of the child;
    - (5) Observations of the child placed regarding daily activities such as sleeping, eating, playing, school, and day care;
    - (6) Cultural adaptation of the child including language adaptation and habits; and
    - (7) Any information that completely describes the child's overall adjustment as well as a summary and recommendations which may include the need for outside resources.

- 1625.2 Each child-placing agency shall maintain individual records for each child placed in an adoptive home which contain:
- (a) Identifying information, including the name, birthdate, place of birth, sex, race, height, weight, hair color, eye color, identifying remarks, social security number, and photographs;
  - (b) Copies of the legal documents of importance to the child, such as birth certificate and any court disposition;
  - (c) Social, physical and mental history of the child's biological family, if available;
  - (d) Records of immunizations and dental care; medical reports and physical and mental history of the child, as required;
  - (e) A summary which reflects the dates of contact, initial assessment, case plan, and content of the worker's visits;
  - (f) Information on the circumstances which led to the decision to place the child, the agency's involvement with the parent(s), including services offered, provided, or rejected;
  - (g) Educational records;
  - (h) Summary of the case reviews which reflect contacts with each family member in relation to the case plan as well as the achievements or changes in the goals;
  - (i) Summary of any administrative or outside service reviews on the progress of each child toward the goal determination;
  - (j) Summary of the child's contacts with family members which reflect the quality of the relationships as well as how the child is coping with them; and
  - (k) History of care including names of care-givers, addresses, and dates of care.
- 1625.3 Each child-placing agency shall ensure that upon discharge a child's record contains the following:
- (a) A discharge summary showing services provided during care, the growth and accomplishments, assessed needs to be met, and recommended services to meet these goals;
  - (b) Dates of and reason for discharge, and the name, address, telephone number, and relationship of the person or agency to whom the child is discharged; and
  - (c) Aftercare plans which specify the responsibility for follow-through on the care of the child.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3051 (May 11, 1990).

## **1626 FINALIZATION OF ADOPTION**

- 1626.1 Except in a case of an international adoption, the adoptive family shall file for adoption of a child six (6) months following the placement or as soon thereafter as possible.
- 1626.2 The child-placing agency shall provide a report to the court summarizing the supervisory period and making a recommendation on the petition for adoption.
- 1626.3 The family shall provide a copy of the final decree to the child-placing agency.
- 1626.4 In cases where two (2) child-placing agencies participated in the adoptive placement, the child-placing agency responsible for the finalization of the adoption in court shall forward a copy of the decree to the other participating child-placing agency.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3054 (May 11, 1990).



## **1627 POST-ADOPTIVE SERVICES**

- 1627.1 Post-adoptive services may be offered to the family by the child-placing agency or through a referral to community resources.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3054 (May 11, 1990).

## **1628 SOCIAL SERVICES RELATED TO CHILD-PLACING**

- 1628.1 The child-placing agency shall give the birth parents an opportunity to discuss the options available to them regarding the placement of the child.
- 1628.2 When it is considered to be in the best interest of the child, the child-placing agency shall provide social services to the birth family and make referrals to other community resources to help maintain the family unit.
- 1628.3 The birth parents shall be given information concerning the legal and other ramifications of adoption and the legal implications of the decision.
- 1628.4 Each child-placing agency shall provide counseling and casework services during the decision-making process for the prospective adoptive parent.
- 1628.5 Each child-placing agency shall provide older children with counseling and casework services during all phases of the adoption process.
- 1628.6 Prior to accepting a child for any placement, a child-placing agency shall obtain written consent to place the child from the legally responsible person or entity which may be the birth parent, guardian, or court.
- 1628.7 Prior to accepting a child for placement, a child-placing agency shall obtain written consent to provide routine or emergency medical care from the birth parent, legal guardian, or court.
- 1628.8 After accepting a child for placement from another child-placing agency, a child-placing agency shall establish an agreement which will set out the child-placing agency responsible for developing a written statement of the role and responsibilities of each child-placing agency in working with the child, birth family, foster family, and adoptive family.
- 1628.9 Each child-placing agency shall provide counseling and casework services to the birth parent and his or her family during all phases of the adoption process.
- 1628.10 The child-placing agency shall not encourage the parent or parents of the child to surrender the child by coercion or promise of financial aid or other considerations, nor shall the parent's acceptance for casework service be contingent upon any agreement to surrender the child.
- 1628.11 At the time of relinquishment of a child, the birth parent shall sign a notarized statement setting out any financial or in-kind compensation promised or received for surrendering the child.
- 1628.12 If the child-placing agency has offered services to a birth parent who has indicated a desire to place a child for adoption and the child is born with or develops a problem that might make placement difficult, the agency may refuse to accept legal custody of the child.
- 1628.13 If the child-placing agency refuses to accept legal custody of the child, the agency shall offer services to the child and birth parents to make arrangements consistent with the parents' wishes and the child's best interest.
- 1628.14 Each child-placing agency shall maintain a written record of the casework services provided to each birth parent and child. The parents' and children's records may be combined or maintained separately. If maintained separately, the records shall be cross referenced. The records shall include the following:
- (a) Birth parents record shall include the following:

