



## STATE STATUTES

CURRENT THROUGH AUGUST 2020

# Home Study Requirements for Prospective Parents in Domestic Adoption

To access the statutes for a specific State or territory, visit the [State Statutes Search](#).

Laws and policies for approving prospective adoptive homes vary considerably from State to State. In all cases, the process involves conducting an assessment or home study of the prospective adoptive parent or parents. The home study process serves many purposes, including educating and preparing the prospective parents for parenting an adopted child, gathering information about the family in order to better match the parent and child, and evaluating the fitness of the adoptive family.<sup>1</sup>

<sup>1</sup> For an overview of adoption home studies, see Child Welfare Information Gateway's [The Adoption Home Study Process](#).

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This publication summarizes the laws and policies regarding home study requirements for all 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands.<sup>2</sup>

## WHO MUST BE INCLUDED IN THE HOME STUDY

In all States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, all applicants for adoption, whether single or couples adopting jointly, must be included in the adoption home study. In approximately 22 States, any adult member of the household also must be evaluated.<sup>3</sup> In 21 States, the District of Columbia, and Guam, all household members, regardless of age, must be included in the study.<sup>4</sup>

## AGENCY OR PERSON CONDUCTING THE STUDY

State laws and regulations specify the person or entity who can conduct a home study that will be accepted by the court that will hear the adoption petition. In most States, the department or licensed child-placing agency may be that entity. In 12 States, a

licensed social worker may conduct home studies.<sup>5</sup> In five States, a licensed psychologist or therapist may conduct the study.<sup>6</sup> In 10 States and the Northern Mariana Islands, a person designated by the court may conduct studies.<sup>7</sup> In seven States, an agency or individual licensed or qualified by the department may complete the assessment of the prospective adoptive home.<sup>8</sup> In New Mexico and Wisconsin, when a person seeks to adopt an Indian child, the home study may be conducted by an agent designated by the child's Tribe.

## QUALIFICATIONS FOR ADOPTIVE PARENTS

In general, any adult, whether single or married, may apply to adopt a child.<sup>9</sup> Two States require married couples to have been married for a minimum length of time.<sup>10</sup> In four States, couples who are cohabiting but not legally married to one another are not allowed to adopt.<sup>11</sup>

Prospective adoptive parents must be in good health and have adequate income to meet the needs of the child(ren) placed in their family. Home ownership is not required, but a history of stable residency in a home that

<sup>2</sup> The adoption of a Native American child is subject to the Federal Indian Child Welfare Act and the laws and customs of the child's Tribe, which is beyond the scope of this publication.

<sup>3</sup> The word "approximately" is used to stress the fact that States frequently change their laws. This information is current through August 2020. The States that require all adult members to be included in home studies are Arizona, California, Colorado, Florida, Hawaii, Illinois, Indiana, Maine, Massachusetts, Minnesota, Mississippi, Nevada, New Jersey, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Utah, Washington, West Virginia, and Wisconsin.

<sup>4</sup> Arkansas, Connecticut, Delaware, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maryland, Missouri, Nebraska, New Hampshire, New Mexico, Ohio, Rhode Island, South Carolina, South Dakota, Texas, Vermont, and Virginia

<sup>5</sup> Alabama, Kansas, Massachusetts, Missouri, Montana, New York, Ohio, Pennsylvania, South Dakota, Tennessee, Utah, and Virginia

<sup>6</sup> Kansas, Missouri, Ohio, Texas, and Utah

<sup>7</sup> Alaska, Arizona, Illinois, Kansas, New York, Ohio, Texas, Utah, Vermont, and Washington

<sup>8</sup> Alabama, Florida, Illinois, Iowa, New Mexico, North Carolina, and Vermont

<sup>9</sup> For more information on the basic qualifications for persons interested in adopting, see Information Gateway's [Who May Adopt, Be Adopted, or Place a Child for Adoption?](#)

<sup>10</sup> Alabama (3 years) and New York (1 year)

<sup>11</sup> Arkansas, Mississippi, Nevada, and Utah

can accommodate, comfortably and safely, all family members, including the adopted child, is needed. In 18 States, the prospective parents must have completed any family preparation training or orientation offered by the department.<sup>12</sup>

No applicant can be excluded from consideration for an adoptive placement based on sex, race, national origin, or religion. Colorado and Kentucky require that all applicants be lawfully present in the United States, and Alabama requires that an applicant, or one member of a married couple, be a U.S. citizen. In 10 States, applicants must be residents.<sup>13</sup>

## ELEMENTS OF A HOME STUDY

The goal of the adoption home study is to assess whether the prospective adoptive parents have the ability to make a lifelong commitment to providing a nurturing home to the adopted child or children. If the parents have identified a particular child for adoption, the study will determine the parents' ability to meet the specific needs of that child.

The person conducting the study will interview the applicants and all family members, including any children, to assess the applicants' parenting abilities, their attitudes toward adoption, and other social and personal characteristics. Personal references are contacted for further

information. Some States require that at least some of the references be unrelated to the applicants. Onsite home visits are conducted to determine whether the home is safe, can accommodate all family members, including the adopted child(ren), and is in conformity with local building codes. To ensure the adoptive parents are healthy enough to provide appropriate care, 26 States, the District of Columbia, and Guam require the submission of the results of recent health examinations.<sup>14</sup> Checks of criminal records and child abuse and neglect records also are included in the study.<sup>15</sup> Nine States require checks of the sex offender registry.<sup>16</sup>

## GROUNDINGS FOR WITHHOLDING APPROVAL

An adoption home study will be given an unfavorable recommendation if the applicant or a member of the applicant's household has been convicted of any crime that would put a child at risk of harm. Specific crimes that are barriers to approval include criminal child abuse and neglect; domestic violence; crimes against a child, including child pornography; and crimes of violence, including rape, sexual assault, and homicide. In Louisiana, Maryland, and Texas, an applicant who has been convicted of human trafficking will be disqualified. Any convictions for physical assault or battery or drug-related crimes committed within the past 5 years also may

<sup>12</sup> Alabama, Alaska, Arkansas, Florida, Illinois, Kansas, Louisiana, Maryland, Massachusetts, Mississippi, New Hampshire, Ohio, Oregon, South Carolina, Utah, Virginia, West Virginia, and Wisconsin

<sup>13</sup> Delaware, Georgia (unless the placement is made through the Interstate Compact on the Placement of Children), Idaho (6 months), Illinois (6 months), Indiana (unless the child has special needs), Kentucky (12 months), Mississippi, South Dakota, Tennessee (6 months), Wyoming (60 days)

<sup>14</sup> Alabama, Arizona, Arkansas, California, Idaho, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Utah, Virginia, and Wyoming

<sup>15</sup> For more information about requirements for background checks, see Information Gateway's [Background Checks for Prospective Foster, Adoptive, and Kinship Caregivers](#).

<sup>16</sup> Alaska, Illinois, Indiana, Iowa, New Mexico, Ohio, Oklahoma, Texas, and Virginia

lead to an unfavorable recommendation.

An applicant also may be denied approval if a central registry check reveals that he or she or a household member has a record of substantiated child abuse or neglect. Other grounds for withholding approval include the following:

- The applicant's income and/or financial skills are inadequate to provide for the family.
- The applicant's home is found to be unsafe or inadequate to provide for the needs of the family with the addition of an adoptive child.
- The applicant suffers from a physical or behavioral health condition that would interfere with providing appropriate care for children.
- The applicant falsifies or omits information on his or her adoption application.

## WHEN STUDIES MUST BE COMPLETED

The preplacement home study must be completed and receive a favorable recommendation before an adoptive child may be placed in the prospective adoptive parents' home. If a placement is not made within a certain amount of time, most States will require an update to a home study to verify that the applicant remains suitable to adopt.<sup>17</sup> The home study update may include

updated medical reports, criminal records checks, and central registry checks, as well as at least one interview with the applicants.<sup>18</sup>

## POSTPLACEMENT STUDY REQUIREMENTS

In most States, the placement of a child with an adoptive family will be supervised by a caseworker from the department or child-placing agency until the adoption is finalized by the court.<sup>19</sup> During this period of supervision, the adoption professional will make regular visits to the home and interview all family members in an effort to determine the level of integration and adjustment of the adoptive child to his or her new family. Based on his or her observations, the caseworker also may recommend services to assist the family in meeting the specific needs of the adopted child.

The observations made during the supervisory visits are recorded in the family's case record, and in five States, regular progress reports on the family's adjustment are submitted to the court.<sup>20</sup> The caseworker also will document any changes in family circumstances that may affect the child. Laws in 21 States require an investigation and report be made to the court of the progress of the family during the postplacement period.<sup>21</sup> In 19 States, a report and recommendation on the suitability of the adoption are required.<sup>22</sup>

<sup>17</sup> In Texas, the preplacement study must have been completed within 6 months of the child's placement. Annual updates are required by Alaska, California, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, West Virginia, the District of Columbia, and Puerto Rico. Studies are valid for 18 months in Arizona, Massachusetts, North Carolina, and Virginia; for 2 years in Alabama, North Dakota, and Ohio; and for 3 years in South Dakota.

<sup>18</sup> A central registry is a database of child abuse and neglect investigation records that are typically used to aid social services agencies in the investigation, treatment, and prevention of child maltreatment cases and to maintain statistical information for staffing and funding purposes. Central registry records also are used to screen persons who will be entrusted with the care of children.

<sup>19</sup> Arizona, Connecticut, American Samoa, the Northern Mariana Islands, and the Virgin Islands have no specific provisions for postplacement supervision.

<sup>20</sup> Idaho, Michigan, Mississippi, Missouri, and Tennessee

<sup>21</sup> Alabama, Iowa, Kentucky, Michigan, Minnesota, Missouri, Montana, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, Virginia, and Washington

<sup>22</sup> Iowa, Kansas, Kentucky, Louisiana, Minnesota, Montana, Nevada, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Texas, Vermont, Virginia, and Washington



## EXCEPTIONS FOR STEPPARENT OR RELATIVE ADOPTIONS

The requirements for stepparent adoptions vary from State to State.<sup>23</sup> Minnesota requires a full background study of the adopting parent. Wisconsin offers abbreviated home studies for the adopting stepparent. In 16 States and the District of Columbia, preplacement home studies are not required at all unless an assessment is ordered by the court.<sup>24</sup> In 10 States and the District of Columbia, checks of the person's criminal history background and child abuse and neglect records must be completed.<sup>25</sup> In 18 States and American Samoa, the postplacement investigation and report are not required unless ordered by the court.<sup>26</sup> Five States waive the requirement for postplacement supervision.<sup>27</sup>

For adoption by a relative, Minnesota requires a full background study, while California and Maryland offer an abbreviated study. In 13 States, a preplacement home study is not required unless ordered by the court.<sup>28</sup> Nine States require criminal background and central registry checks.<sup>29</sup> In 17 States, a postplacement investigation and report

may be waived by the court.<sup>30</sup> In four States, postplacement supervision is not required.<sup>31</sup>

## REQUIREMENTS FOR INTERJURISDICTIONAL PLACEMENTS

In all States, when a child is to be placed for adoption in a home outside his or her home State, that placement is subject to the provisions of the Interstate Compact on the Placement of Children.<sup>32</sup> The State where the child is to be placed (receiving State) must conduct the home study on behalf of the State that is placing the child (sending State). The court of the sending State must accept the home study completed by the receiving State and determine whether the proposed adoption is in the child's best interests.

## FOSTER TO ADOPT PLACEMENTS

Laws and policies in 34 States and Guam provide procedures for a foster parent to adopt when his or her foster child becomes legally free for adoption.<sup>33</sup> In six States, the foster parent is the preferred placement if he or she qualifies and there are no relatives seeking to adopt the child.<sup>34</sup> Thirteen States require that the child must have resided with

<sup>23</sup> For more information on stepparent and relative adoptions, see Information Gateway's [Stepparent Adoption](#).

<sup>24</sup> Arizona, Colorado, Connecticut, Idaho, Kentucky, Montana, Nebraska, New Hampshire, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, and Washington

<sup>25</sup> Arizona, Iowa, Louisiana, Missouri, Nebraska, New Jersey, New Mexico, Utah, Vermont, and Wisconsin

<sup>26</sup> Alabama, Alaska, Florida, Indiana, Iowa, Missouri, Montana, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, South Carolina, South Dakota, Utah, and Virginia

<sup>27</sup> Delaware, Indiana, Mississippi, Montana, and Ohio

<sup>28</sup> Arizona, Colorado, Idaho (grandparent adoptions only), Indiana (grandparent adoptions only), Kentucky, Montana, New Mexico, North Carolina, Oklahoma, Pennsylvania, Tennessee, Utah, and Vermont

<sup>29</sup> Arizona, California, Iowa, Louisiana, Maryland, Massachusetts, North Dakota, Utah, and Washington

<sup>30</sup> Alabama, Alaska, Florida, Illinois, Iowa, Kansas, Maine, Mississippi, Nevada, New Mexico, New York, North Carolina, North Dakota, South Carolina, Tennessee, Utah, and Virginia

<sup>31</sup> Delaware, Mississippi, Montana, and Virginia

<sup>32</sup> For more information, see Information Gateway's [Adopting Children From Other States or Jurisdictions](#) webpage.

<sup>33</sup> Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, and Wisconsin

<sup>34</sup> Illinois, Louisiana, Missouri, Oklahoma, South Carolina, and Tennessee

the foster parents for a period of time before the foster parents can be considered for adoptive placement.<sup>35</sup> Once they have applied to adopt the child, an abbreviated home study will be conducted to determine the parents' ability to provide a permanent home. The wishes of the foster child regarding the adoption also may be considered.

In three States, foster parents who wish to adopt a child must undergo a full adoption home study and meet all relevant adoption home standards.<sup>36</sup> Six States offer a single assessment process for both foster and adoptive parents.<sup>37</sup> Three States have "legal risk" or "foster/adopt" licensure for foster parents.<sup>38</sup> This type of placement is used when the child has concurrent permanency plan goals of reunification and adoption. The foster parent, who is fully certified as both a foster and adoptive parent, agrees to work with the birth family toward reunification and is committed to adopting the child if reunification efforts should fail.

## FOR MORE INFORMATION

Many States maintain an array of information and resources on the adoption process and home study requirements on the internet. Links to these resources, as well as links to the full text of relevant State agency regulations, are available under each State listing.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

## SUGGESTED CITATION:

Child Welfare Information Gateway. (2021). *Home study requirements for prospective parents in domestic adoption*. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.

<sup>35</sup> Arizona (for 6 months), Maryland (12 months), Michigan (12 months), Mississippi (6 months), New Jersey (15 months), New York (12 months), Ohio (6 months), Oregon (12 months), Pennsylvania (6 months), Rhode Island (2 years), South Carolina (6 months), Tennessee (12 months), and Virginia (18 months)

<sup>36</sup> Florida, Idaho, and Wisconsin

<sup>37</sup> Colorado, Connecticut, Maryland, Mississippi, New Hampshire, and Utah. Agencies in other States may require assessment and training for foster parents seeking to adopt beyond what is mandated in State law and regulation. For more information, see Information Gateway's webpage, [Preadoption Training](#).

<sup>38</sup> New Mexico, Oregon, and South Dakota



U.S. Department of Health and Human Services  
Administration for Children and Families  
Administration on Children, Youth and Families  
Children's Bureau



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## **ALABAMA**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation: Ann. Code § 26-10A-19(a)**

A preplacement investigation shall be made to determine the suitability of each petitioner and the home in which the adoptee will be placed.

### **Agency or Person Conducting the Study**

**Citation: Ann. Code § 26-10A-19**

A preplacement investigation or a postplacement investigation must be performed by one of the following:

- The Department of Human Resources
- A licensed child-placing agency
- An individual or agency licensed by the department to perform investigations
- A licensed social worker

### **Qualifications for Adoptive Parents**

**Citation: Admin. Code R. 660-5-22-.03(6)**

General requirements for applicants include the following:

- Both husband and wife must be at least age 19.
- Applications may be accepted from single persons.
- Married applicants must have been married at least 3 years.
- Applicants and members of their household age 19 and older are required to be fingerprinted and have criminal records checks.
- The family should have sufficient income and savings to meet its needs and provide for the child or children without difficulty.
- All family members must have medical reports indicating they are in good health.
- The department must have assurance that the adoptive parents are willing to provide medical treatment to children as recommended by a licensed physician.
- Applications may be accepted from persons of any religious faith.
- Applications may be accepted from persons who currently live in Alabama and who expect to remain in Alabama long enough to complete the application process.
- Either the prospective father or mother must be a U.S. citizen.
- Race or national origin will not be used as a single or exclusive criterion.

### **Elements of a Home Study**

**Citation: Ann. Code § 26-10A-19; Admin. Code R. 660-5-22-.03(7)**

The investigation shall include a criminal background investigation and any other circumstances that might be relevant to the placement of an adoptee with the petitioners. The investigation of the adoptive parents must include the following:

- The suitability of each petitioner, and his, her, or their home for the adoptee
- Any orders, judgments, or decrees affecting the adoptee or any children of the petitioner
- Criminal background investigations
- The costs and expenses connected with the adoption
- Any other circumstances that may be relevant to the placement of the adoptee with the petitioners

*In regulation:* The home study will consist of the following elements:

- At least one home visit as well as individual interviews with the applicant(s)
- Information on the adoptive couple or person, including reasons for adopting and family background
- Interviews with at least two references after it is reasonably certain that the applicant(s) will be recommended for approval
- A diagnostic evaluation including a recommendation of the type of child as well as future plans for the applicant(s)
- Completion of adoption training as outlined in regulation

### **Grounds for Withholding Approval**

**Citation: Admin. Code r. 660-5-22-.03**

No home can be approved in which any adult who lives in the household has been convicted at any time of any of the following:

- A sex-related crime
- Serious, intentional, reckless, or negligent physical injury, danger, or death of any person
- A crime against a child
- A crime involving major intrusion upon property or use of a weapon to secure property
- Arson
- The manufacture, sale, distribution, use, or possession of controlled substances or alcohol

Exceptions can be made for some convictions that have occurred in the past when there is credible documentation of rehabilitation. No exception will be granted when there is a criminal conviction involving a sex-related crime against a child or serious, intentional, reckless, or negligent physical injury or death of a child.

### **When Studies Must Be Completed**

**Citation: Admin. Code R. 660-5-22-.04**

A child may not be placed in a prospective adoptive home prior to completion of a preplacement investigation of the petitioners and their home. The preplacement investigation must have been completed within 24 months of the placement of the child.

### **Postplacement Study Requirements**

**Citation: Ann. Code § 26-10A-19**

In every adoption proceeding after a child has been placed in the home, a postplacement investigation must be conducted as soon as possible after notice of the placement but within 45 days after the placement.

In the investigation, an investigator must observe the adoptee and interview the petitioner in their home to verify all allegations of the petition. The report shall include (1) sufficient facts for the court to determine whether there has been compliance with consent or relinquishment provisions and (2) all of the information enumerated above that was not obtained in the preplacement investigation.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation: Ann. Code §§ 26-10A-27; 26-10A-28**

Unless otherwise directed by the court, no investigation shall be required when a person seeks to adopt his or her spouse's child.