- (1) Full name of birth parents;
  - (2) Address;
  - (3) Telephone number;
  - (4) Race;
  - (5) Sex;
  - (6) Date and place of birth;
  - (7) Nationality;
  - (8) Health and multi-generational history;
  - (9) Full name of other birth children;
  - (10) Marital status;
  - (11) Education;
  - (12) Physical description;
  - (13) Full names of birth parent's siblings and significant others;
  - (14) Social security number, if available;
  - (15) Occupation;
  - (16) Religion;
  - (17) Documents pertaining to child's legal status which may include a foster care commitment order, relinquishment or judicial termination of parental rights (TPR); and
  - (18) Summary of the family history and an assessment of circumstances leading to the placement of the child and current progress reports; and
- (b) The child's record which shall include the following:
- (1) Full name;
  - (2) Address and telephone number of birth parents;
  - (3) Race;
  - (3) Sex;
  - (4) Date and place of birth;
  - (5) Nationality;
  - (6) Health including medical history of past generations;
  - (7) Physician's report, illnesses, immunization reports, and dental records;

- (8) Full names of children, siblings, grandparents and significant others of birth parents;
- (9) Social security number, if available;
- (10) Birth history;
- (11) Developmental history;
- (12) Birth certificate number;
- (13) Daily scheduled activities;
- (14) School records;
- (15) Dates of placement and address and names of adoptive foster parents;
- (16) Documents pertaining to the child's legal status; and
- (17) Summary of family history and an assessment of circumstances leading to the case plan for the child and maintain progress reports.

1628.15 Each child-placing agency shall maintain current information on the parties involved in an adoption until the time of final adoption.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3054 (May 11, 1990).

## **1629 NOTICE OF BIRTH PARENTS**

- 1629.1 When one or more individuals have been named as the possible birth father, the child-placing agency shall notify all named individuals of the plan for adoption by certified or registered mail return receipt requested.
- 1629.2 The child-placing agency shall report to the court a birth parent's failure to respond to a notice of a plan for adoption, if the birth parent fails to respond within thirty (30) days of receipt of notification.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3058 (May 11, 1990).

## **1630 SEVERANCE OF PARENTAL RIGHTS**

- 1630.1 Each child-placing agency shall comply with the procedures set forth in D.C. Code, 2001 Ed. §4-1406, the statutory provision on voluntary relinquishment.
- 1630.2 When the birth parent does not speak English, or has impaired communication skills, a translator or interpreter shall be present prior to and during the period the document is being signed. When the birth mother cannot read, she may be accompanied by someone who can read the document for her.
- 1630.3 When a birth parent consents to relinquishment of parental rights, the child-placing agency shall accept the relinquishment and make efforts to inform the other birth parent of the relinquishment. The notice to the non-participating birth parent of the consent to relinquishment shall be sent to him or her at the last know address and documented in the record.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3058 (May 11, 1990).

## **1631        PATERNITY AFFIDAVITS**

- 1631.1    The child-placing agency shall obtain an affidavit which sets out the identity of the father from the birth mother when the identity of the birth father is not reasonably ascertainable and there is no information to dispute the affidavit.
- 1631.2    The child-placing agency shall obtain an affidavit which sets out the identity of the father from the birth mother if a named birth father's whereabouts are unknown.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3058 (May 11, 1990).

## **1632        EFFORTS TO LOCATE PARENT**

- 1632.1    If one or both birth parents cannot be located, the child-placing agency responsible for preparing the investigative report and recommendations for a proposed adoption shall make efforts to locate the missing natural parent. The efforts shall be documented in the record.
- 1632.2    The child-placing agency shall document that the following resources have been used in the efforts to locate the missing parent(s) and the results of their use:
- (a)        Vital Statistics Branch of the Office of Policy and Planning of the Department of Human Services for birth, marriage and death records;
  - (b)        DHS Child Support Locator;
  - (c)        Military Locator;
  - (d)        Court criminal records;
  - (e)        Metropolitan area telephone books;
  - (f)        Metropolitan area hospital records (if they can be released);
  - (g)        Public assistance, Medicaid, motor vehicle, and police records (if they can be released); and
  - (h)        Family and friends of both birth parents (if appropriate).
- 1632.3    If a birth parent does not name the other birth parent, the child-placing agency or petitioner shall make a good faith effort to obtain the information from the known parent. If the name of the unknown parent is not given, and an affidavit is required by the court, the child-placing agency shall file an affidavit outlining the known parent's reason for refusing to give the information.
- 1632.4    If the birth mother names two or more possible fathers, the child-placing agency shall attempt to locate all of the alleged fathers. Paternity may be judicially determined.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3058 (May 11, 1990).



## **1633 PLACEMENT CONSIDERATION FOR ADOPTION**

- 1633.1 The child-placing agency shall make a written assessment of the needs and strengths of the child prior to selection of an adoptive family.
- 1633.2 When adoption is the placement of choice for a child and all adoptive requirements have been met, the child-placing agency shall ensure that the child is placed expeditiously in a permanent home.
- 1633.3 The child-placing agency shall place siblings together whenever possible.
- 1633.4 In selecting an adoptive family, the agency shall make maximum efforts to place the child in a home of persons of the same race to help preserve the racial heritage. This effort shall not jeopardize the child's right to permanent care.
- 1633.5 In placing a child for adoption, the child-placing agency shall take into consideration a child's religious heritage.
- 1633.6 The child-placing agency shall prepare each child for the separation from his family prior to the actual placement.
- 1633.7 The child-placing agency shall ensure that permanent placement is the best plan, that the child is prepared for placement, and that the adoptive family is able to meet the child's needs.
- 1633.8 Based upon the best interest of the child, the child-placing agency shall consider the child's needs, particularly for older children, to maintain contact with the birth family or significant others.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3059 (May 11, 1990).

## **1634        REFERRALS TO ADOPTION RESOURCE EXCHANGE**

- 1634.1    If an adoptive family is not immediately available for a child or a child for a family, the child-placing agency shall make referrals of the child or family to other adoption agencies, photograph listing services, and state, religious, or national adoption resource exchanges.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3060 (May 11, 1990).

## **1637 MAINTENANCE OF RECORDS**

- 1637.1 Each child-placing agency shall have a written policy to protect the confidentiality of personnel and client records.
- 1637.2 The Board of any child-placing agency may by appropriate vote authorize the disclosure of non-identifying information to any accredited institution of higher learning, federal or District of Columbia agency, or any foundation or research institution as may be validly engaged in studies for the promotion of scientific knowledge. The institution or agency shall submit to the child-placing agency a request for information which shall include:
- (a) The purpose for which the information is sought;
  - (b) A plan of how the confidentiality of the information will be protected;
  - (c) The persons in the organization who will have access to the information; and
  - (d) A guarantee that the information will not be disclosed to another person or agency unless the organization is expressly authorized to make the disclosure by the Board of the child-placing agency.
- 1637.3 The Board may, in its discretion, attach additional limitations on the disclosure of information to an agency or institution.
- 1637.4 All records shall be kept in metal file cabinets protected from fire, theft, and unauthorized access.
- 1637.5 Child-placing agencies that cease placing children shall make arrangements to protect and store the records. Record storage may be arranged with the Department of Human Services or another licensed child-placing agency.
- 1637.6 All adoption and foster care services records shall be retained permanently.
- 1637.7 If a child has been reunited with his or her biological family prior to reaching majority, the case records shall be retained until one year after the child has reached the age of twenty-one (21). After the child reaches the age of twenty-one (21), the following shall be maintained:
- (a) Medical records;
  - (b) Names and addresses of foster parents;
  - (c) Date of placements; and
  - (d) Legal documents.
- 1637.8 Personnel and financial records maintained by the child-placing agency shall be maintained for at least seven (7) years.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3061 (May 11, 1990).