Unless otherwise directed by the court, no investigation is required when a grandfather, grandmother, great-grandfather, great-grandmother, great-uncle, great-aunt, brother, half-brother, sister, half-sister, aunt, or uncle of the first degree and their respective spouses seek to adopt a minor grandchild, brother, half-brother, sister, half-sister, nephew, niece, great-grandchild, great-niece, or great-nephew.

#### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Code §§ 26-10A-35; 38-7-15

The person or agency bringing the child into the State to be adopted must first obtain the consent of the department. The department is authorized to designate an agency in the other State to interview the child's parent(s) to obtain social, background, and medical information about the child.

The department shall be authorized to make a thorough investigation of the proposed parents and their home to determine whether they are financially able, physically able, and morally fit to have care, supervision, training, and control of the child.

If the child, subsequent to being brought into the State, becomes dependent, neglected, or delinquent prior to his or her adoption or becoming of legal age of majority, the child shall be subject to the laws of Alabama as if he or she were a resident child of the State.

#### **Foster to Adopt Placements**

**Citation:** Admin. Code R. 660-5-22-.03(10)(b), (11)

The decision whether the foster home will be approved as the child's adoptive home will be a decision of the department based upon the following factors:

- The child's attachment to the foster parents
- The length of time the child has been in the home
- The age of the child in relation to the age of the foster parents
- The health and income of the foster parents
- Involvement/interference from the birth family
- The appropriateness of the foster home placement

The approved adoptive family must be issued a foster home approval for the particular child to be placed unless the resource is already an approved foster home.

#### **Links to Resources**

[Adoption Checklist](#) [webpage] (Alabama Department of Human Resources)

[State regulations](#)

## **ALASKA**

*Current Through August 2020*

#### **Who Must Be Studied**

**Citation:** Admin. Code Tit. 7, § 56.660

An agency shall conduct a home study for all applicants in the family being considered as an adoptive home.

### **Agency or Person Conducting the Study**

**Citation:** Alaska Stat. § 25.23.100

The investigation of the petitioner shall be made by the Department of Health and Social Services or any other qualified agency or person designated by the court.

### **Qualifications for Adoptive Parents**

**Citation:** Alaska Stat. § 25.23.020; Admin. Code Tit. 7, § 56.650

Any husband and wife together or unmarried adult may adopt a child.

*In regulation:* The application for adoption must include evidence that the applicant has completed any orientation or training required by the agency.

### **Elements of a Home Study**

**Citation:** Admin. Code Tit. 7, § 56.660

The home study must include at least the following:

- One face-to-face interview with all individuals living in the home
- One onsite home visit
- An assessment of the capabilities, willingness, and readiness of the prospective adoptive parent to properly parent a child not born to the parent
- A State and Federal criminal history record check for each adult member of the household
- At least three positive written references on the applicant, at least two of which are from persons unrelated to the applicant

The agency shall obtain all available information about each adoptive applicant regarding the following:

- Motivation and level of preparedness for adoption
- Current residence and the suitability of the family to provide a safe and healthy living environment for a child
- Physical, mental, and emotional health status of all persons living in the home
- The quality of marital and family relationships
- The attitude of the extended family and friends regarding adoption
- The applicant's feelings about his or her childhood and parents, including any history of abuse or neglect
- Values, feelings, and practices in regard to parenting, child discipline, and care
- Sensitivity to different socioeconomic, cultural, and ethnic groups in relation to the family's ability to properly parent an adoptive child and to maintain the cultural or ethnic identity of the child
- Behavior, background, special needs status, or other characteristics of a potential adoptive child that the family can and cannot accept and why as well as a discussion of the prospective adoptive parent(s)' preparation, willingness, and ability to provide proper care for such a child
- Financial status and ability to support a child, including income, financial resources, debts, expenses, employment history, insurance coverage, and the family's ability to address possible ongoing needs of the child

### **Grounds for Withholding Approval**

**Citation:** Admin. Code Tit. 7, §§ 56.660; 56.210

Except when placing a child under emergency conditions, an adoptive home may not be approved if a person in the home has a disqualification described later in this section. In an emergency placement, an agency shall complete required clearances on persons in the home as soon as possible following the placement. However, the agency shall review the Alaska Sexual Offender Registry before placement of a child and conduct a check of local court records before placement or on the first day that the court is open following the placement of a child.

A person may not be approved as an adoptive parent if any of the following apply:

- The person has a record of having committed a barrier crime.
- The person's name appears on the child abuse central registry or a sex offender registry.
- The person has a physical or behavioral health problem that poses a significant risk to the health, safety, or well-being of children.
- The person was the subject of a prior adverse licensing action.

#### **When Studies Must Be Completed**

**Citation: Alaska Stat. § 25.23.100; Admin. Code Tit. 7, § 56.660**

A written report of the investigation shall be filed with the court by the investigator before the petition is heard as long as the report is filed within 30 days of the designation by the court of the department, agency, or person to make the investigation.

*In regulation:* If a child has not been placed with the adoptive applicants within 1 year of the time the home study is completed, the home study must be made up-to-date within the 30-day period before a child is placed in the home. The written update must include the following:

- A review and any required updating of each category of information in the adoptive home study
- Documentation of at least one additional visit within the past 6 months to the home when all individuals living in the home were present

#### **Postplacement Study Requirements**

**Citation: Admin. Code Tit. 7, § 56.620**

During the postplacement period, the agency shall document any changes in the adoptive family in health, financial condition, or composition that may affect the child.

#### **Exceptions for Stepparent or Relative Adoptions**

**Citation: Alaska Stat. § 25.23.100**

Unless directed by the court, an investigation and report are not required in cases in which a stepparent is the petitioner or the adoptee is within the fourth degree of lineal or collateral consanguinity to the petitioner.

#### **Requirements for Interjurisdictional Placements**

**Citation: Alaska Stat. § 47.70.010**

Placement of children in or from another State for possible adoption are subject to the provisions of the Interstate Compact on the Placement of Children.

#### **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

#### **Links to Resources**

[State regulations](#)

### **AMERICAN SAMOA**

*Current Through August 2020*

#### **Who Must Be Studied**

**Citation: A.S. Code § 45.0420**

The petitioner for adoption must be studied to determine his or her suitability to parent the child.

### **Agency or Person Conducting the Study**

**Citation:** A.S. Code § 45.0421

A study and written report may be completed by the Department of Health, a child-placing agency, or the Probation Department of the court.

### **Qualifications for Adoptive Parents**

**Citation:** A.S. Code § 45.0411

Any person age 21 or older may petition the court to adopt a child. A minor, upon approval of the court, may petition to adopt a child.

### **Elements of a Home Study**

**Citation:** A.S. Code §§ 45.0414; 45.0422

The study and report shall assess the following:

- The physical and mental health, emotional stability, and moral integrity of the petitioner
- The ability of the petitioner to promote the welfare of the child
- The petitioner's moral character
- The petitioner's ability to support and educate the child
- The suitability of the adoptive home

### **Grounds for Withholding Approval**

**Citation:** A.S. Code §§ 45.0414; 45.0422

The court may dismiss the adoption petition if it is not satisfied as to the character and suitability of the petitioner or there is reason to believe the person's physical condition would make the person unable to take care of the child.

### **When Studies Must Be Completed**

**Citation:** A.S. Code §§ 45.0414; 45.0421

In placements by the Department of Health or child-placing agencies, the report of the study shall be filed with the consent to adoption. If a petition is not accompanied by the written consent and report, the court shall order an investigation and report.

### **Postplacement Study Requirements**

This issue is not addressed in the statutes reviewed.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** A.S. Code § 45.0421

The requirement for an investigation and written report does not apply to stepparent adoptions and those cases in which placement for adoption has been made by the court, by an individual in whom guardianship of the person of the child has been placed by the court, or in accordance with the law of another State or territory.

### **Requirements for Interjurisdictional Placements**

This issue is not addressed in the statutes reviewed.

### **Foster to Adopt Placements**

This issue is not addressed in the statutes reviewed.

## **Links to Resources**

None are available online.

## **ARIZONA**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Rev. Stat. § 8-105

The prospective adoptive parents and any adult members of the adoptive parents' household must be included in the study.

### **Agency or Person Conducting the Study**

**Citation:** Rev. Stat. § 8-105

The study and report are completed by an officer of the court, an agency, the Department of Child Safety, or an entity contracted by the department.

### **Qualifications for Adoptive Parents**

**Citation:** Rev. Stat. § 8-103

Pursuant to rules adopted by the department, the department or adoption agency shall place a child in an adoptive home that best meets the safety, social, emotional, physical, and mental health needs of the child. Other relevant factors for consideration, in no order of preference, shall include the following:

- The marital status and the length and stability of the marital relationship of the prospective adoptive parents
- The prospective adoptive family's ability to meet the child's safety, social, emotional, physical, and mental health needs and the ability to financially provide for the child
- The availability of relatives, the child's current or former foster parents, or other significant persons to provide support to the prospective adoptive family and child

### **Elements of a Home Study**

**Citation:** Rev. Stat. §§ 8-105; 8-112

The application for certification shall include a financial statement and a physician's statement of the applicant's physical health.

A prospective adoptive parent and each other adult member of the household must have a valid fingerprint clearance card issued pursuant to § 41-1758.07. The prospective adoptive parent and each adult member of the household must certify whether that person is awaiting trial on or has ever been convicted of any of the criminal offenses listed in § 41-1758.07(B)-(C). An officer of the court may obtain State and Federal criminal records checks. The department may exchange this fingerprint data with the Federal Bureau of Investigation.

The investigation and report to the court shall consider all relevant and material facts dealing with the prospective adoptive parents' fitness to adopt children and shall include the following:

- A complete social history
- The applicant's financial condition, moral fitness, religious background, and physical and mental health conditions
- Any court action for or adjudication of child abuse, abandonment of children, dependency, or termination of parent-child relationship
- All other facts bearing on the issue of the fitness of the prospective adoptive parents



A social study shall be submitted to the court 10 days before the hearing on the petition to adopt. The social study shall include the following:

- The child's adjustment to the adoptive parents' home
- The prospective adoptive parents' suitability to adopt
- The existing and proposed arrangements regarding the child's custody
- State and Federal criminal records checks and a central registry records check
- Any other information that is pertinent to the adoption proceedings

### **Grounds for Withholding Approval**

#### **Rev. Stat. § 41-1758.07**

A person is precluded from receiving a level I fingerprint clearance card if the person is subject to registration as a sex offender or is awaiting trial or been convicted of committing or attempting, soliciting, facilitating, or conspiring to commit one or more of the following offenses:

- Homicide
- Sexual assault or sexual abuse
- Sexual exploitation or commercial sexual exploitation of a minor or vulnerable adult
- Child sex trafficking
- Child abuse or felony child neglect
- Incest or sexual conduct with a minor
- Molestation of a child or a vulnerable adult
- Dangerous crimes against children, as defined in § 13-705
- Exploitation of minors involving drug offenses
- Taking a child for the purpose of prostitution
- Production, publication, sale, possession, and presentation of obscene items
- Furnishing harmful items to minors
- Furnishing harmful items to minors by internet activity
- Obscene or indecent telephone communications to minors for commercial purposes
- Luring a minor for sexual exploitation
- Transporting persons for the purpose of prostitution, polygamy, and concubinage
- Felony contributing to the delinquency of a minor
- Unlawful sale or purchase of children
- Child bigamy
- Felony domestic violence
- Felony assault committed within the previous 5 years
- Felony drug or alcohol-related offenses committed within the previous 5 years
- Felony indecent exposure or public sexual indecency
- Terrorism
- Any offense involving a violent crime, as defined in § 13-901.03
- Trafficking of persons for forced labor or services

### **When Studies Must Be Completed**

**Citation:** Rev. Stat. § 8-105

Before any prospective adoptive parent may petition to adopt a child, the person shall be certified by the court as acceptable to adopt children. A certificate shall be issued only after an investigation. The investigation and report to the court must be completed within 90 days after the application for certification has been accepted.

Within 60 days after receiving the investigation report, the court shall certify the applicant as acceptable or unacceptable to adopt children based on the investigation report and recommendations of the report. A certification remains in effect for 18 months from the date of its issuance and may be extended for additional 1-year periods if after review the court finds that there have been no material changes in circumstances that would adversely affect the acceptability of the applicant to adopt.

### **Postplacement Study Requirements**

This issue is not addressed in the statutes and regulations reviewed.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Rev. Stat. §§ 8-105; 8-112

The requirements for a certification study do not apply in the following situations:

- The prospective adoptive parent is the spouse of the birth or legal parent of the child to be adopted or is an uncle, aunt, adult sibling, grandparent, or great-grandparent of the child by whole or half-blood or by marriage or adoption.
- The birth or legal parent is deceased, but at the time of death, the parent had legal and physical custody of the child to be adopted and the child had resided primarily with the spouse of the birth or legal parent during the 24 months before the death of the parent.
- The grandparent, great-grandparent, aunt, uncle, great-uncle, great-aunt, or adult sibling is deceased, but at the time of death that person had legal and physical custody of the child to be adopted, and the child had resided primarily with the spouse of the grandparent, great-grandparent, aunt, uncle, great-uncle, great-aunt, or adult sibling during the 24 months before the death of the grandparent, great-grandparent, aunt, uncle, great-uncle, great-aunt, or adult sibling.
- The applicant is the child's foster parent who is petitioning to adopt the child, and the department recommends the adoption of the child by the foster parent applicant.

The social study may consist only of the results of the State and Federal criminal records checks and the central registry records check if either of the following is true:

- The prospective adoptive parent is the child's stepparent who has been legally married to the child's birth or legal parent for at least 6 months, and the child has resided with the stepparent and parent for at least 6 months.
- The prospective adoptive parent is the child's adult sibling, aunt, uncle, grandparent, or great-grandparent, and the child has resided with the prospective adoptive parent for at least 1 year.

### **Requirements for Interjurisdictional Placements**

**Citation:** Rev. Stat. § 8-548

Placements of children for adoption in or from another State are subject to the provisions of the Interstate Compact on the Placement of Children.

## **Foster to Adopt Placements**

**Citation:** Rev. Stat. § 8-112

If the child being considered for adoption has resided with the prospective adoptive parent for at least 6 months and the prospective adoptive parent is a foster parent who is licensed by this State, the social study may consist only of the following:

- The results of a central registry records check
- A review of any material changes in circumstances that have occurred since the previous license renewal that affect the prospective adoptive parent(s)' ability to adopt the child

## **Links to Resources**

[Adoption](#) [webpage] (Arizona Department of Child Safety)

## **ARKANSAS**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Rules & Regs. 016 15 CARR 011, Pol. VIII-G

Each member of the adoptive family shall be included in the approval process. In a two-parent home, both parents shall be joint applicants, and both applicants shall actively participate in the approval process.

Any household member who resides in the home for more than 3 cumulative months in a calendar year must clear the following background checks: Arkansas Child Maltreatment Central Registry, Arkansas Adult Maltreatment Central Registry, Arkansas State Police Criminal Record Check, and Federal Bureau of Investigation (FBI) Criminal Background Check.

### **Agency or Person Conducting the Study**

**Citation:** Rules & Regs. 016 15 CARR 011, Pol. VIII-G

Before placement of a child in the home of the adoptive parent, the Division of Children and Family Services (DCFS) will conduct a home study. The purpose of the home study is to evaluate the prospective adoptive parent's ability to meet the child's needs as well as evaluate their compliance with minimum licensing standards and DCFS policy requirements for adoptive homes.

DCFS will participate in the adoption of a minor who is in the custody of the Department of Human Services or for whom the court has retained jurisdiction only if either the person seeking to adopt the child or the child is currently a resident of Arkansas.

### **Qualifications for Adoptive Parents**

**Citation:** Rules & Regs. 016 15 CARR 011, Pol. VIII-G

The applicant must be at least age 21. The applicant who is a primary caregiver should be at an age that it can be anticipated that he or she can actively parent the child into adulthood. Generally, at least a 10-year age difference and no more than a 45-year age difference between the child and adoptive applicant are preferred.

In a two-parent home, the couple shall demonstrate a stable relationship.

Members of the household must not have a health condition or disability that would interfere with the family's ability to parent the child. Each member of the household shall have a physical examination by a physician within 6 months prior to the approval of the adoption home study and annually thereafter until placement of a child.

The applicant must have sufficient resources to meet the financial, medical, physical, educational, emotional, and shelter needs of the child without depending solely on State or Federal financial assistance to meet those needs (although such forms of assistance may be used to supplement a family's income).

Before a prospective adoptive parent can begin preservice training, the central registry and State police criminal background checks must be completed, and the FBI criminal background check must have been submitted. Adoptive parents must complete the division's preservice training curriculum, which includes 27 hours of preservice training and 3 hours of DCFS orientation prior to placement of a child in their home. Adoptive parents must also complete cardiopulmonary resuscitation and standard first aid training and receive certification in both areas prior to placement of a child in their home.

### **Elements of a Home Study**

**Citation: Rules & Regs. 016 15 CARR 011, Pol. VIII-G**

Criteria for consideration in determining the appropriateness of adoptive homes include the following:

- Space in the residence must be adequate to promote health and safety. Each bedroom should have at least 50 square feet of space per occupant.
- All firearms must be maintained in a secure, locked location separate from ammunition.
- All water hazards and dangerous pets will be assessed. Safeguard measures will be implemented, as appropriate.
- Children of opposite sexes shall have their own separate bedrooms if either child is age 4 or older, except for a mother in foster care with her child.
- Water must be provided by the public water system or approved by the Department of Health.
- DCFS shall not place or permit a child to be placed in a home if the prospective adoptive parent smokes or allows anyone else to smoke in the presence of the child unless it is in the child's best interests to be placed in or remain in the adoptive home.

Background checks must be completed as follows:

- Each member of the household age 14 and older, excluding children in foster care, must agree to a child maltreatment central registry check in any State in which the person has lived for the past 5 years.
- Each member of the household age 18 and 1/2 and older, excluding children in foster care, who resides in Arkansas must agree to be cleared through the following:
  - The Arkansas Adult Maltreatment Central Registry
  - An Arkansas State police criminal record check
  - A fingerprint-based FBI criminal background check

The adoption specialist will do the following:

- Make at least two visits in person with the prospective adoptive family, with at least one visit being in the home
- Have a separate, face-to-face interview with each prospective adoptive parent
- Interview in person each household member who is age 10 or older

### **Grounds for Withholding Approval**

**Citation: Rules & Regs. 016 15 CARR 011, Pol. VIII-G; Ann. Code § 9-28-116**

If the prospective adoptive home is found to be out of compliance with a licensing standard or a DCFS policy, this noncompliance issue must be addressed. However, if the adoption specialist or the individual conducting the home study determines that the noncompliance issue would not endanger the safety or well-being of children placed in a home, an alternative compliance or policy waiver may be requested as appropriate. (An alternative compliance is a request for approval from the Child Welfare Agency Review Board to deviate from a minimum licensing standard, while a policy waiver is a request to deviate from a DCFS policy or procedure.)

If there is a pending child maltreatment report on the family, the adoption specialist will stop proceedings until a determination is made. The investigation is to be reviewed and discussed with the adoption supervisor and the adoption manager.

Applicants must have no history of convictions for offenses listed in Annotated Code § 9-28-116.

*In statute:* A foster child in the custody of DCFS shall not be placed in the home of any Arkansas adoptive parent if the criminal records check reveals a felony conviction for any of the following:

- Child abuse or neglect
- Spousal abuse or domestic battery
- A crime against children, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery
- Aggravated assault on a family or household member

A foster child in the custody of DCFS shall not be placed in the home of any adoptive parent if the criminal record check reveals a felony conviction for physical assault, battery, or a drug-related offense if the offense was committed within the past 5 years.

#### **When Studies Must Be Completed**

**Citation: Rules & Regs. 016 15 CARR 011, Pol. VIII-G**

Before placement of a child in the home of the adoptive parent, DCFS will conduct a home study. The purpose of the home study is to evaluate the prospective adoptive parent's ability to meet the child's needs as well as evaluate their compliance with minimum licensing standards and DCFS policy requirements for adoptive homes.

#### **Postplacement Study Requirements**

**Citation: Rules & Regs. 016 15 CARR 011, Pol. VIII-G**

Prior to the finalization of the adoption, postplacement services are provided, and services to preserve adoptive families are offered after the adoption is finalized.

The adoption specialist will do the following:

- Provide casework counseling, support, and referral to needed resources and services until the adoption is finalized
- Visit weekly during the first month of placement and monthly thereafter and make contacts as needed with the family until the adoption is finalized
- Document the place and dates of postplacement contacts, activities, progress, concerns, etc.
- Inform the family about postadoption services

#### **Exceptions for Stepparent or Relative Adoptions**

**Citation: Ann. Code § 9-9-211**

The requirement to file with the court a report of expenditures connected to the adoption does not apply to an adoption by a stepparent whose spouse is a natural or adoptive parent of the child, to an adoption in which the adoptee is an adult, or where the petitioner and the minor are related in the second degree.



## **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Code § 9-29-201

The sending of a child to another State for placement in an adoptive home or the receiving of a child from another State for placement in an adoptive home is subject to the provisions of the Interstate Compact on the Placement of Children.

## **Foster to Adopt Placements**

**Citation:** Ann. Code § 9-9-701(f)

A family that has a foster child in its home who was placed by the department shall be eligible for the streamlined adoption process if the department selects the foster family to be the adoptive family of the foster child.

Upon selection, the department shall complete the adoptive home study within 45 business days. The department shall not require the foster family to attend training.

## **Links to Resources**

[Policy & Procedure Manual](#) (see Policy VIII-G: Foster Parent, Provisional Foster Parent, and Relative Adoption) (Arkansas Department of Human Services, Division of Children and Family Services)

## **CALIFORNIA**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Fam. Code § 8811

Each person filing an adoption petition and any adult living in the prospective adoptive home must be included in the investigation.

### **Agency or Person Conducting the Study**

**Citation:** Fam. Code § 8811

The Department of Social Services (DSS) or a delegated county adoption agency shall conduct the assessment and investigation.

### **Qualifications for Adoptive Parents**

**Citation:** Fam. Code § 8601

A child may be adopted by an adult who is at least 10 years older than the child. An exception to this requirement may be made if the adoptive parent is a stepparent, sister, brother, aunt, uncle, or first cousin of the child and, if that person is married, is adopting jointly with his or her spouse.

### **Elements of a Home Study**

**Citation:** Fam. Code §§ 8811; 9001; Code of Regs., Tit. 22, §§ 35081; 35083; 35087; 35089

Each person filing an adoption petition must submit fingerprints and obtain from an appropriate law enforcement agency any criminal record to establish whether he or she has ever been convicted of a crime other than a minor traffic violation. DSS or a delegated county adoption agency may also secure the person's full criminal record, if any, with the exception of any convictions for which relief has been granted pursuant to § 1203.49 of the Penal Code.

The criminal record, if any, shall be taken into consideration when evaluating the prospective adoptive parent, and an assessment of the effects of any criminal history on the ability of the prospective adoptive parent to provide adequate and proper care and guidance to the child shall be included in the report to the court.

A home study shall be conducted that consists of a physical investigation of the premises where the child will reside.

*In regulation:* The agency shall assess the petitioners to determine their suitability as adoptive parents by doing the following:

- Conducting interviews as necessary to make the assessment
- Obtaining the following documentation:
  - A report of a medical examination on the petitioner
  - School reports for all school-age children residing in the home
  - Certification that each adult residing in the home is free from communicable tuberculosis
  - At least three letters of reference regarding the suitability of the petitioner as an adoptive parent
  - The full State criminal record, if any, from the State Department of Justice
- Evaluating the following information:
  - Current employment and financial stability
  - Verification of marital status, if relevant
  - Feelings and attitudes that may impact the adoption
  - Social and educational background
  - Adequacy of housing

#### **Grounds for Withholding Approval**

**Citation: Fam. Code §§ 8811; 8822**

Under no circumstances shall DSS or a delegated county adoption agency give final approval for an adoptive placement in any home in which the prospective adoptive parent or any adult living in the prospective adoptive home has either of the following:

- A felony conviction for child abuse or neglect; spousal abuse; crimes against a child, including child pornography; or for a crime involving violence, including rape, sexual assault, or homicide
- A felony conviction that occurred within the past 5 years for physical assault, battery, or a drug- or alcohol-related offense

DSS or a delegated county adoption agency may find that the home of the petitioners is not suitable for the child and recommend that the petition be denied.

#### **When Studies Must Be Completed**

**Citation: Fam. Code § 8811.5; Code of Regs., Tit. 22, § 35091**

The preplacement evaluation, whether it is conducted for the purpose of initially certifying prospective adoptive parents or for renewing that certification, shall be completed no more than 1 year prior to the signing of an adoption placement agreement.

*In regulation:* The agency shall complete the assessment and report to the court with a recommendation within 180 days of the filing of the adoption petition, unless an extension of time has been granted by the court.

## **Postplacement Study Requirements**

**Citation: Code of Regs., Tit. 22, §§ 35299 through 35309**

The agency shall supervise the adoptive placement of the child with the prospective adoptive parent unless the child was adopted abroad. The supervision shall commence when the child is placed with the prospective adoptive parent and continue until a final decree of adoption is granted or the child is removed from the home of the prospective adoptive parent.

The duration of the supervisory period shall be no less than 6 months, unless the following apply:

- The adoptive parent has successfully completed the adoption of another child in California within the past 5 years.
- The adoptive parent is in the military service of the United States or is employed by the American Red Cross and completion of the 6-month supervisory period would delay completion of an adoption that the agency has determined should be completed.

During the supervisory period, the agency shall provide the following services, as needed, to the prospective adoptive parent and the adoptive child so that the child may be integrated successfully into the family:

- Liaisons between the family and schools, mental and physical health agencies, rehabilitation service agencies, and other community resources
- Updates of the psychological and medical history form to reflect any additional information revealed during the supervisory period
- Updates of the assessment of the child to reflect any additional information discovered during the supervisory period

During the supervisory period, the agency shall conduct at least one interview in the home of the prospective adoptive parent with the parent and the adoptive child. The agency shall conduct at least three additional interviews with the prospective adoptive parent unless the duration of the supervisory period has been reduced to less than 6 months.

## **Exceptions for Stepparent or Relative Adoptions**

**Citation: Fam. Code § 8730; 9001**

An abbreviated home study assessment may be completed for any of the following persons:

- A licensed foster parent with whom the child has lived for a minimum of 6 months
- An approved relative caregiver or nonrelated extended family member with whom the child has an ongoing and significant relationship
- A court-appointed relative guardian of the child who has been investigated and approved pursuant to the guardianship investigation process and has had physical custody of the child for at least 1 year

Unless otherwise ordered by a court, an abbreviated home study shall include, at minimum, all the following:

- State and Federal criminal records checks
- A determination of the following for the applicant:
  - Has sufficient financial stability to support the child and ensure that an adoption assistance program payment or other government assistance to which the child is entitled is used exclusively to meet the child's needs
  - Has not abused or neglected the child while the child has been in the applicant's care and has fostered the healthy growth and development of the child
  - Is not likely to abuse or neglect the child in the future and can protect the child, ensure necessary care and supervision, and foster the child's healthy growth and development
  - Can address issues that may affect the child's well-being, including, but not limited to, the child's physical health, mental health, and educational needs

- Interviews with the applicant, each individual residing in the home, and the child to be adopted
- A review by DSS, the county adoption agency, or a licensed adoption agency of all previous guardianship investigation reports, home study assessments, and preplacement evaluations of each applicant

Unless ordered by the court, no home study may be required of the petitioner's home in a stepparent adoption.

### **Requirements for Interjurisdictional Placements**

**Citation:** Fam. Code §§ 7907.5; 7901.1

A child who is born in this State and placed for adoption with a person who is not a resident of this State is subject to the provisions of the Interstate Compact on the Placement of Children, regardless of whether the adoption petition is filed in this State. In interstate placements, this State shall be deemed the sending State for any child born in the State.

Within 60 days of receipt of a request from another State to conduct a study of a home environment for purposes of assessing the safety and suitability of placing a child in the home, a county child welfare agency shall do, directly or by contract, both of the following:

- Conduct and complete the study
- Return a report to the requesting State on the results of the study that addresses the extent to which placement in the home would meet the needs of the child

### **Foster to Adopt Placements**

**Citation:** Fam. Code § 8730

If the prospective adoptive parent of a child is a foster parent with whom the child has lived for a minimum of 6 months, the assessment or home study procedure is the same as for a relative caregiver.

### **Links to Resources**

[Adoption Regulations](#) [webpage] (California Department of Social Services)

## **COLORADO**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Rev. Stat. § 19-5-207

The petitioners for adoption and any adults residing in the petitioners' home must be included in the home study.

### **Agency or Person Conducting the Study**

**Citation:** Rev. Stat. § 19-5-207

Home study reports shall be completed by the county department of human or social services, a designated qualified individual, or a child-placing agency approved by the State Department of Human Services.

### **Qualifications for Adoptive Parents**

**Citation:** 12 Colo. Code Regs. 2509-6, § 7.500.351

The county department will accept applications for the adoption of children only from persons who meet the requirements of the Colorado statute and who have expressed an interest in the placement of a child who might be available at the time of the application.

The county department shall require verification of an individual's lawful presence in the United States in order to approve an application for a child's adoption.

### **Elements of a Home Study**

**Citation: Rev. Stat. § 19-5-207; 12 Colo. Code Regs. 2509-6, § 7.500.2**

The home study shall include, but not be limited to, the following:

- The physical and mental health, emotional stability, and moral integrity of the petitioner
- The ability of the petitioner to promote the welfare of the child
- Confirmation that the petitioner has participated in adoption counseling if the court deems it appropriate
- The suitability of the adoption of this child by this petitioner
- A fingerprint-based criminal history records check for any prospective adoptive parent and any adult residing in the home
- A check for any substantiated reports of child abuse or neglect in each State in which the prospective adoptive parent or adult household member has resided in for the past 5 years

*In regulation:* The family assessment shall include separate and joint interviews with the applicant(s), all adults residing in the home (both related and nonrelated to the applicant), all children residing in the home, and any individual that is considering a second parent adoption of the child(ren) regarding the following:

- Social history and background
- Personal characteristics of the family
- Marital and domestic partner relationship
- The motivation for child placement
- The applicants' interest, preparation, and willingness to care for a child with special needs
- Extended family relationships
- Physical and social environment, including cleanliness; orderliness and maintenance; safety; furnishings; play area, equipment, and clothing; finances; support system; and household pets
- Parenting abilities and style
- Specialized parenting knowledge, including understanding of the effects of abuse or neglect, sexual abuse, and separation and loss; birth sibling relationships; child background information; and birth parent issues
- Adoption issues, including infertility, telling the child about adoption, openness in adoption, and adoptive parent status

### **Grounds for Withholding Approval**

**Citation: Rev. Stat. § 19-5-207; 12 Colo. Code Regs. 2509-6, § 7.500.312**

A person shall not be allowed to adopt a child if there is a record of any of the following:

- A felony conviction that involves child abuse, as described in § 18-6-401; a crime of violence, as defined in § 15-1.3-406; or a felony offense involving unlawful sexual behavior, as defined in § 16-22-102
- A felony conviction that occurred less than 5 years prior to the adoption application that involved physical assault or battery or a drug-related offense
- A felony conviction that occurred less than 10 years prior to the adoption application that involved domestic violence, as defined in § 18-6-800.3

*In regulation:* The application may be denied if the applicant has been convicted of unlawful use of a controlled substance, as specified in § 18-18-404; unlawful distribution, manufacturing, dispensing, sale, or possession of a controlled substance, as specified in § 18-18-405; or unlawful offenses relating to marijuana or marijuana concentrate, as specified in § 18-18-406.



### **When Studies Must Be Completed**

**Citation:** 12 Colo. Code Regs. 2509-6, §§ 7.500.2; 7.500.351

The home study must be completed within 90 working days from receiving the completed background checks.

If a child has not been placed in the adoptive home within 1 year of the date of the approval of the adoption assessment, the assessment shall be reevaluated if the home is to remain active for consideration of a child and annually thereafter until a placement is made or the case is closed. Reevaluation shall consist of at least the following:

- A statement every 2 years from a licensed doctor regarding the current physical condition of the applicants and others living in the home
- Documentation of any changes in the home and family, such as finances; employment; housing; illnesses; pregnancy; and current information, where applicable, on growth, development, and activities of children in the home
- Changes, if any, in the kind of child desired, the reason for the change, and the family's capacity to provide for the child currently requested
- Determination of the appropriateness to continue approval of the home

### **Postplacement Study Requirements**

**Citation:** 12 Colo. Code Regs. 2509-6, § 7.500.2

The county department placing the child for adoption will be responsible for postplacement supervision until the adoption is finalized, unless otherwise negotiated in the placement agreement between the county and the child-placing agency.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Rev. Stat. § 19-5-209

A home study is not required to be filed with an adoption petition in the case of stepparent adoptions, kinship adoptions, or custodial adoptions and in cases in which placement for adoption has been made by the court.

### **Requirements for Interjurisdictional Placements**

**Citation:** 12 Colo. Code Regs. 2509-4, §§ 7.304.63; 7.307.52

All out-of-State placements for kinship, foster, group, or residential care must comply with the Interstate Compact on the Placement of Children (ICPC), § 7.307.

County departments must follow Federal guidelines and shall not place children out of State who are in care under a placement contract (voluntary placements). Such placements can only be made by a parent or guardian.

When Colorado is the receiving State of an ICPC request for placement, all such requests, except for nonpublic adoptive placement requests, shall be sent by the sending State to the Colorado deputy compact administrator, who shall forward the request packet to the correct county department or licensed child-placing agency.

The county department staff or licensed child-placing agency staff assigned to ICPC cases shall complete a home study within 60 calendar days of receipt of the request from the sending State.

### **Foster to Adopt Placements**

**Citation:** 12 Colo. Code Regs. 2509-6, § 7.500.351

The single assessment completed on a foster family for foster care will be accepted for adoption. The worker will check the adoption box on the single application form and, if appropriate, write a brief update.

## Links to Resources

[Adoption](#) [webpage] (Colorado Department of Human Services)

## CONNECTICUT

*Current Through August 2020*

### Who Must Be Studied

**Citation: State Agencies Regs. § 17a-145-132**

The adoption home study shall include the applicant as well as all members of the applicant's household.

### Agency or Person Conducting the Study

**Citation: State Agencies Regs. § 17a-145-132**

The Department of Children and Families or a child-placing agency shall conduct the assessment of any prospective adoptive parent.

### Qualifications for Adoptive Parents

**Citation: State Agencies Regs. §§ 17a-145-143; 17a-145-144; 17a-145-147**

The health of persons living in the prospective adoptive family shall not present a hazard to the children. Prospective adoptive parents and other members of the household shall be of good character, habits, and reputation.

Prospective adoptive parents shall have an income sufficient to meet the needs of their family. Money received on behalf of the child shall be expended on the care of the child.

### Elements of a Home Study

**Citation: Gen. Stat. § 17a-114(b)(2); State Agencies Regs. § 17a-145-154**

The applicant and any person age 16 or older living in the applicant's household shall submit to State and national criminal history records checks prior to placement of a child. The department also shall check the State child abuse and neglect registry for the names of the applicant and any person age 16 or older living in the household and the child abuse and neglect registry in any State in which the applicant or person resided in the preceding 5 years.

*In regulation:* The department or child-placing agency shall conduct an assessment of any prospective adoptive parent(s)' home. The assessment shall include, but not be limited to, the following:

- The physical condition of the home
- The health of the applicant and other members of the household
- The ability of the applicant to provide an environment that will advance the physical, mental, emotional, educational, and social development of the adoptive child

### Grounds for Withholding Approval

**Citation: State Agencies Regs. § 17a-145-152**

Approval shall be denied if any of the following applies to any member of the household of a prospective adoptive family:

- Has been convicted of injury or risk of injury to a minor or other similar offenses
- Has been convicted of impairing the morals of a minor or other similar offenses

- Has been convicted of violent crime against a person or other similar offenses
- Has been convicted of the possession, use, or sale of controlled substances within the past 5 years
- Has been convicted of illegal use of a firearm or other similar offenses
- Has ever had an allegation of child abuse or neglect substantiated
- Has had a minor removed from their care because of child abuse or neglect

Approval may be denied if any of the following applies to any member of the household of a prospective adoptive family:

- Is awaiting trial, or is on trial, for charges as described in the preceding list
- Has a criminal record that the department or child-placing agency believes makes the home unsuitable
- Has a current allegation of child abuse or neglect pending

### **When Studies Must Be Completed**

**Citation:** Gen. Stat. § 45a-727

When an application for adoption has been filed, the court shall request the department or a child-placing agency to make an investigation and submit a written report to it, in duplicate, within 60 days from the receipt of the request.

### **Postplacement Study Requirements**

This issue is not addressed in the statutes and regulations reviewed.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Gen. Stat. § 45a-733

An investigation and home study report are not required in the case of a child sought to be adopted by a stepparent or a person who shares parental responsibility with the parent of the child pursuant to § 45a-724(3) (a).

### **Requirements for Interjurisdictional Placements**

**Citation:** Gen. Stat. §§ 17a-152; 17a-175; State Agencies Regs. § 17a-145-136

Any person or entity, before bringing or sending any child into the State for the purpose of placing or caring for such child in any home or institution, either free or for board, shall make an application to the Commissioner of Children and Families, giving the name, the age, and a personal description of such child; the name and address of the person, home, or institution with which the child is to be placed; and such other information as may be required by the commissioner.

No sending State shall send, bring, or cause to be sent into any other party State any child for placement in a prospective adoptive home unless the sending agency complies with the Interstate Compact on the Placement of Children and with the applicable laws of the receiving State governing the placement of children.

Prior to sending a child to a receiving State for placement in a prospective adoptive home, the sending agency shall furnish the appropriate public authorities in the receiving State written notice containing the necessary information.

The child shall not be sent to the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

*In regulation:* Each child-placing agency or prospective adoptive family shall comply with State statutes and regulations regarding the interstate placement of children prior to accepting placement of a child from out of State.

### **Foster to Adopt Placements**

**Citation:** Gen. Stat. § 17a-114

Any person licensed by the department may be a prospective adoptive parent.