## 1645 DEFINITIONS

1645.1 When used in this chapter the following terms and phrases shall have the meaning ascribed below:

**Adoptee** - the person whose legal status is changed once a decree of adoption has been entered.

**Adoption** - a social and legal process designed to establish a legal parent child relationship giving a child the same rights and benefits of one who is born to the adoptive parents.

**Adoptive family** - a household which has been approved by a child-placing agency to accept a child for adoption, which may be awaiting placement of a child or may have a child in the home.

**Adoptive parent** - a single or married person with whom a child has been placed for adoption or who has adopted a child.

**Adoptive placement** - arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

**Agency assisted adoption** - an adoption in which a child-placing agency provides a home study and post-placement supervision services and is responsible for facilitating the linkage with persons, institutions, or agencies located either in a foreign country or in the United States. The adoptive parent(s) may have either guardianship or final foreign decree of adoption of the child when the child arrives in the United States.

**Agency placement adoption** - an adoption in which a child-placing agency identifies and arranges placement for a foreign child. The child-placing agency provides home study and post placement supervision services, and is responsible for facilitating the linkage with child-placing institutions or agencies located either in a foreign country or in the United States. The child-placing agency holds guardianship of the child when he or she arrives in the United States and consents to the adoption.

**Birth parent** - a biological parent of a child.

**Child** - any individual under 16 years of age.

**Child placement service** - social work and other professional services provided by the public agency or licensed child-placing agency for birth parents, children, adoptive parent(s), and foster parent(s) in those cases where children may be in need of substitute or permanent care.

**Child-placing agency** - any person, firm, corporation, association, or public agency that receives or accepts child(ren) under 16 years of age and places or offers to place such child for temporary or permanent care in a family home other than that of a relative within the third degree.

**Foster care** - the provision of substitute care and supervision for a child entrusted to a public agency or a licensed child-placing agency, or for whom the public agency or a licensed child-placing agency has accepted supervision, in a temporary living situation until the child can return to his or her family or be placed in an adoptive home or reach the age of majority.

**Foster care placement** - placement of a child in the custody of a child-placing agency into a suitable foster home.

**Foster home** - a household of one or more persons that provides continuing full-time care for one to four foster children, ages 0 through 20 years, living apart from their parents, guardian(s), or relatives.

**Foster parent** - an individual approved by the child-placing agency who provides supervision and care on a 24-hour basis for a child who must receive care out of his own home.

**International adoption** - a process by which a married couple or single individual of one country adopts a child from another country, thereby establishing a legal and social relationship of parent and child.

**Petition** - petition for adoption filed with the Court.

**Post-adoptive services** - those services provided to meet the ongoing needs of the family once the adoption has been finalized both in the United States and in the child's country of origin in the case of inter-country adoption.

**Post-placement services** - those services in which the child-placing agency supervises, monitors, and evaluates the child and family from the time of placement for a period of at least six (6) months or until the finalization of the adoption.

**Reciprocity agreement** - a child-placing agreement between the Mayor of the District of Columbia and the Maryland Department of Human Resources entered into April 7, 1986.

**Record** - the individual file(s) kept by an agency concerning a child who has been accepted for care or adoptive placement, the child's family, adoptive applicant or family, foster family, and agency employees.

**Relinquishment** - the legal document voluntarily executed by the natural parent(s) severing all of their parental rights and responsibilities to their child and transferring these rights and responsibilities to a child-placing agency for the purposes of placing the child in an adoptive home and consenting to adoption.

**Significant others** - any person of particular importance in the life of the client.

**Social services agency** - an agency or program in which the purpose is to promote social welfare, e. g., a public welfare department, a family service agency. Educational facilities, legal services facilities, correctional institutions, health and medical facilities are not considered to be social service agencies; however, persons employed in social service programs operated by those facilities may meet the specified qualifications.

**Termination of parental rights** - a court order relieving natural parents of all rights, responsibilities, and relationship with a child.

SOURCE: Final Rulemaking published at 37 DCR 3033, 3069 (May 11, 1990).