### **Links to Resources**

[Connecticut Foster & Adoption Services](#) [webpage] (Connecticut Department of Children and Families)

[CT Foster/Adopt Manual](#) (scroll down the page to click on individual chapters) (Connecticut Department of Children and Families)

## **DELAWARE**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Code of Regs. 9-200-201, Part III

The adoptive parents and other members of the household must be included in the study.

### **Agency or Person Conducting the Study**

**Citation:** Ann. Code Tit. 13, § 904

The preplacement evaluation must be completed by the Department of Services for Children, Youth and Their Families (DSCYF) or a licensed agency.

### **Qualifications for Adoptive Parents**

**Citation:** Ann. Code Tit. 13, § 903; Code of Regs. 9-200-201, Part III

A person who is at least age 21 and a resident of Delaware may adopt. The person may be single, married, divorced, or legally separated.

*In regulation:* The agency shall ensure that the adoptive parent applicant meets the following criteria:

- Demonstrates emotional stability, good character, a responsible adult lifestyle, freedom from abuse of alcohol or any legal drug, or use of any illegal drug
- Has the ability to provide nurturing care, supervision, reasonable positive behavior management, and a home-like environment that is free from domestic violence
- Demonstrates a capacity for setting a realistic expectation for behavior and performance based on the age, abilities, and special needs of a child
- Demonstrates a willingness and ability to discuss and deal appropriately with his or her own feelings of anger, frustration, sorrow, conflict, and affection and those of others
- Shows evidence of a stable living arrangement for at least 1 year
- Has income to meet the needs of a household and ensure the household's security and stability

The agency shall ensure an applicant who works outside the home provides a child care plan to the agency. An adoptive parent applicant must obtain approval from the agency for a business conducted in a home showing business activities will not interfere with the child's care.

## **Elements of a Home Study**

**Citation: Ann. Code Tit. 31, § 309; Code of Regs. 9-200-201, Part III**

A background check for applicants wishing to become adoptive parents and their adult household members shall consist of the following:

- A fingerprint-based Delaware and national background check completed by the State Bureau of Identification and the Federal Bureau of Investigation
- A child protection registry check completed by DSCYF

*In regulation:* The agency shall have four written references or telephone notes on such references for an applicant. At least three of these references shall be from a person not related to the applicant. The agency shall visit an applicant's home and inspect all rooms and the grounds to observe if the home is maintained in such a manner that it does not present a threat to the health and safety of all occupants.

The agency shall meet with an applicant at least three times. The location of the meetings shall include the following:

- At least one meeting in the home of the applicant that includes meeting with any other household member
- Two more meetings at the agency or a location where an adoptive parent applicant can be provided the space to be privately and individually interviewed

The home study shall include a written evaluation that addresses the following regarding the applicant:

- Motivation for and attitudes toward adoption
- Willingness and ability to work cooperatively with the agency in the best interests of the child
- Emotional strengths and weaknesses and philosophy on child rearing, positive behavior management, parental role, and experience with a child
- Communication and problem-solving skills
- Marital and family relationships
- Family history, including his or her early home life
- Feelings on the type of child he or she is able and willing to adopt

## **Grounds for Withholding Approval**

**Citation: Ann. Code Tit. 31, § 309; Code of Regs. 9-200-201, Part III**

The following criminal convictions or entries on the child protection registry shall prohibit an applicant from being approved for the amount of time indicated:

- A lifetime prohibition for felony convictions involving physical or sexual assault crimes against a child, an adult who is impaired, or an elderly person
- Prohibition for 10 years for felony convictions involving physical or sexual assault crimes against another adult
- Prohibition for 7 years for all other felony convictions, unless the felony is included within the crimes that can lead to entry on the child protection registry, in which case the length of time for the prohibition shall be as provided in the child protection registry regulations
- Prohibition for 7 years for misdemeanor convictions against children, unless the misdemeanor is included within the crimes that can lead to entry on the child protection registry, in which case the length of time for the prohibition shall be as provided for in the child protection registry regulations

*In regulation:* A person who is active on the Delaware child protection registry at a level III or level IV is prohibited from being an adoptive parent while on the child protection registry. Approval of an application will be denied if the adoptive parent(s) or other members of the household have convictions, current indictments,

or substantial evidence of involvement in any criminal activity involving violence against a person; child abuse or neglect; serious sexual misconduct; possession, sale, or distribution of any illegal drug; gross irresponsibility; disregard for the safety of others; or serious violations of accepted standards of honesty or ethical conduct.

### **When Studies Must Be Completed**

**Citation:** Ann. Code Tit. 13, § 904; Code of Regs. 9-200-201, Part III

An adoptive placement shall not be made until a preplacement evaluation that complies with the Delaware Requirements for Child Placing Agencies has been completed.

*In regulation:* Once an agency approves an applicant, the agency shall provide an approval letter or certificate to the applicant. The approval shall state the preadoptive parent has met the requirements for adoption as established in the regulations and received a satisfactory evaluation based on a home study conducted by an agency licensed to perform adoption home studies. In addition, the approval shall include a start and end date that shows the dates of the home's approval. The approval shall be effective for no more than 1 year.

The agency shall do the following:

- Prepare an update or addendum when there is a significant change and no less frequently than 1 year from the date the home study was approved
- Create an update or addendum to a home study during an approval period if there is a change in family circumstance, such as a marital separation, divorce, change of household composition, loss of job, serious illness, or death
- Ensure a home study contains all required items and is kept current and accurate at the time of placement through finalization
- Complete a new home study within 3 years of the initial home study

### **Postplacement Study Requirements**

**Citation:** Code of Regs. 9-200-201, Part III

The agency shall assist a preadoptive parent during the postplacement period until finalization as follows:

- Assign a caseworker who is responsible for providing services to a preadoptive parent
- Offer assistance with steps toward integrating a child into a new family
- Provide help with problems that may occur, including referrals for services outside of the agency's capability
- Provide information on adoption subsidies, if applicable

The agency shall maintain in-person contact with a preadoptive parent and child during the postplacement period until finalization as follows:

- The first in-person contact shall occur within 2 weeks of placement or within a term required by the Interstate Compact on the Placement of Children.
- After the first contact, a minimum of three in-person visits shall be required.
- At least one in-person contact shall be made in the preadoptive parent's home.

Each household member shall be interviewed in-person at least once during the postplacement period.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Ann. Code Tit. 13, § 904

No petition for adoption shall be presented unless, prior to the filing of the petition, the child sought to be adopted has been placed for adoption by DSCYF or a licensed child-placing agency and the placement has been



supervised by DSCYF or the agency. No such placement or supervision shall be necessary in the case of the following:

- A child sought to be adopted by a stepparent or a blood relative
- A child sought to be adopted by a guardian as long as guardianship has been granted for at least 6 months prior to filing the adoption petition

#### **Requirements for Interjurisdictional Placements**

**Citation:** Code of Regs. 9-200-201, § 17

A child-placing agency shall, when accepting for placement any child who resides in another State or placing a child in another State, comply, as appropriate, with the terms of the Interstate Compact on the Placement of Children.

#### **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

#### **Links to Resources**

[Adoption](#) [webpage] (Delaware Department of Services for Children, Youth and their Families)

[State regulations](#)

### **DISTRICT OF COLUMBIA**

*Current Through August 2020*

#### **Who Must Be Studied**

**Citation:** Code of Municipal Regs. § 29-1620

The study must include the applicant(s) and all household members.

#### **Agency or Person Conducting the Study**

**Citation:** Code of Municipal Regs. § 29-1620

The child-placing agency shall conduct the home study.

#### **Qualifications for Adoptive Parents**

**Citation:** Code of Municipal Regs. § 29-1620

Each home study report shall include an assessment of the adoptive applicants on the following:

- The motivation for adoption
- Readiness to parent a child not born to them
- The attitudes and feelings of the family and significant others involved with the family toward adoptive children
- The attitudes of the applicants toward birth parents and the reasons the children are in need of adoption
- Emotional stability and maturity, including the capacity to give and receive affection
- The ability to cope with problems, stress, crises, and losses, including the availability of formal and informal support systems
- The ability to provide for the child's physical and emotional needs
- The attitude toward discipline and child-rearing

## **Elements of a Home Study**

**Citation: Code of Municipal Regs. § 29-1620**

The adoptive home study 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 do the following:

- Work with the applicant to evaluate his or her ability and readiness for adoptive parenthood
- Make recommendations regarding the type of child to be placed with the family
- Build supportive relationships and activities that will ensure the success of the placement
- Provide educational opportunities for the applicant regarding the adoption process
- Provide a written report integrating all the information and culminating in an agency recommendation

The home study process shall include the following:

- One face-to-face interview with the adoptive couple and one face-to-face individual interview with each applicant
- One face-to-face contact with each member of the potential adoptive family household
- Clearance with the child abuse and neglect registry and record of criminal convictions, if any
- A summary of the medical report for each member of the adoptive family living in the household, within 6 months of the study, that verifies that each person has no communicable disease, specific illness, or disabilities that would interfere with the family's ability to parent a child
- The level of education completed
- The applicant's financial status, including current job and income, other sources of income, savings, assets, and liabilities
- A minimum of three personal and community character references
- The interests, hobbies, and use of leisure time for each applicant
- Religious orientation, if any
- A description of the home, including the adequacy of space and privacy in relation to the parent and age and sex of children
- An assessment of the plan for child care if parents work

## **Grounds for Withholding Approval**

**Citation: Ann. Code § 4-1305.06**

An individual shall not be approved to provide foster care if it is determined from the criminal records check that the individual, or an adult residing in the home of the individual, has a felony conviction for any of the following offenses or their equivalents:

- Child abuse or neglect
- An intrafamily offense, as defined in § 16-1001(8)
- A crime against children, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery

An individual shall not be approved if it is determined from the criminal records check that the individual, or an adult residing in the home of the individual, has a felony conviction for any of the following offenses or their equivalents committed within the past 5 years:

- Physical assault or battery
- A drug-related offense

### **When Studies Must Be Completed**

**Citation:** Code of Municipal Regs. § 29-1620

An adoptive home study shall be conducted prior to the placement of a child in a home.

If a placement has not been made and 12 months have elapsed since the adoptive home study, a prospective adoptive home shall be reevaluated.

### **Postplacement Study Requirements**

**Citation:** Code of Municipal Regs. § 29-1624

The child-placing agency shall provide postplacement services for at least 6 months from the date of the adoptive placement of a child. The agency shall conduct at least three interviews during the 6-month period with the child and the parent(s) and make at least one visit to the home.

If a final decree of adoption has not been granted within 6 months of placement, the child-placing agency shall continue to provide services until the final decree is granted.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Ann. Code § 16-308

The court may dispense with the investigation and report when the petitioner is a spouse or domestic partner of the natural parent of the prospective adoptee and the natural parent consents to the adoption or joins in the petition for adoption. A fingerprint-based criminal records check is still required.

### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Code § 4-1422; Code of Municipal Regs. § 29-1635

Placement of children outside the District of Columbia is subject to the provisions of the Interstate Compact on the Placement of Children.

Prior to sending a child into a receiving State for placement in a prospective adoptive home, the agency shall furnish the appropriate authority in the receiving State written notice of the intention to place the child in the receiving State. The notice shall contain the following:

- The name, date, and place of birth of the child
- The identity and address of the parents or legal guardian
- The name and address of the person, agency, or institution to which the agency proposes to send the child
- A full statement of the reason for the proposed action and evidence of the authority for the proposed placement

The child shall not be sent to the receiving State until the appropriate authority in the receiving State notifies the sending State, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

*In regulation:* A child-placing agency in the District of Columbia that is cooperating with agencies or individuals in other States for foster or adoptive placement of a child in the District or in another jurisdiction shall comply with the interstate placement requirements of the States involved during all phases of the placement process.

### **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

## Links to Resources

[Adopting From the Public Child Welfare System in the District of Columbia](#) (District of Columbia Child and Family Services Agency)

[Municipal regulations](#)

## FLORIDA

*Current Through August 2020*

### Who Must Be Studied

**Citation: Admin. Code § 65C-16.007**

The adoptive applicant and other adult household members must be included in the home study.

Abuse and neglect history checks must be conducted on all adoptive applicants and other household members 12 years of age and older. The applicants must be informed of this requirement early in the home study process and must provide written consent for the checks to be completed. Abuse and neglect history checks must be current within 30 calendar days of placement of an adoptive child in the home. When the adoptive applicant or other adult household member has lived in another State within 5 years of the request for a home study, a child abuse and neglect registry check of the other State must be requested.

Local, statewide, and national criminal records checks and juvenile records checks must be conducted on all adoptive applicants and other household members 18 years of age and older. Local, statewide, and juvenile records checks must be conducted on all household members age 12 through 17.

### Agency or Person Conducting the Study

**Citation: Ann. Stat. § 63.092; Admin. Code § 65C-16.002**

The preliminary home study must be completed by a licensed child-placing agency, a registered child-caring agency, a licensed professional, or an agency described in § 61.20(2), unless the adoptee is an adult or the petitioner is a stepparent or a relative. The Department of Children and Family Services is required to perform the preliminary home study only if there is no licensed child-placing agency, child-caring agency, or licensed professional in the county where the prospective adoptive parents reside.

*In regulation:* The department facilitates the adoption of children with special needs. Persons seeking to adopt non-special needs children will be referred to private agencies.

### Qualifications for Adoptive Parents

**Citation: Admin. Code § 65C-16.005**

An adoptive home study that includes observation, screening, and evaluation of the child and adoptive applicants shall be completed prior to the adoptive placement of the child. The aim of this evaluation is to select families who will be able to meet the physical, emotional, social, educational, and financial needs of a child, while safeguarding the child from further loss and separation from siblings and significant adults. In determining which applications for adoption should be approved, the following criteria must be considered:

- The child's choice if the child is developmentally able to participate in the decision
- The ability and willingness of the adoptive family to adopt some or all of a sibling group
- The commitment of the applicant to value, respect, appreciate, and educate the child regarding his or her racial and ethnic heritage
- The family's childrearing experience

Applications to adopt will be accepted from married couples and from single adults. Consideration should be given as to the stability of the marriage and/or any significant relationships.

Other qualifications include the following:

- The family must have legal and verifiable income and resources to ensure financial stability and security to meet expenses incurred in the care of the family.
- The family's housing must provide the space and living conditions necessary to promote the health and safety of the family.
- The physical, mental, and emotional health of the prospective adoptive household members must not jeopardize the safety and permanency of the child's placement.
- When families have children by birth or adoption, the anticipated impact of a new child on the family must be considered.
- Working parents must be willing and able to arrange to be with the child during the transition period.

### **Elements of a Home Study**

**Citation: Ann. Stat. § 63.092; Admin. Code § 65C-16.005**

The preliminary home study must be made to determine the suitability of the intended adoptive parents and may be completed prior to the identification of a prospective adoptive child. The study must include, at a minimum, the following:

- An interview with the intended adoptive parents
- Criminal records and central abuse registry checks
- An assessment of the physical environment of the home
- A determination of the financial security of the intended adoptive parents
- Documentation of counseling and education of the intended adoptive parents on adoptive parenting

*In regulation:* A minimum of five written references shall be required. Only one reference may be obtained from an employer, and only one of the references may be obtained from a relative. All other references must be obtained from persons who either (1) have observed the applicants in situations that give some indication for their capacity for parenthood or (2) possess documentation or knowledge, as the result of their relationship to the applicant, of the applicant's capacity for parenthood.

The approved adoptive parent training must be provided to and successfully completed by all prospective adoptive parents, except licensed foster parents and relative and nonrelative caregivers who have previously attended the training within the last 5 years or have the child currently placed in their home for 6 months or longer and been determined to understand the challenges and parenting skills needed to parent the children available for adoption from foster care successfully.

### **Grounds for Withholding Approval**

**Citation: Ann. Stat. § 63.092; Admin. Code § 65C-16.005**

A minor may not be placed in a home in which there resides any person determined by the court to be a sexual predator or to have been convicted of an offense listed in § 63.089(4)(b)2, including child abuse, murder, or sexual battery.

*In regulation:* An application may be denied when any of the following issues are present:

- The adoptive applicant is experiencing a serious or chronic medical condition that compromises or could compromise the applicant's ability to provide the physical, emotional, social, and economic support necessary for the child to thrive.

- The child abuse records check reveals verified findings of abuse, neglect, or abandonment.
- The criminal history checks reveal that the applicant has been convicted of crimes specified in statute as a disqualifying condition.
- The applicant is a current or former foster parent, and the review of the foster parent file reveals that there have been care and supervision concerns or a violation of licensing standards.

### **When Studies Must Be Completed**

**Citation: Ann. Stat. § 63.092**

The preliminary home study must be made to determine the suitability of the intended adoptive parents and may be completed before identification of a prospective adoptive minor. If the identified prospective adoptive minor is in the custody of the department, a preliminary home study must be completed within 30 days after it is initiated. A favorable preliminary home study is valid for 1 year after the date of its completion.

A minor may not be placed in an intended adoptive home before a favorable preliminary home study is completed unless the adoptive home is also a licensed foster home under § 409.175.

### **Postplacement Study Requirements**

**Citation: Admin. Code § 65C-16.010**

The department has a legal responsibility to provide services until the finalization of an adoption. This period shall be no less than 90 days from the date the child was placed in the physical custody of the adoptive parent. The first home visit must be made within 1 week after placement. There shall be a minimum of three supervisory visits in placements that are nonproblematic. For placements that do not proceed smoothly, additional and more frequent contacts are necessary. The adoptive child must be contacted a minimum of once every calendar month until adoption finalization. The entire family must be seen together at least once during the postplacement supervision period.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation: Ann. Stat. §§ 63.092; 63.112**

If the adoptee is an adult or the petitioner is a stepparent or a relative, a preliminary home study may be required by the court for good cause shown.

Unless ordered by the court, no report or recommendation is required when the placement is a stepparent adoption or when the minor is a relative of one of the adoptive parents.

### **Requirements for Interjurisdictional Placements**

**Citation: Ann. Stat. § 409.401; Admin. Code § 65C-16.005**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

*In regulation:* Families from other States wishing to adopt Florida children may apply and be studied by an agency authorized or licensed to practice adoption in their State of residence. Out-of-State placements will be facilitated through established regional or national adoption exchanges or directly with out-of-State agencies and will comply with the requirements of the Interstate Compact on the Placement of Children.



### **Foster to Adopt Placements**

**Citation:** Admin. Code §§ 65C-16.002; 65C-16.005

If the current caregiver applies to adopt the child, the application must be evaluated through an adoptive home study. The home study must assess the length of time the child has lived with the current caregiver, the depth of the relationship existing between the child and the caregiver, and whether it is in the best interest of the child to be adopted by the caregiver.

The approved adoptive parent training must be provided to and successfully completed by all prospective adoptive parents, except licensed foster parents and relative and nonrelative caregivers who have previously attended the training within the last 5 years or have the child currently placed in their home for 6 months or longer and been determined to understand the challenges and parenting skills needed to parent the children available for adoption from foster care successfully.

### **Links to Resources**

[Explore Adoption](#) [website] (Florida Department of Children and Families)

[State regulations](#)

## **GEORGIA**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Rules & Regs. r. 290-9-2-.06(3)

The adoptive family must be evaluated in a home study.

### **Agency or Person Conducting the Study**

**Citation:** Rules & Regs. r. 290-9-2-.06(3)

The home study shall be completed by the adoption agency.

### **Qualifications for Adoptive Parents**

**Citation:** Ann. Code § 19-8-3

Any individual may petition to adopt a child if he or she meets the following criteria:

- Is at least age 25, is married and living with his or her spouse, or is at least age 21 and is a relative of the child
- Is at least 10 years older than the child, except when the petitioner is a stepparent or relative
- Is a bona fide resident of this State at the filing of the petition for adoption or is a bona fide resident of the receiving State when the adoptee was born in this State and was placed in compliance with the Interstate Compact on the Placement of Children
- Is financially, physically, and mentally able to have permanent custody of the child

### **Elements of a Home Study**

**Citation:** Rules & Regs. r. 290-9-2-.06(3)

The home study shall include at least three visits on separate days. At least one visit shall be in the home, and the applicant and all other family members shall be seen and interviewed. Prospective adoptive parents shall be interviewed together as well as separately.

The study shall include at least the following information concerning the prospective adoptive family:

- Motivation to adopt
- Physical description and social background of each family member
- Evaluation of parenting practices
- Summary of health history and condition of each family member
- Informal assessment of the emotional and mental health of each family member
- Evaluation of the understanding of and adjustment to adoptive parenting
- Evaluation of the prospective adoptive parent(s)' finances and occupation
- Description of the home and community, including the following:
  - Whether all firearms in the home are locked away from children
  - Whether smoke alarms are present and functioning on each level in the home
  - Availability of community resources, including accessibility of schools, religious institutions, recreation, and medical facilities
- Statements regarding the results of a criminal records check and a check of the child abuse and neglect registry
- Minimum of three character references, as follows:
  - At least one reference must be from an extended family member not residing with the prospective adoptive family.
  - If a prospective adoptive parent(s) has worked with children in the past 5 years, a reference must be obtained from the former employer(s) for that work experience.

#### **Grounds for Withholding Approval**

This issue is not addressed in the statutes and regulations reviewed.

#### **When Studies Must Be Completed**

**Citation: Rules & Regs. r. 290-9-2-.06(3)**

The agency shall make a written evaluation, or study, of each prospective adoptive family prior to the placement of a child in the home. If the applicant is approved, the required information shall be kept current, with modifications made as necessary if changes occur, until a placement is made.

A home study may be updated in lieu of completion of an entirely new home study. At a minimum, a home study update must include at least one home visit, the applicant's current employment status, updated medical reports, changes in family composition, and any changes in types of children requested.

When a family is approved for an adoption placement by a Georgia agency and a child has not been placed with the family within 1 year of the date of the approval, there shall be documentation annually of the reason(s) a placement has not been made, and a home study update shall be completed prior to a placement being made.

#### **Postplacement Study Requirements**

**Citation: Rules & Regs. r. 290-9-2-.06(7)**

The agency caseworker shall make at least two home visits after the placement of the child and prior to the filing of the petition for adoption, as follows:

- The first home visit may be made at any time after the placement of the child.
- There shall be a minimum of 2 weeks between the required home visits for a child age 12 months or younger.
- There shall be a minimum of 30 days between the required home visits for a child older than 12 months.

Home visits shall be made with the prospective adoptive family at least once a month prior to the filing of a petition for adoption to verify that the prospective parent(s) are delivering care in a safe and healthy environment to the children in accordance with these rules and regulations and relevant agency policies and procedures. Such visits shall include observation of the child and at least one prospective adoptive parent in the home.

If a petition for adoption is not granted within 90 days after filing, the agency shall make additional home visits at least quarterly until a final order has been entered on the petition.

Documentation of home visits will be maintained in the case files of both the prospective adoptive parents and the child. Documentation of home visits should include, but not be limited to, a summary of the entire family's adjustment to the prospective adoptive placement, any problem or issue that has arisen, and the resolution of the problem or issue.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation: Ann. Code § 19-8-3**

Any individual may petition to adopt a child if he or she meets the following criteria:

- Is at least age 21 and is a relative of the child
- Is at least 10 years older than the child, except when the petitioner is a stepparent or relative
- Is financially, physically, and mentally able to have permanent custody of the child

### **Requirements for Interjurisdictional Placements**

**Citation: Ann. Code § 39-4-4; Rules & Regs. r. 290-9-2-.06(7)**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

*In regulation:* In an interstate adoption placement where Georgia is the State of origin, the requirements for services following an adoption placement may be met by fulfilling the requirements of the receiving State.

### **Foster to Adopt Placements**

**Citation: Rules & Regs. r. 290-9-2-.06(7)**

When foster parent(s) are adopting their foster child, the foster parents may proceed with the filing of the petition prior to any home visits.

### **Links to Resources**

[The Adoption Process](#) [webpage] (Georgia Department of Human Services, Division of Family and Children Services)

[State regulations](#)

## **GUAM**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Admin. Rules Tit. 26, § 1312

The applicant and all members of the applicant's family will be included in the study.

### **Agency or Person Conducting the Study**

**Citation:** Admin. Rules Tit. 26, § 1312

The department or agency shall conduct the home study.

### **Qualifications for Adoptive Parents**

**Citation:** Admin. Rules Tit. 26, § 1307

Any individual may apply to be an adoptive parent. There shall be no discrimination against applicants because of ethnicity, sex, marital status, or lifestyle. However, applicants must be at least age 18 and 10 years older than the prospective adoptive child.

### **Elements of a Home Study**

**Citation:** Admin. Rules Tit. 26, § 1312

The applicants must submit the following documents, where applicable:

- Copies of birth certificates, marriage certificates, and divorce decrees
- Employment verification
- A financial statement, including income, savings, assets, expenses, and insurance
- The results of physical examinations
- References from two nonrelatives
- Police clearance from the place of current or previous residence

The study shall include the following:

- Background of the applicant, including education, childhood history, and family relationships
- Motivation for adoption
- Condition and suitability of the applicant's home
- Religious affiliation, if any

### **Grounds for Withholding Approval**

This issue is not addressed in the statutes and regulations reviewed.

### **When Studies Must Be Completed**

**Citation:** Ann. Code Tit. 19, § 4210; Admin. Rules Tit. 26, §§ 1307, 1312

Upon the filing of an adoption petition, the court shall direct that a social study be made by the department.

*In regulation:* Once applications are submitted, no further contact is made unless, upon review of the application, clarification is needed regarding points on the application or if the applicant is considered one of the three applicants preselected for a prospective adoptive child. A preadoption home study will then be conducted on these applicants.

When the court orders a social study, the department will request the court to have a 45-day period to submit completed home studies unless specified in the court order. Extensions may be requested by the department if necessary.

### **Postplacement Study Requirements**

**Citation:** Admin. Rules Tit. 26, § 1311

After the child is placed in an adoptive home, there shall be a supervisory period of up to 1 year prior to the consummation of the adoption during which time the department shall give supportive assistance to the adoptive parents in adjusting to the child and integrating the child into the family. It will consist of scheduled visits, at least quarterly, in which the worker will monitor the child's and family's adjustment to each other.

### **Exceptions for Stepparent or Relative Adoptions**

This issue is not addressed in the statutes and regulations reviewed.

### **Requirements for Interjurisdictional Placements**

This issue is not addressed in the statutes and regulations reviewed.

### **Foster to Adopt Placements**

**Citation:** Admin. Rules Tit. 26 § 1310

Adoption of a child in foster care by the foster parents will be considered by the agency under the following conditions:

- The Adoption Selection Committee determines this is in the best interests of the child.
- The child has lived in the foster home for at least 1 year and has developed ties with the family, or the child is 'hard to place' because of age, racial background, physical or mental handicap, questionable health or social background, etc. and the foster parents are willing to adopt the child, having prior knowledge of these factors.

The foster home shall then be reevaluated in terms of adoption. The evaluation shall include the following:

- The foster parents' feelings about adopting a child whose whereabouts are known to the natural parents
- Their capacity to give security to the child under those circumstances

### **Links to Resources**

[Territory regulations](#)

## **HAWAII**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Rev. Stat. § 346-19.7

The prospective adoptive parents or any adult residing in the prospective adoptive home shall be included in the study.

### **Agency or Person Conducting the Study**

**Citation:** Rev. Stat. § 346-19.7

The Department of Human Services is responsible for conducting the study. The department may authorize or contract the home studies of prospective adoptive parents for children under the department's custody to experienced social workers with specialized adoption experience.

### **Qualifications for Adoptive Parents**

**Citation:** Rev. Stat. § 346-19.7

Any person who seeks to become an adoptive parent, including all adults residing in the prospective adoptive home, shall be subject to the following:

- Meet all standards and requirements established by the department
- Be subject to criminal history record checks and child abuse and neglect registry checks

### **Elements of a Home Study**

**Citation:** Rev. Stat. § 346-19.7

The department shall develop standards to ensure the reputable and responsible character of prospective adoptive parents as defined in this chapter.

The department shall develop procedures for obtaining verifiable information regarding the criminal history and child abuse and neglect registry information of persons who are seeking to become adoptive parents. The department or its designee shall obtain criminal history record information through the Hawaii criminal justice data center and child abuse record information from the department in accordance with departmental procedures.

### **Grounds for Withholding Approval**

**Citation:** Rev. Stat. § 346-19.7

The department may deny a person's application to adopt a child if either of the prospective adoptive parents or any adult residing in the prospective adoptive home was convicted of an offense for which incarceration is a sentencing option and if the department finds by reason of the nature and circumstances of the crime that either of the prospective adoptive parents, or any adult residing in the prospective adoptive home, poses a risk to the health, safety, or well-being of the child.

The department may deny a person's application to adopt a child if either of the prospective adoptive parents or any adult residing in the prospective adoptive home has a history of confirmed child abuse or neglect, or both, revealed by the child abuse and neglect registry check and if the department finds by reason of the nature and circumstances of the abuse or neglect, or both, that either of the prospective adoptive parents or any adult residing in the prospective adoptive home poses a risk to the health, safety, or well-being of the child.

### **When Studies Must Be Completed**

**Citation:** Rev. Stat. § 578-8

The court may enter a decree of adoption if it is satisfied that the petitioners are fit and proper persons, that they are financially able to give the individual a proper home and education, and that the adoption will be for the best interests of the child.

### **Postplacement Study Requirements**

**Citation:** Rev. Stat. § 578-9

During the period, if any, between the entry of the adoption decree and the effective date of adoption, the decree may provide for the supervision and visitation of the minor child by the director of human services or the director's agent during that period and for any reports in connection with that supervision as the court may require.



### **Exceptions for Stepparent or Relative Adoptions**

This issue is not addressed in the statutes and regulations reviewed.

### **Requirements for Interjurisdictional Placements**

**Citation:** Rev. Stat. § 350E-1

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

### **Links to Resources**

[State regulations](#) (see § 17-1610-43, Adoption Services)

## **IDAHO**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Ann. Code § 16-1506

The investigation must include the prospective adoptive family and all of its members.

### **Agency or Person Conducting the Study**

**Citation:** Ann. Code § 16-1506

The social investigation may be performed by any individual who meets the requirements of the law.

### **Qualifications for Adoptive Parents**

**Citation:** Ann. Code § 16-1502

The person adopting a child must be at least 15 years older than the adoptee or age 25 or older.

### **Elements of a Home Study**

**Citation:** Admin. Code §§ 16.06.01.750, 762; 16.05.06.100

Each adoptive applicant must provide a medical statement, signed by a qualified medical professional, within the 12-month period prior to the application for adoption indicating that the applicant's physical and mental health will not adversely affect either the health or quality of care of the adopted child.

Adoption home studies must include an assessment of the following:

- Verification that the adopting person is at least 15 years older than the child or age 25 or older, except in stepparent adoptions
- Verification that the family has resided and maintained a dwelling within the State of Idaho for at least 6 consecutive months
- The adequacy of the family's house, property, and neighborhood

- The applicant's educational background, employment, family income, and financial resources
- Previous criminal convictions and history of child abuse and neglect
- Family history and verification of marriages and divorces
- The names and ages of all biological and adopted children
- The religious and cultural practices of the family
- For an Indian child, the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or maintains social and cultural ties
- Individual and family functioning
- Activities, interests, and hobbies
- Child care and parenting skills, including methods of discipline used in the home
- Reasons for applying for adoption
- The family's prior and current experiences with and attitudes toward adoption
- Type of child preferred by the family
- Emotional stability and maturity
- The family's attitude about an adopted child's birth family
- Training needs of the applicant

All persons applying to the department or petitioning the court to be an adoptive parent and all adults in the home, except stepparents applying for adoption of a stepchild, are required to complete a fingerprint-based criminal history and background check.

#### **Grounds for Withholding Approval**

**Citation: Admin. Code §§ 16.06.01.750; 16.05.06.210**

Following an initial interview, an applicant who does not appear to meet the department's requirements may be denied a full home study.

An applicant will not be approved as an adoptive parent when the person discloses or the criminal history and background check reveals a conviction for a disqualifying crime on his or her record for any of the crimes listed in regulation.

#### **When Studies Must Be Completed**

**Citation: Ann. Code § 16-1506; Admin. Code §§ 16.06.01.762, 764, 771**

A thorough home study must be completed prior to the placement of any child in the home of prospective adoptive parents. Once initiated, all studies shall be completed within 60 days.

*In regulation:* The home study must be completed prior to placement of any child for adoption in that home.

Upon application by a potential adoptive family, the family services worker will conduct the preplacement adoptive home study and issue the verification of positive recommendation where appropriate. The home study must be completed prior to placement of any child for adoption in that home.

An adoptive home study must be updated on an annual basis. A current home study is defined as a home study completed within the previous 12 months.

### **Postplacement Study Requirements**

**Citation:** Admin. Code §§ 16.06.01.860; 16.06.01.861

Following the adoptive placement, a period of support and supervision by the department lasting at least 6 months must be completed prior to the finalization of the adoption. In situations where a foster family has a significant relationship with a child and the child has been placed in their home for at least the past 6 months, the supervisory period may be reduced to a minimum of 3 months. The family services worker will make scheduled visits to the home at least monthly during this period to assist the child and the family in their adjustment to each other and will update the child's permanent record by means of monthly progress reports.

Progress reports must be made at intervals not to exceed 30 days. These reports will include the family services worker's observation of each child and the prospective adopting parent(s), with emphasis on the following:

- The special needs or circumstances of each child at the time of placement
- Services provided to each child and the family during the report period
- Services to be provided to each child and the family
- General appearance and adjustment of each child, including eating, sleep patterns, responsiveness, and bonding
- Adjustment of each child to all of the following that apply: school, day care, and day treatment programs
- Health and developmental progress
- Whether each child has been accepted for coverage on the family's medical insurance, when coverage begins, and whether there will be any limitations or exclusions
- The family's adjustment to adoptive placement
- Adoption assistance negotiations
- Changes in family situation or circumstances
- Areas of concern during the report period as addressed by each child and the adoptive parent(s)

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Ann. Code §§ 16-1502; 16-1506

Age restrictions or requirements do not apply when the adopting parent is a spouse of a natural parent.

When the prospective adoptive parent is married to the birth parent or is the grandparent of the adoptee, the social investigation shall be completed with regard to the prospective adoptive parent only upon order of the court.

### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Code § 16-2102; Admin. Code § 16.06.01.030

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

*In regulation:* When necessary to encourage all possible positive contacts with family, including extended family, placement with family members or others who are outside the State of Idaho will be considered. On very rare occasions, the department may contract with an out-of-State residential facility if it best serves the needs of the child and is at a comparable cost to facilities within Idaho. When out-of-State placement is considered

in the permanency planning for a child, such placement will be coordinated with the respective interstate compact administrator according to the provisions of the Interstate Compact on the Placement of Children. Placements must comply with all State and Federal laws.

### **Foster to Adopt Placements**

**Citation: Admin. Code § 16.06.01.790**

The procedure and requirements are the same for all adoptive applicants. This includes foster parents who want to be considered as adoptive parents for a child who has a plan of adoption. These requirements include compliance with the Indian Child Welfare Act, the Multi-Ethnic Placement Act of 1994, and the Interethnic Adoption Provisions of 1996.

### **Links to Resources**

[About Adoption Through Foster Care](#) [webpage] (Idaho Department of Health and Welfare)

[State regulations](#)

## **ILLINOIS**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation: Admin. Code Tit. 89, § 402.4**

Each applicant and adult member of the applicant's household shall be included in the investigation. In addition, members of the household ages 13 through 17 must authorize a check of the child abuse and neglect registry and the child sex offender registry.

### **Agency or Person Conducting the Study**

**Citation: Comp. Stat. Ch. 750, § 50/6**

The court shall appoint a child welfare agency approved by the Department of Children and Family Services or a person deemed competent by the court to conduct the investigation. In Cook County, the Court Services Division of the Cook County Department of Public Aid or the Department of Children and Family Services may be appointed if the court determines that no child welfare agency is available or that the petitioner is financially unable to pay for the investigation.

### **Qualifications for Adoptive Parents**

**Citation: Admin. Code Tit. 89, §§ 309.105; 309.130**

A person seeking to adopt must meet the following criteria:

- Have resided in the State of Illinois continuously for a period of at least 6 months immediately preceding the commencement of an adoption proceeding or be a member of the armed forces of the United States who has been domiciled in the State for 90 days
- Be a reputable person of legal age and of either sex

The child's needs and best interests shall be the primary consideration when selecting an adoptive family for a child. The factors to be considered shall include, but are not limited to, the following:

- The wishes of the child under age 14 who demonstrates the maturity and cognitive ability to participate in the decision
- The physical, mental, and emotional needs of the child

- The child's need for stability and continuity of relationship with parent figures
- The interaction between the child and the prospective adoptive parent
- The prospective adoptive parent's ability to meet the physical, mental, and emotional needs of the child
- The prospective adoptive parent's ability and willingness to support, maintain, and continue to be sensitive to the child's significant relationships with the child's extended family, siblings, and any other significant persons who played an important part in the child's life or to whom the child has established significant emotional ties
- The prospective adoptive family's willingness to help and support the child in developing a relationship with his or her siblings, including siblings with whom the child does not yet have a relationship, and recognition of the value of preserving family ties between the child and his or her siblings, including the child's need for stability and continuity of relationships with siblings and the importance of sibling contact in the development of the child's identity

### **Elements of a Home Study**

**Citation:** Comp. Stat. Ch. 750, § 50/6; Admin. Code Tit. 89, §§ 402.28; 309.110

The study shall investigate accurately, fully, and promptly the character, reputation, health, and general standing in the community of the petitioners; the religious faith of the petitioners and, if ascertainable, of the child sought to be adopted; and whether the petitioners are proper persons to adopt the child and whether the child is a proper subject of adoption. The investigation required shall include a fingerprint-based criminal background check with a review of fingerprints by the Illinois State Police and the Federal Bureau of Investigation. The criminal background check shall not be more than 2 years old.

*In regulation:* An adoptive home shall be licensed as a foster family home before placement of an unrelated child for adoption.

The certification process for a prospective adoptive parent includes completion of the required certification training and an assessment that includes a written home study that incorporates information from the assessment phase and includes a recommendation regarding the types of children the family is able to parent that has been approved by the department or adoption agency supervisor.

### **Grounds for Withholding Approval**

**Citation:** Admin. Code Tit. 89, § 402, Appx. A

Final approval for licensure shall not be granted if the record check reveals a felony conviction for child abuse or neglect; for spousal abuse; for a crime against children; or for a crime involving violence, including rape, sexual assault or homicide, but not including other physical assault or battery; or if there is a felony conviction for physical assault, battery, or a drug-related offense committed within the past 5 years.

### **When Studies Must Be Completed**

**Citation:** Comp. Stat. Ch. 750, § 50/6

The court will order an investigation within 10 days after the filing of a petition for the adoption of a child other than a related child.

### **Postplacement Study Requirements**

**Citation:** Admin. Code Tit. 89, § 309.160

Postplacement services are provided to the child and adoptive family from the date of placement of the child in the adoptive home to the date of finalization of the adoption for the purpose of the following:

- Continuing the activities around the preparation of the child for adoption
- Ensuring the health and safety of the child

- Ensuring successful integration of the child in the adoptive home
- Providing continuing support and placement stabilization in order to minimize the risk of placement disruption
- Facilitating adoption finalization

The department or adoption agency will continue to assess the child and family after placement has occurred to ensure that all existing and potential needs have been identified and appropriate support services are in place prior to finalization. The services provided by the department or adoption agency will be related to the needs of the adoptive family and the special needs of the adopted child, particularly if the child is older; has medical conditions; has physical, mental, or emotional disabilities; or is of a different ethnic, racial, or cultural background than the adoptive family. The assessment will explore the level of attachment occurring within the adoptive family and will utilize specific activities designed to promote and enhance attachment.

Information relating to the finalization of the adoption is provided to the family, and efforts are directed toward completing all necessary reports required prior to finalization. The department or adoption agency will schedule regular in-person contacts with the family and child following placement until the adoption is finalized.

#### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Comp. Stat. Ch. 750, § 50/6; Admin. Code Tit. 89, § 309.105

An investigation of an adoption petition shall not be made when the petition seeks to adopt a related child or an adult unless the court, in its discretion, shall so order. In such an event, the court may appoint a person deemed competent by the court.

*In regulation:* The residence requirement shall not apply to an adoption of a related child or to an adoption of a child placed by an agency.

#### **Requirements for Interjurisdictional Placements**

**Citation:** Comp. Stat. Ch. 45, § 15/1

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

#### **Foster to Adopt Placements**

**Citation:** Comp. Stat. Ch. 750, § 50/15.1; Admin. Code Tit. 89, § 309.130

Any person age 18 or older who has cared for a child for a continuous period of 1 year or more as a foster parent may apply to the child's guardian for the guardian's consent to adopt the child. The guardian shall give preference and first consideration to that application over all other applications for adoption of the child, but the guardian's final decision shall be based on the welfare and best interests of the child. In arriving at this decision, the guardian shall consider all relevant factors, including, but not limited to, the following:

- The wishes of the child
- The interaction and interrelationship of the child with the applicant to adopt the child
- The child's need for stability and continuity of relationship with parent figures
- The wishes of the child's parent as expressed in writing prior to that parent's execution of a consent to adoption



- The child's adjustment to his or her present home, school, and community
- The mental and physical health of all individuals involved
- The family ties between the child and the applicant and the value of preserving family ties between the child and the child's relatives, including siblings
- The background, age, and living arrangements of the applicant
- The criminal background check report presented to the court as part of the required investigation

The final determination of the propriety of the adoption shall be within the sole discretion of the court.

*In regulation:* In accordance with the Adoption Act, licensed foster parents who have cared for a child for a continuous period of 1 year or more shall be given preference and first consideration over all other applicants for the adoption of that child in their home when adoption is the permanency goal, the child is legally free for adoption, and adoption is in the child's best interests.

### **Links to Resources**

[State regulations](#)

## **INDIANA**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation: Ann. Code § 31-19-7-1**

All adult members of the prospective adoptive family must be studied.

### **Agency or Person Conducting the Study**

**Citation: Ann. Code § 31-19-8-5**

The study shall be completed by either a licensed child-placing agency or the local Office of Family and Children.

### **Qualifications for Adoptive Parents**

**Citation: Ann. Code §§ 31-19-2-2; 31-19-2-3**

A resident of Indiana may adopt a child. A hard-to-place child may be adopted by a nonresident.

### **Elements of a Home Study**

**Citation: Ann. Code §§ 31-19-8-6; 31-9-2-22.5**

The report required must address the suitability of the proposed home for the child. The report may not contain any information concerning the financial condition of the adoptive parents. The results of a criminal history check must accompany the report.

A criminal history check shall include the following:

- An inspection by the State police department of juvenile history data concerning a person who is at least age 14 who is residing in the applicant's household
- A fingerprint-based criminal history background check of both national and State records databases concerning a person who is at least age 18 residing in the home
- A check for substantiated reports of child abuse or neglect reported in any jurisdiction where a household member has resided within the previous 5 years

- Conduct a check of the national sex offender registry maintained by the U.S. Department of Justice for all persons who are at least age 14
- Conduct a check of local criminal records in every jurisdiction in which a person who is at least age 18 has resided within the previous 5 years, unless the Department of Child Services or a court grants an exception to conducting this check

### **Grounds for Withholding Approval**

This issue is not addressed in the statutes and regulations reviewed.

### **When Studies Must Be Completed**

**Citation:** Ann. Code § 31-19-8-5

When a petition for adoption is made to the court, the court shall refer the case to the appropriate agency for an investigation. No more than 60 days from the date of the referral, the agency shall submit to the court a written report of the investigation and a recommendation as to the advisability of the adoption.

### **Postplacement Study Requirements**

**Citation:** Ann. Code §§ 31-19-8-1; 31-19-8-2

Before an adoption may be granted in Indiana, the adoptive family must complete a period of postplacement supervision. The supervision will be provided by either a licensed child-placing agency for a child who has not been adjudicated to be a child in need of services or by the Department of Child Services if the child is the subject of an open child in need of services action. The length of the period of supervision is within the sole discretion of the court hearing the petition for adoption. The requirement for postplacement supervision does not apply to an adoption by a stepparent or grandparent of the child.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Ann. Code § 31-19-8-5

A court hearing a petition for adoption of a child may waive the investigation and report if one of the petitioners is a stepparent or grandparent of the child and the court waives the period of supervision.

### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Code § 31-28-4-1

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children. The child shall not be sent, brought, or caused to be sent or brought into the receiving State until the appropriate public authorities in the receiving State notifies the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

### **Links to Resources**

[Frequently Asked Questions](#) (Indiana Department of Child Services)

*Indiana Child Welfare Policy Manual*, [Chapter 10, Adoption](#) (Indiana Department of Child Services)

## IOWA

*Current Through August 2020*

### **Who Must Be Studied**

**Citation: Admin. Code § 441-107.8(600)**

The preplacement investigation shall include the applicants for adoption and each member of the applicants' household.

### **Agency or Person Conducting the Study**

**Citation: Ann. Stat. § 600.8**

The Department of Human Services, an agency, or a certified adoption investigator shall complete all required investigations and reports, including the postplacement investigation.

### **Qualifications for Adoptive Parents**

**Citation: Ann. Stat. § 600.4**

A petition to adopt a child may be filed by any unmarried adult or a husband and wife together.

### **Elements of a Home Study**

**Citation: Ann. Stat. § 600.8; Admin. Code § 441-107.8(600)**

A preplacement investigation shall answer the following:

- Whether the petitioner's home is suitable for a child
- How the petitioner's emotional maturity, finances, health, relationships, and any other relevant factor may affect his or her ability to accept, care for, and provide a child with an adequate environment
- Whether the petitioner has been convicted of a crime in any State or has a record of founded child abuse

The investigation shall include an examination of the criminal and child abuse records of the petitioner, including the following:

- Criminal, child abuse, and sex offender registries maintained by the State
- Child abuse registries maintained by any other State in which the applicant has resided during the previous 5 years
- National biometric identification-based criminal records

*In regulation:* The investigation shall include at a minimum two contacts, one face-to-face interview with the applicants and each member of the household, and at least one home visit. The assessment shall include the following:

- Motivation for adoption
- The family's attitude toward accepting an adopted child
- Emotional stability and marital history
- Ability to cope with problems, stress, frustrations, crises, separation, and loss
- Medical, mental, or emotional conditions that would affect the applicant's ability to parent a child
- Ability to provide for the child's physical and emotional needs and to respect the child's cultural and religious identity
- Adjustment of birth children and previously adopted children
- Capacity to give and receive affection
- Statements from at least three references provided by the family and other unsolicited references

- Income information
- Disciplinary practices
- History of abuse by family members
- Assessment of the capacity to maintain other significant relationships
- Substance use or abuse by family members and treatment

### **Grounds for Withholding Approval**

**Citation: Ann. Stat. § 600.8; Admin. Code § 441-107.8(600)**

A prospective adoption petitioner shall not be approved if the petitioner has been convicted of any of the following felony offenses:

- A drug-related offense within the 5-year period preceding the petition date
- Child endangerment or neglect or abandonment of a dependent person
- Domestic abuse
- A crime against a child, including but not limited to, sexual exploitation of a minor
- A forcible felony

The person making the investigation shall not approve a prospective adoption petitioner unless an evaluation has been made that considers the nature and seriousness of the crime or founded abuse in relation to the adoption, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, and the number of crimes or founded abuse committed by the person involved.

*In regulation:* If there is a record of founded child abuse or a criminal conviction for the applicant or any other adult living in the home of the applicant, the applicant shall not be approved to adopt unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval.

### **When Studies Must Be Completed**

**Citation: Ann. Stat. § 600.8; Admin. Code § 441-107.8(600)**

The postplacement report shall be completed and filed with the court prior to the holding of the adoption hearing. A copy of the background information investigation report shall be furnished to the adoption petitioners within 30 days after the filing of the adoption petition.

The person making the investigation shall complete the preplacement investigation and report and approve the prospective adoption petitioner for a placement prior to any agency or independent placement of a child in the petitioner's home in anticipation of an ensuing adoption. A report of a preplacement investigation that has approved a prospective adoption petitioner for a placement shall not authorize placement of a minor person with that petitioner after 2 years from the date of the report's issuance.

*In regulation:* For the home study to remain valid, an update shall be completed no later than 24 months from the previous home study. The home study update shall include the following:

- The child abuse and criminal history record checks, except for national criminal history checks, shall be repeated.
- One face-to-face visit shall be conducted with the approved family annually.
- The information in the approved home study shall be reviewed.
- An updated report of the adoptive home study shall be written, dated, signed, and notarized, and a copy will be provided to the applicant.

The certified adoption investigator shall complete a minimum of one visit each year in the homes of families approved to adopt. The visit shall include, but not be limited to, an assessment of the following areas:

- Home environment
- Persons present at the time of the visit
- Changes in the home or household members or other areas addressed in the home study

### **Postplacement Study Requirements**

**Citation: Ann. Stat. § 600.8; Admin. Code § 441-107.8(600)**

A postplacement investigation and a report of this investigation shall do the following:

- Verify the allegations of the adoption petition and its attachments
- Evaluate the progress of the placement of the adoptee
- Determine whether adoption by the adoption petitioner is in the best interests of the adoptee

*In regulation:* When an adoption investigator completes postplacement supervision, at least three visits to the adoptive family's home and personal observation of the child are required. Postplacement reports are to be written after each postplacement visit, with copies kept in the permanent family file retained by the investigator.

Postplacement supervision should assess the placement in the following areas:

- Integration and interaction of the child with the family
- Changes and adjustments that have been made in the family since the child's placement
- Social, emotional, and school adjustment of the child
- The family's method of dealing with testing behaviors and discipline
- The degree to which the child is bonding and becoming a permanent member of the adoptive family
- The behavioral, psychological, and mental health needs of the child
- Services and supports that will assist the family

Postplacement visits shall be completed, at a minimum, as follows:

- One no later than 30 days after placement
- One no later than 90 days after placement
- A final visit prior to requesting a consent to adopt, no later than 180 days after placement

Postplacement visits shall be completed as often as necessary if the adoptive family is experiencing problems, and the visits may extend to finalization or beyond 180 days if additional time is needed. A report based on the postplacement visits with recommendations regarding the finalization of the adoption shall be submitted to the court.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation: Ann. Stat. § 600.8**

Any investigation or report required under this section shall not apply when the adoptee is an adult or when the adoption petitioner is a stepparent of the adoptee. However, in the case of a stepparent adoption, the court may order an investigation. Additionally, if an adoption petitioner discloses a criminal conviction or deferred judgment for an offense other than a simple misdemeanor or founded child abuse report, the petitioner shall notify the court of the inclusion of this information in the petition prior to the final adoption hearing, and the court shall make a specific ruling regarding whether to waive any investigation.

The preplacement investigation and report may be waived by the court if the adoption petitioner is related within the fourth degree of consanguinity to the adoptee. However, if an adoption petitioner discloses a criminal conviction or deferred judgment for an offense other than a simple misdemeanor or founded child abuse report, the petitioner shall notify the court of the inclusion of this information in the petition prior to the final adoption hearing, and the court shall make a specific ruling regarding whether to waive any investigation or report.

#### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Stat. § 600.8

In the case of the adoption of a child by a person domiciled or residing in any other jurisdiction of the United States, any investigation or report required under this section that has been conducted pursuant to the standards of that other jurisdiction shall be recognized in this State.

The department or an agency or investigator may conduct any investigations required for an interstate or interagency placement. Any interstate investigations or placements shall follow the procedures and regulations under the Interstate Compact on the Placement of Children. Such investigations and placements shall comply with the laws of the States involved.

#### **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

#### **Links to Resources**

[State regulations](#)

### **KANSAS**

*Current Through August 2020*

#### **Who Must Be Studied**

**Citation:** Admin. Regs. § 28-4-176

Each member of the prospective adoptive family must be included in the home study.

#### **Agency or Person Conducting the Study**

**Citation:** Ann. Stat. § 59-2132

In independent and agency adoptions, the court shall require the petitioner to obtain an assessment of the advisability of the adoption by one of the following court-approved licensed professionals:

- Social worker
- Marriage and family therapist
- Professional counselor
- Psychologist or psychotherapist
- Child-placing agency

The person performing an assessment shall possess a minimum of 2 years of experience in adoption services or be supervised by a person with such experience or, if licensed by the Behavioral Sciences Regulatory Board to diagnose and treat mental disorders in independent practice, possess a minimum of 1 year of experience in adoption services or be supervised by a person with such experience.

If there is no one authorized pursuant to this section available to make the assessment and report to the court, the court may use the Kansas Department for Children and Families for that purpose.

### **Qualifications for Adoptive Parents**

**Citation:** Ann. Stat. § 59-2113; Admin. Regs. § 28-4-176

A petition to adopt a child may be filed by any adult or a married adult couple jointly.

*In regulation:* The agency shall provide orientation to prospective adoptive parents to acquaint them with the agency's policies and practices, the approximate time the assessment will take, eligibility standards, the types of children available, and the availability of a subsidy.

### **Elements of a Home Study**

**Citation:** Ann. Stat. § 59-2132; Admin. Regs. § 28-4-176

In making the assessment, the investigator is authorized to do the following:

- Observe the child in the petitioner's home
- Verify the financial information of the petitioner
- Clear the name of the petitioner with the child abuse and neglect registry and, when appropriate, with a similar registry in another State or nation
- Determine whether the petitioner has been convicted of a felony (as later described)
- Clarify any genetic and medical history filed with the petition

*In regulation:* The agency shall require prospective adoptive parents to submit an application that shall be designed to obtain information about their family, their home, their financial status, and references to initiate a home study. The agency shall conduct a social study with the family in their home. The study process shall include a face-to-face interview with each member of the household. The agency shall have on file a written assessment of the adoptive home that shall assess the following areas:

- Motivation for adoption
- The family's attitude toward accepting an adoptive child
- Emotional stability, physical health, and compatibility of the adoptive parents
- Ability to cope with problems, stress, frustrations, crises, and loss
- Information on medical or health conditions that would affect the applicant's ability to parent a child
- Record of convictions other than minor traffic violations
- Ability to provide for a child's physical and emotional needs
- Adjustment of the petitioners' own children, if any, including their school reports
- Positive feelings about parenting an adoptive child
- Capacity to give and receive affection
- Types of children desired and kinds of handicaps accepted
- Types of children who would not be appropriate for placement with the family
- References
- Recommendations for number, age, sex, characteristics, and special needs of children best served by the family

### **Grounds for Withholding Approval**

**Citation:** Ann. Stat. § 59-2132

In making the assessment, the investigator shall determine whether the petitioner has been convicted of a felony for any act described in chapter 21, articles 54 (crimes against persons, including murder, manslaughter, assault, battery, or kidnapping); 55 (sex offenses, including rape, sexual battery, or sexual exploitation of a child); or 56 (crimes affecting family relationships or children, including incest, abuse, abandonment, or endangerment)



of a child); § 21-6104 (unlawful disclosure of tax information); §§ 21-6325 and 21-6326 (unlawful interference with a firefighter or emergency medical services attendant); § 21-6418 (permitting a dangerous animal to be at large); §§ 21-6419 through 21-6421 (selling, promoting the sale, or buying of sexual relations); and § 21-6422 (commercial sexual exploitation of a child) or within the past 5 years been convicted of a felony violation of chapter 21, article 57 (crimes involving controlled substances) or any felony violation of any provision of the Uniform Controlled Substances Act prior to July 1, 2009, and, when appropriate, any similar conviction in another jurisdiction.

#### **When Studies Must Be Completed**

**Citation:** Ann. Stat. § 59-2132

The assessment and report required by this section shall have been completed no more than 1 year prior to the filing of the petition for adoption.

#### **Postplacement Study Requirements**

**Citation:** Admin. Regs. § 28-4-176

The agency worker shall establish a time schedule for visits to the adoptive family after the placement of a child in order to be able to make clear recommendations for the finalization of the adoption.

#### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Ann. Stat. § 59-2132

The assessment and report required by this section may be waived by the court upon review of a petition requesting such waiver by a relative of the child.

#### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Stat. §§ 59-2120; 59-2132

Interstate placements of children shall comply with the procedures contained in the Interstate Compact on Placement of Children, as set forth in § 38-1202.

In the case of a nonresident who is filing a petition to adopt a child in Kansas, the assessment and report required by this section must be completed in the petitioner's State of residence by a person authorized in that State to conduct such assessments.

#### **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

#### **Links to Resources**

[State regulations](#)

### **KENTUCKY**

*Current Through August 2020*

#### **Who Must Be Studied**

**Citation:** Admin. Regs. Tit. 922, § 1:010

The study must include the proposed adoptive parent(s) and members of the household.

### **Agency or Person Conducting the Study**

**Citation: Rev. Stat. § 199.473**

The Cabinet for Health and Family Services shall conduct the home study for an applicant whose total gross income is equal to or less than 250 percent of the Federal poverty level guidelines unless the applicant submits a written request for the home study to be conducted by a licensed child-placing agency.

A licensed child-placing agency approved to provide adoption services shall conduct the home study for an applicant whose gross total income is more than 250 percent of the Federal poverty level guidelines.

### **Qualifications for Adoptive Parents**

**Citation: Rev. Stat. §§ 199.470; 199.475; Admin. Regs. Tit. 922, § 1:350**

An adoption petition may be filed by any person who is age 18 or older who is a resident of the State or who has resided in the State for 12 months prior to filing the petition.

Any person who has been a resident of any U.S. Army post, military reservation, or fort within Kentucky for 60 days may file a petition for adoption of a child in any county adjacent to the army post or military reservation.

*In regulation:* An adoptive parent applicant shall be at least age 21, except an applicant between age 18 and 21 may be approved if the applicant is related to the child under the custodial control of the cabinet, the applicant can meet the needs of the child, and the cabinet determines the placement is in the best interests of the child.

The applicant shall provide proof of the applicant's United States citizenship or legal immigrant status.

A married couple or a single, unmarried person may apply to become an adoptive parent. The decision to adopt a child shall be agreed to by each adult member of the applicant's household.

Each adoptive applicant and adult member of the applicant's family shall submit a health information form, completed by a health professional who is not a member of the applicant's household, based upon health information within the past year, documenting the following:

- The individual has no illness or condition that would present a health or safety risk to a child placed in the applicant's home, including a communicable disease.
- There are no known health factors that would interfere with the applicant's ability to become an adoptive parent.

An adoptive parent applicant shall have a source of income that is sufficient to meet the applicant's household expenses, separate from adoption assistance.

### **Elements of a Home Study**

**Citation: Rev. Stat. § 199.473; Admin. Regs. Tit. 922, §§ 1:010; 1:350; 1:490**

The purpose of the home study shall be to review the background of the applicant and determine the suitability of the applicant to receive a child, taking into account at all times the best interests of the child for whom the application to adopt has been made.

*In regulation:* The home study of a proposed adoptive parent shall include the following:

- A minimum of three personal references, including one from a relative
- A minimum of two financial references
- A minimum of one home visit and face-to-face interview with each proposed adoptive parent and members of the parent(s)' household
- Contact with the proposed adoptive parent's adult child, if the cabinet can locate the adult child

The cabinet shall determine whether the applicant's ability to provide an adoptive home is consistent with the minimum adoptive home requirements established in regulation regarding the home environment, including, but not limited to, the following:

- The physical condition of the home complies with State and local health requirements regarding water and sanitation.
- The home provides access to indoor and outdoor recreation space, functioning kitchen facilities, and a functioning bathroom.
- The home is equipped with a working smoke alarm within 10 feet of each bedroom and on each floor of the home.
- A home with gas heating or appliances is equipped with a working carbon monoxide detector.

An applicant and each adult member of the household shall submit to the following:

- An in-State criminal records check
- A child abuse or neglect check for each State of residence during the past 5 years
- A fingerprint-based criminal records check conducted by the Federal Bureau of Investigation
- An address check of the sex offender registry

Prior to approval of an applicant, each adolescent member of the household shall submit to a child abuse or neglect check.

#### **Grounds for Withholding Approval**

**Citation: Admin. Regs. Tit. 922, § 1:490**

An applicant shall not be approved if a criminal records check reveals that the applicant or adult member of the household has any of the following:

- A felony conviction involving any of the following:
  - A spouse, a child, sexual violence, or death, as described by 42 U.S.C. § 671(a)(20)
  - Physical abuse, battery, or a drug- or alcohol-related offense within the 5-year period prior to the application
- A criminal conviction relating to child abuse or neglect
- A civil judicial determination related to child abuse or neglect

An applicant shall not be approved if any of the following apply:

- A child abuse or neglect check reveals that the applicant, adolescent member of the household, or adult member of the household has a history of any of the following:
  - Has committed sexual abuse or sexual exploitation of a child
  - Has been responsible for a child fatality or near fatality related to abuse or neglect
  - Had parental rights terminated involuntarily
- An address check of the sex offender registry and supporting documentation confirm that a sex offender resides at the applicant's home address.

#### **When Studies Must Be Completed**

**Citation: Rev. Stat. § 199.473**

Prior to the approval of an application to receive a child, a home study shall be completed. The portion of the home study pertaining to the home and family background shall be valid for 1 year following the date of its completion by an adoption worker.

### **Postplacement Study Requirements**

**Citation:** Rev. Stat. § 199.510

Upon filing a petition for the adoption of a minor child, the clerk of the court shall forward two copies of the petition to the cabinet. The cabinet or any person, agency, or institution designated by the cabinet or the court shall, to the extent possible, investigate and report in writing to the court on the following:

- Whether the contents of the petition are true
- Whether the proposed adoptive parents are financially able and morally fit to have the care, custody, and training of the child
- Whether the adoption is to the best interests of the child and the child is suitable for adoption

The report shall be filed with the court as soon as practicable but no later than 90 days from the placement of the child.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Rev. Stat. § 199.470

No petition for adoption shall be filed unless, prior to the filing of the petition, the adoptee has been placed by a child-placing agency or by the cabinet or the child has been placed with written approval of the secretary. No approval shall be necessary in the case of a child being adopted by a blood relative, including a relative of half-blood, first cousin, aunt, uncle, nephew, niece, and a person of a preceding generation as denoted by prefixes of grand, great, or great-great; stepparent; stepsibling; or fictive kin. However, the court in its discretion may order a report in accordance with § 199.510 and a background check.

### **Requirements for Interjurisdictional Placements**

**Citation:** Rev. Stat. §§ 199.473; 615.030

When either the custodial parent or parents of the child to be placed or the persons wishing to receive the child reside out-of-State, the requirements of the Interstate Compact on the Placement of Children shall be met before the cabinet gives approval for the child's placement.

Prior to sending or bringing any child into a receiving State for placement for a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving State written notice of the intention to place the child in the receiving State. The child shall not be sent to the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

### **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

### **Links to Resources**

[State regulations](#)

## **LOUISIANA**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Admin. Code § 67:V.7315

The home study must include the applicant(s) and all members of the household.

### **Agency or Person Conducting the Study**

**Citation:** Children's Code Art. 1207; 1229

For a private or agency adoption, the Department of Children and Family Services shall investigate and submit a confidential report of its findings to the court. The department may delegate the performance of this investigation to a licensed private adoption agency, but the department remains responsible for ensuring the accuracy and thoroughness of the resulting report and for the safety and welfare of the child.

### **Qualifications for Adoptive Parents**

**Citation:** Children's Code Art. 1198; 1221; Admin. Code 67:V.7315

A single person who is age 18 or older or a married couple jointly may petition to adopt a child.

*In regulation:* The adoptive parent must provide verification of the following:

- Sufficient income to meet the needs of the family
- Sufficient good health to provide necessary care for a child
- Completion of agency-approved adoptive parent training

The adoptive home shall be reasonably safe, in good repair, and comparable in appearance to other homes in the community. The home shall have a safe outdoor play area that children may use either on the property or within a reasonable distance of the property. The home shall have sufficient living room space comfortably furnished and accessible to all members of the family.

Adoptive parents shall permit no more than four children to a bedroom, and each child shall have his or her own bed. Children over age 6 may not share a bedroom with a person of the opposite sex unless the children are of the same sibling group. A child shall not share a bedroom with adults, except when the child needs close supervision due to illness.

The home shall have a continuous supply of clean drinking water. The home shall have a minimum of one flush toilet, one wash basin with running water, and one bath or shower with hot and cold water.

The adoptive parents shall ensure the following criteria are met:

- A working heating and air conditioning system in the home
- A telephone in the home
- The safe storage of alcoholic beverages, drugs, poisons, or other harmful materials
- Restricted access by children to potentially dangerous animals
- Unloaded firearms and ammunition stored in separate locked places and inaccessible to children
- The home being equipped with operating smoke alarms and an operating carbon monoxide detector
- A portable chemical fire extinguisher in the cooking area of the home

### **Elements of a Home Study**

**Citation:** Admin. Code § 67:V.7315

The agency shall perform a State and national criminal background check on the applicant and any member of the applicant's household. An inquiry of the State central registry for members of the household age 18 and older also shall be conducted. If the applicant or any other adult living in the home resided in another State within the previous 5 years, the agency shall request and obtain information from that State's child abuse and neglect registry.

The applicant must submit three personal references who are not related to the applicant and one reference who is related to the applicant but does not live in the home.

The study also shall include the following:

- At least two home consultation visits and a third visit that may be a home or office visit
- Separate face-to-face interviews with each age-appropriate member of the household
- An interview with an adult child of the applicant, who does not live in the applicant's home, regarding the applicant's parenting history
- A discussion of the motivation or origin of interest in adoption care
- History of any previous application for adoption
- Background and social information, including, but not limited to, the following:
  - Family background, customs, and relationship patterns
  - Marital or nonmarital relationships and how a new child would affect the relationships
  - Children in the family and family interaction patterns and relationships
  - Hobbies, interests, social contacts, contacts with extended family, and involvement in the community
  - The past and present mental and physical health of all applicants and family members
  - Discussion of religious practices and attitudes toward religion
  - Assessment of the attitude of each member of the applicant's household and extended family and significant others toward the placement of a child into the home
  - Discussion of disciplinary beliefs and practices
  - Attitudes and capacities to parent an adopted child

#### **Grounds for Withholding Approval**

**Citation: Rev. Stat. §§ 46:51.2; 15:587.1(C); Admin. Code § 67:V.7315**

No prospective adoptive parent shall be approved for placement of a child until it is determined that the prospective adoptive parent does not have any of the following:

- A felony conviction for child abuse or neglect; for spousal abuse; for a crime against children, including child pornography; or for a crime involving violence, including rape, sexual assault, or homicide, but not including other assault or battery
- A felony conviction for physical assault, battery, or a drug-related offense that occurred within the past 5 years
- A felony conviction for any of the following crimes, unless an assessment of the circumstances of the crime and of the current situation of the prospective adoptive has been conducted and it has been determined that the child would not be at risk if placed in the home:
  - Murder, manslaughter, or feticide
  - Rape or sexual battery
  - Rehoming of a child
  - Criminal neglect of family or abandonment
  - A sexual offense involving a minor or a crime against nature
  - Contributing to the delinquency of a minor
  - Cruelty to juveniles
  - Child desertion

- Crimes of violence, including, but not limited to, the following:
  - Aggravated assault or battery
  - Kidnapping or stalking
  - Robbery or burglary
  - Illegal use of weapons or terrorism
  - Trafficking of children for sexual purposes or human trafficking
  - Domestic abuse aggravated assault
  - Vehicular homicide while intoxicated
- A sex offense, including failing to register as sex offender, obscenity, operating a place of prostitution, or voyeurism
- Sale of minor children
- Drug-related offenses
- A similar offense committed in another State or under Federal law

*In regulation:* No person who is recorded on the State central registry with a valid (justified) finding of abuse or neglect of a child can reside in an adoptive home.

### **When Studies Must Be Completed**

**Citation: Admin. Code § 67:V.7321**

The home study must be completed prior to adoptive placement of a child in the home. If more than a year has passed since the family was certified for adoption, the agency shall complete an update, including updated background checks, prior to the placement of a child in the home.

### **Postplacement Study Requirements**

**Citation: Admin. Code § 67:V.7321**

The provider placing a child in an adoptive placement shall retain custody and remain responsible for the child until a final decree has been granted.

The provider shall conduct in-home, face-to-face supervisory visits as follows:

- The first visit shall occur with the child and one adoptive parent within 7 calendar days of the child's placement.
- The second visit shall occur the following month.
- Subsequent visits shall occur with one adoptive parent at least once every other month, as follows:
  - The provider shall observe the infant in the home during the monthly visit.
  - The provider shall conduct a private supervisory visit with the child age 1 and older every other month, with at least a segment of the visit occurring in the adoptive home.
- A visit with both adoptive parents and the child shall occur within 30 days prior to the final decree.

Documentation of the contact shall include assessments of the adjustment of the child and adoptive parent, attachment and bonding, the health of the child, and any changes since last the contact.

At least three of the supervisory visits prior to finalization (including the visit prior to the final decree) shall include both adoptive parents and all other members of the household. Observations made during the visits shall be used in making recommendations for finalization of the adoption. If problems are identified, the provider shall assist the family directly and/or refer the family to a resource to address the concerns.



Child-placing agency staff shall be available to provide the child and adoptive parent(s) assistance, consultation, and emotional support with situations and problems encountered in permanent placement through finalization. The child-placing agency shall provide 24-hour crisis intervention to the adoptive family through finalization.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation: Children's Code Art. 1243; 1243.2; 1252; Admin. Code § 67:V.7315**

A stepparent, stepgrandparent, great-grandparent, grandparent, or collaterals within the 12th degree may petition to adopt a child if all of the following elements are met:

- The petitioner is related to the child by blood, adoption, or affinity through the mother of the child or through a father who is filiated to the child in accordance with the civil code.
- The petitioner is a single person older than age 18 or a married person whose spouse is a joint petitioner.
- The petitioner has had legal or physical custody of the child for at least 6 months prior to filing the petition for adoption.

Upon the filing of a petition, the court immediately shall order the following:

- That the local sheriff, State police, or Louisiana Bureau of Criminal Identification and Information conduct a fingerprint-based records check for all Federal and State arrests and convictions for each of the prospective adoptive parents
- That the department conduct a records check for validated complaints of child abuse or neglect in this or any other State in which either of the prospective adoptive parents has been domiciled since becoming an adult

The department shall not investigate the proposed intrafamily adoption except upon order of the court. If the court orders an investigation, it may request any information that it deems relevant and require that the department submit a confidential report of its findings to the court.

*In regulation:* Adoption by a relative shall be considered under the following conditions:

- The relative is interested in adopting the child.
- An assessment indicates that adoption is in the best interests of the child.
- The child and relative have formed affectionate and healthy ties.
- The relative meets certification standards for adoptive homes.

### **Requirements for Interjurisdictional Placements**

**Citation: Children's Code Art. 1610; Admin. Code § 67:V.7317**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

*In regulation:* The agency shall send written notice to the administrator of the Interstate Compact on the Placement of Children on forms provided by the authorized agency before placing into or receiving a child from another State. No interstate placement shall occur without prior approval from the compact administrator from the receiving State.

## **Foster to Adopt Placements**

**Citation:** Rev. Stat. § 46:286.13; Admin. Code § 67:V.7315

Foster parents have the right for first consideration as a placement option for a child previously placed in their home and for a child placed in their home who becomes available for adoption, if relative placement is not available.

*In regulation:* Adoption of a child by foster parent(s) shall be considered under the following conditions:

- The foster parent(s) are interested in adopting the child.
- An assessment indicates that foster parent adoption is the most desirable permanent plan for the child.
- The child has lived with the foster family for a period of time and the child and family have formed affectionate and healthy ties.
- Removal and placement would be likely to cause lasting emotional damage to the child.
- The foster parent(s) meet certification standards for adoptive homes.

## **Links to Resources**

[State regulations](#) (see part V, subpart 8, chapter 73)

## **MAINE**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Rev. Stat. Tit. 18-C, § 9-304

The court shall request a background check for each prospective adoptive parent who is not the birth parent of the child.

### **Agency or Person Conducting the Study**

**Citation:** Rev. Stat. Tit. 18-C, § 9-304

The Maine Department of Health and Human Services or a licensed child-placing agency will conduct a study and make a report to the court.

### **Qualifications for Adoptive Parents**

**Citation:** Rev. Stat. Tit. 18-C, § 9-301; Code of Rules § 10-148-019

Spouses or unmarried persons jointly or an unmarried person, whether residents or nonresidents of the State, may petition the court to adopt a person of any age.

*In regulation:* Minimal requirements for acceptance shall include the following:

- A settled conviction on the part of each member of the prospective adoptive family that they wish to adopt
- An established, stable lifestyle with adequate support systems for a minimum of 2 years
- Sufficiently good physical health that enables the adoptive parents to meet the needs of the child
- Good mental and emotional health
- Sufficient income to support the existing family and the child they wish to adopt

The applicants must be at least age 21 and legal residents of Maine. Their home must be kept clean and maintained in a condition ensuring health and safety. The home shall have adequate heat, light, and ventilation and have adequate family living space for the comfort of family members and for meals and recreation. The home must have a working telephone.

Each bedroom used by more than one child shall contain at least 40 square feet of floor space per child. A room used for one child shall contain at least 60 square feet of floor space. Separate beds and clean bedding must be provided for each child. Furniture must be comfortable and suited to the needs of the children. No adult residing in the household shall share a bedroom with a child over age 1. No child over age 5 may sleep in the same room with a child of the opposite sex.

All potentially harmful materials or tools and equipment must be stored in locked storage areas or kept in a place inaccessible to children. Firearms, including BB guns and air guns, shall be rendered inoperable, unloaded, and locked up to prevent unauthorized use. Ammunition and projectiles, such as arrows or other items that can be used to make a weapon operable, shall be locked separately.

### **Elements of a Home Study**

**Citation: Rev. Stat. Tit. 18-C, § 9-304; Code of Rules § 10-148-019**

The court shall request a background check for each prospective adoptive parent who is not a parent of the child. The background check must include a screening for child abuse cases in the records of the department and criminal history record information obtained from the Maine Criminal Justice Information System and the Federal Bureau of Investigation. Each prospective parent who is not the birth parent of the child shall submit to having fingerprints taken.

*In regulation:* The applicant must submit the following:

- A medical statement from a licensed physician based on an examination within 6 months
- Financial data
- Religious data
- A minimum of three personal references unrelated to the applicants who have known the family long enough to make a judgment about them
- Releases signed by each adult household member permitting the child-placing agency to request criminal history records and child protective information

The adoption study shall include the following:

- At least one visit to the applicant's home
- Individual interviews with the applicants, including any children in the family
- Contact with a minimum of three references, at least one of whom must be seen in person

The adoption study must contain an assessment of the following regarding the applicants:

- Motivation to adopt
- Stability of the marriage of a couple (or the stability of the single applicant)
- Feelings about adoption
- Philosophy and practice on discipline and child rearing
- Feelings toward birth parents, including their race and color if different from the applicants, and the background of the child
- Religion and how it affects lifestyle
- Finances and management of money
- Relationship with extended family and the family's attitude toward adoption
- Education and employment
- Experience with children
- Methods and effectiveness of communication
- Physical, mental, and emotional health

### **Grounds for Withholding Approval**

**Citation:** Rev. Stat. Tit. 18-C, § 9-304

There is a rebuttable presumption that the petitioner would create a situation of jeopardy for the child if the adoption were granted and that the adoption is not in the best interests of the child if the court finds that any of the following applies to the petitioner for the adoption of a minor child:

- Has been convicted of an offense listed in title 19-A, § 1653(6-A)(A) (child-related sexual offense) in which at the time of the offense the victim was a minor and the petitioner was at least 5 years older than the minor, except that, if the offense was gross sexual assault and the minor victim submitted as a result of compulsion, the presumption applies regardless of the ages of the petitioner and the minor victim at the time of the offense
- Has been adjudicated of sexually abusing a person who was a minor at the time of the abuse

### **When Studies Must Be Completed**

**Citation:** Rev. Stat. Tit. 18-C, § 9-304

Upon the filing of a petition for the adoption of a minor child, the court shall request a background check of the adopting family. The investigation must be completed and a report submitted to the court within 60 days.

### **Postplacement Study Requirements**

**Citation:** Rev. Stat. Tit. 18-C, § 9-304; Code of Rules § 10-148-019

The court may require that a minor child subject to a petition for adoption live in the home of the petitioner for 1 year before the petition is granted and that the child, during all or part of this probationary period, be under the supervision of the department or a licensed adoption agency.

Before the adoption is decreed, the court shall ensure that the petitioners are informed that the transfer of the long-term care and custody of the child without a court order is prohibited under title 17-A, § 553(1)(C) and (D).

*In regulation:* The agency shall have a written signed agreement with the adoptive applicants stating the length of the probationary period. The probationary period shall be at least 6 months. The child and family shall be seen within 3 weeks of placement and at least within each 2 months thereafter during the probationary period. At least two of the visits shall be in the adoptive home and shall include both parents.

The agency shall ensure that the applicants understand the importance of telling the child he or she is adopted and shall review with the applicants how that will be done.

By the end of the probationary period a decision must be made as to whether the agency will consent to the adoption. The decision shall be based on the following factors:

- The physical and emotional adjustment and development of the child
- The capacity of the adoptive parents to assume the role of parent with respect to the needs of the child

When the agency decides that it will consent to the adoption, it shall give the adoptive parents, in writing, pertinent facts about the child's health development and background. If the agency does not consent to the adoption, the agency shall immediately make an alternate plan for the child. This plan and its implementation shall be in the best interests of the child.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Rev. Stat. Tit. 18-C, § 9-304

If the petitioner is a relative of the child or the spouse or domestic partner of the child's parent, the court may waive the requirement of a study and report.

## **Requirements for Interjurisdictional Placements**

**Citation:** Rev. Stat. Tit. 22, § 4255

Prior to sending a child to another State for placement, the public child-placing agency in the sending State shall provide a written request for assessment to the receiving State. Upon receipt of a request from the public child welfare agency of the sending State, the receiving State shall initiate an assessment of the proposed placement to determine its safety and suitability. If the proposed placement is a placement with a relative, the public child-placing agency of the sending State may request a determination of whether the placement qualifies as a provisional placement. The public child-placing agency in the receiving State may request from the child-placing agency in the sending State, and is entitled to receive, supporting or additional information necessary to complete the assessment.

## **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

## **Links to Resources**

[State regulations](#)

## **MARYLAND**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Code of Regs. §§ 07.02.25.02; 07.02.25.04

A 'resource parent' is an individual dually approved as a foster and adoptive parent. To be approved as a resource parent, an applicant and all family members and other residents of the household shall undergo a home study.

### **Agency or Person Conducting the Study**

**Citation:** Code of Regs. § 07.02.25.04

The State Department of Human Services or a local Department of Social Services may conduct the home study.

### **Qualifications for Adoptive Parents**

**Citation:** Code of Regs. §§ 07.02.25.04; 07.02.25.06

An applicant must be a U.S. citizen or alien lawfully admitted for permanent residence. An applicant must be at least age 21, unless otherwise permitted by statute.

All family members and other residents of the household shall undergo an initial medical examination and formal medical reexamination at least every 2 years. If a resource parent is age 60 or older, the local department shall observe and document that the resource parent's strength is adequate to meet the needs of children in care.

A resource family shall have sufficient income and financial stability to provide reasonable living conditions for their own family group without depending upon the reimbursement for basic foster care.

A resource home shall meet State and local public health and sanitary standards, including the following:

- All firearms and ammunition maintained in the home shall be stored in a locked room or container that is inaccessible to children

- Prescription and nonprescription drugs, dangerous household supplies, and tools are kept in a safe location, inaccessible to children.
- The home meets fire safety standards, including the installation of approved smoke detector and carbon monoxide detectors.
- The family living quarters shall be adequate to provide space for foster children without disrupting the usual sleeping and living arrangements of the family group.
- Any pets in the home shall be appropriately licensed, vaccinated, and leashed.
- The resource parent shall have access to legal and safe transportation.

The prospective resource parents shall attend 27 hours of preservice training and meet the technical requirements for resource home care to be approved as a resource home. An orientation meeting may be counted toward the required 27 hours of preservice training.

### **Elements of a Home Study**

**Citation: Code of Regs. §§ 07.02.25.04; 07.02.25.06**

Before a resource home may be approved, an applicant and all household members age 18 and older must apply for a State and Federal criminal background investigation. In addition, the local department shall request information from the child abuse and neglect registry of any State in which an applicant or another adult in the household has lived within the last 5 years to determine whether an individual in the household has a prior indicated finding of abuse or neglect.

For the home study, the resource home worker shall do the following:

- Conduct at least three visits at the home of the prospective resource parent, with one home visit including a meeting with each resource parent individually and other visits that include the following:
  - Meeting with the entire family
  - A discussion of training
  - A tour of the house
- Obtain three personal references, as follows:
  - Two references supported by a personal interview
  - Only one reference from a relative
  - If there is a school-aged child in the prospective resource family, references from school personnel
- Obtain verification of income
- Obtain verification of marital status, if applicable
- Request a health and sanitary inspection of the home by the local health department
- Review local department records to determine whether a member of the prospective resource family has an indicated finding of abuse or neglect
- Review the results of the State and Federal criminal background checks
- Make certain that fire safety approval is obtained

### **Grounds for Withholding Approval**

**Citation: Code of Regs. §§ 07.02.25.04; 07.02.25.18**

The local department may not approve an applicant to whom any of the following applies:

- Has an indicated finding of child abuse or neglect
- Has a felony conviction at any time for any of the following:
  - Child abuse or neglect
  - Spousal abuse
  - A crime against a child, including child pornography

- A crime of violence including rape, sexual assault, or homicide, but not including other physical assault or battery
- Human trafficking
- Has a felony conviction in the previous 5 years involving physical assault, battery, or a drug-related offense

The local department may deny an application if any of the following are true:

- The applicant's home fails to meet requirements.
- The applicant knowingly reported false information.
- The applicant has a history of regulatory violations that demonstrates an inability to provide for the health and safety of the children.
- The applicant has previously had approval denied or revoked by any local department, unless the local department is satisfied that the condition that was the basis for the denial or revocation has been corrected.
- The applicant prevents the local department from completing its responsibilities for approval.
- The applicant cannot provide for the health, safety, or welfare of the children in care because of abuse of alcohol or other controlled dangerous substances, mental instability, or any other condition that creates reasonable doubt as to the applicant's ability to provide care.

### **When Studies Must Be Completed**

**Citation:** Code of Regs. § 07.02.25.06

A local department shall notify a prospective resource parent in writing and within 120 days of the date on which the local department accepts the application of the decision of approval or denial.

### **Postplacement Study Requirements**

**Citation:** Code of Regs. §§ 07.02.12.03; 07.05.03.16

The child must live with the adoptive family for at least 6 months, unless a shorter period is allowed by the juvenile court on recommendation of the local department. Postplacement services may be extended by mutual agreement of the family and local department based on the needs of the child and the family.

The agency caseworker shall do the following:

- Visit the adoptive family at least monthly
- Use observations during the visits in determining the frequency of visits and the family's readiness for finalization of the adoption
- Include the child in these visits according to the child's age and capability

In a private adoption, the agency shall provide postplacement services to all children and adoptive parents before an adoption is finalized. The agency worker shall visit the adoptive parent at least three times and as needed during the first 6 months following placement. The worker shall use the observations during the visits in determining the frequency of visits needed to ascertain the adopting parent's readiness to finalize the adoption. The child shall be included in the home visits according to the child's age and capability.

The agency shall do the following:

- Provide evaluative, supportive, and educational services for the adoptive parents
- Place special emphasis on the integrity and continuity of the child's heritage and genetic histories
- Ensure that all complaints of child abuse or neglect are reported immediately to the local department
- Use a written instrument to assess the child's safety in the adoptive home

The agency shall terminate services to the adoptive parent when the adoption decree is final, unless the agency and adoptive parent agree that services will continue beyond the final adoption decree, or when a child is removed from an adoptive home.



### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Code of Regs. §§ 07.02.25.02; 07.02.25.10

Consistent with the best interests of the child, the local department shall consider and give first priority to adoption by a relative. A 'relative' is an individual who is related to the child by blood or marriage within five degrees of consanguinity or affinity and who is age 21 or older or age 18 or older and lives with a spouse who is age 21 or older.

An assessment of the relative will be made, with particular attention given to their willingness to assume legal responsibility for the child if reunification is not possible within 12 to 18 months.

To approve a relative as a resource/adoptive parent, a local department shall conduct the following:

- State and Federal criminal background checks and child protective services clearances
- A home inspection to verify that the home is physically safe and appropriate and has the following:
  - Adequate heat, light, water, refrigeration, cooking, and toilet facilities
  - Functioning smoke and carbon monoxide detectors
  - Safety precautions regarding firearms and prescription and nonprescription drugs, dangerous household supplies, tools, and any other household items that are potentially life-threatening or injurious to children
  - Otherwise meets basic health and safety standards

The local department may not approve, or continue to approve as a placement, any home in which any of the following applies to an adult in the household:

- Has a felony conviction for child abuse or neglect, spousal abuse, a crime against children, child pornography, or a crime of violence including rape, sexual assault, or homicide but not including other physical assault or battery
- In the previous 5 years has a felony conviction involving physical assault, battery, or a drug-related offense

The local department may not approve any home in which an individual has an indicated child abuse or neglect finding.

### **Requirements for Interjurisdictional Placements**

**Citation:** Fam. Law § 5-604; Code of Regs. § 07.02.11.28; 07.02.25.06

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children (ICPC).

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

*In regulation:* All placements of children for out-of-home placement or as a preliminary to possible adoption in Maryland from another State shall comply with the requirements of the ICPC. The placement of Maryland children into States that are members of the compact also shall comply with ICPC requirements. To place a child out of State, ICPC requires that, before the two States involved sign a contract or an agreement, the plan shall be approved by the other State based on its interstate placement requirements and the Social Services Administration.

A foster child may be placed in an adoptive home located out of Maryland only under one of the following conditions:

- The adoptive family that has the child moves to another State before finalization of the adoption.
- A local department has a plan approved by the Social Services Administration to use foster or adoptive homes in bordering States. This plan ensures that the local department can provide responsible supervision of the placement.

A home study for a relative placement, foster care placement, or adoption that is referred from another State under the ICPC shall be handled as follows:

- Forwarded to the appropriate local department within 5 days of receipt at the Maryland ICPC Office
- Completed by the local department and returned to the ICPC Office within 45 days of receipt
- Forwarded to the requesting State within 60 days from the date of the receipt of the request at the ICPC Office

### **Foster to Adopt Placements**

**Citation: Code of Regs. § 07.02.25.06**

A home study shall provide indepth information about foster care and adoption to a prospective resource parent, including the following:

- The nature and purpose of the local department's planning documents, including the permanency plan, the case plan, and the service agreement
- The order of priorities of permanency plan options, which are as follows:
  - Return home to birth parents
  - Placement with relatives
  - Adoption
  - Independent living, in which the child is learning to be self-sufficient and responsible for living arrangements
  - Another planned permanent living arrangement, which is described as follows:
    - A permanency plan that addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs
    - A plan that includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life
- The option to be considered as an adoptive home for children who have been in continuous care in the foster home for at least 1 year

### **Links to Resources**

State regulations:

- [Resource Home Requirements](#) (title 07, subtitle 02, chapter 25)
- [Private Adoption](#) (title 07, subtitle 05, chapter 05)

## **MASSACHUSETTS**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation: Code of Regs. Tit. 606, § 5.10**

The study will include the applicants and all household members. Household members age 15 and older are subject to background checks.

### **Agency or Person Conducting the Study**

**Citation:** Code of Regs. Tit. 606, § 5.10

The assessment shall be completed by a social worker who meets the requirements of 606 CMR 5.06(3).

### **Qualifications for Adoptive Parents**

**Citation:** Ann. Laws. Ch. 210, § 1; Code of Regs. Tit. 606, § 5.10

Any adult or, jointly, a husband and wife may petition to adopt a child.

*In regulation:* Prior to a placement, adoptive parent applicants must complete a minimum of 10 hours of education about a range of issues that influence adjustment after adoptive placement. In addition, prior to the placement of any infant in an adoptive home, the adoptive parents must be trained in infant care and safety techniques.

The physical requirements for adoptive homes include, but are not limited to, the following:

- The home must be clean, safe, free of obvious fire and other hazards, and of sufficient size to accommodate comfortably and appropriately all members of the household and the approved number of adopted children.
- The home shall have adequate lighting and ventilation, a safe water supply, plumbing, electricity, and heat.
- The home shall have sufficient furniture to allow each child to sleep in a separate bed and to have adequate storage space for his or her personal belongings.
- The home shall be equipped with smoke detectors and carbon monoxide detectors in working order.
- If the home uses well water, it shall be tested and determined safe.
- Any firearms located in the home shall be registered and licensed in accordance with State law, trigger-locked or fully inoperable, and stored without ammunition in a locked area. Ammunition shall be stored in a separate locked location.
- A working telephone for both incoming and outgoing calls must be available in the home at all times.
- All pets must be appropriate for the children in care, free from disease and parasites, and licensed and/or vaccinated as prescribed by law.

### **Elements of a Home Study**

**Citation:** Code of Regs. Tit. 606, § 5.10; Tit. 110, §§ 18.05; 18.08

The assessment shall include at least three in-person interviews with the applicants, including at least two meetings in the applicant's home. The agency shall interview applicants individually at least once and as often as is necessary to determine the applicants' qualifications to adopt a child. The agency shall interview all other members of the applicants' household, as appropriate to the age of the member of the household.

The assessment shall be summarized in a written report and shall document the following regarding the applicants:

- Motivation for adoption
- Emotional stability and compatibility
- Social, education, and health histories
- Family composition, including pets
- A description of the home, including sleeping areas
- The family's attitude toward accepting an adopted child, including a child of a different ethnic background; a history/family history of substance abuse, mental health, or medical disabilities; or a different sexual orientation
- Parenting ability, including child rearing and discipline

- Attitude toward the birth parents of the child
- Characteristics of the children desired, including age, sex, abilities or disabilities, behavior, and characteristics of children parents are not willing to adopt
- At least three written references
- A written statement from a licensed physician regarding the health of each member of the household
- Evidence of birth certificates, marriage certificates, and/or divorce decrees
- Financial ability to care for an adopted child
- Ability to meet the physical, developmental, emotional, and educational needs of a child

Prospective preadoptive parents will be required to disclose whether they have a criminal record, including the crimes charged and the disposition of the charge. The department shall conduct a Criminal Offenders Record Information (CORI) investigation of any household member age 14 or older during the initial home study of the preadoptive home.

### **Grounds for Withholding Approval**

**Citation:** Code of Regs. Tit. 606, § 5.10; Tit. 110, § 18.10

The agency shall determine that each applicant and each household member age 15 or older has a background free of conduct that could bear adversely upon his or her ability to provide for the safety and well-being of any children. In making this determination, the agency shall consider the following regarding the applicant:

- Any conduct that results in his or her child being adjudicated in need of care and protection
- Use of alcohol or drugs to an extent or in a manner that impairs his or her ability to care for children properly
- Conduct that results in a CORI report or in any other conduct, criminal or otherwise, that could impair the individual's ability to care for children
- Allegations of abuse or neglect
- Adjudication by the Sex Offender Registry Board as a registered sex offender
- Criminal record information from a fingerprint-based check

A CORI report shall consist of arrests, pending criminal charges, or criminal charges that have been finally disposed of for any offense involving sexual or physical abuse, any offense involving children, and violent or drug-related crimes, including driving under the influence of alcohol or drugs. A CORI report shall also consist of the report of a restraining order, violations of such restraining orders and other arrests, pending charges, or findings relative to abuse of adult or child family members.

An applicant shall not be approved for an adoptive placement when, after a review of the CORI record, the agency concludes that the applicant's home poses an unacceptable risk to the safety and well-being of the child.

### **When Studies Must Be Completed**

**Citation:** Code of Regs. Tit. 606, § 5.10

The licensed agency, consistent with its current needs, shall evaluate adoptive parent applicants promptly.

Home study assessments for prospective adoptive parents shall be valid for a maximum of 18 months from the date of completion.

In place of the complete home study assessment, the agency may perform a limited assessment or home study assessment update in the following circumstances:

- If the agency receives an adoptive parent assessment from another licensed agency completed no more than 18 months prior to the current application for approval
- If the agency receives an adoptive parent assessment performed in another State in accordance with the laws of such State that was completed no more than 18 months prior to the current application for approval
- If a placement does not occur within 18 months of approval of the adoptive parent by the agency

A limited adoptive parent assessment or home study assessment shall be a review of the previous adoptive parent assessment that must include the following:

- The completion of new background record checks for all household members
- A visit to the prospective adoptive parents' home
- Interviews conducted in person with the prospective adoptive parents to determine if there have been any changes since the last home study assessment, including changes in financial status that are supported with current documentation
- A current statement from a medical professional about the health of all household members

### **Postplacement Study Requirements**

**Citation: Code of Regs. Tit. 606, § 5.10**

The agency shall assign a social worker who will be responsible for providing direct services to the adoptive family until the adoption is finalized. The social worker shall assist the adoptive parents and the child with any adoption-related matters and shall do the following:

- Following placement, make monthly supervisory contacts with the adoptive parents, beginning no later than 2 weeks after placement and continuing until the adoption decree is entered
- Beginning no later than 6 weeks after placement, make face-to-face contact at least every other month, with at least two contacts in the adoptive parents' home with the child and parents
- Following placement, and as appropriate to the age of the child, talk privately with the child to explore the child's safety, well-being, feelings, and concerns about the placement
- Inform the adoptive parents in writing of any postponement of the legalization of the adoption, the reasons for such postponement, the actions that the agency determines are needed to remedy such postponement, and the timeframes within which such actions must be taken
- Provide updated medical and/or psychological information regarding the birth family to the adoptive family, including relevant information about siblings
- Assist the adoptive parents and the child in obtaining any needed services
- Inform the adoptive parents of their right to update the information in their case record at the agency at any time
- Document in adoptive family records all contacts with children and adoptive families, including postplacement supervision, if applicable
- Assist the adoptive parents in maintaining contact with siblings, when appropriate
- Provide support services for older sibling groups

### **Exceptions for Stepparent or Relative Adoptions**

**Citation: Code of Regs. Tit. 110, § 18.10**

In the case of an individual seeking to serve as a preadoptive kinship placement for a child in the care or custody of the Department of Social Services, the department shall not be precluded from placing the child in a kinship home if the commissioner, deputy commissioner for field operations, and general counsel have conducted a review of the CORI record pursuant to 110 CMR 18.11(9) and determined the placement is in the best interests of the child.

## **Requirements for Interjurisdictional Placements**

**Citation:** Code of Regs. Tit. 110, § 7.509

An 'identified adoption' means an adoption in which the parent executes a written surrender of his or her child directly to a particular person or agency.

Identified adoptions of children brought into the Commonwealth are permitted provided that the placement is made by the Department of Children and Families or by an adoption or child-placing agency licensed or approved by the Office for Children and is approved by the administrator of the Interstate Compact on the Placement of Children (ICPC) for the Commonwealth.

Identified adoptions of Massachusetts children in another State are permitted provided that a home study is prepared in accordance with the laws of the receiving State and is submitted for approval to the ICPC administrator for the Commonwealth, prior to the placement.

Any licensed or approved adoption or child-placing agency that agrees to accept a child from another State and to place that child in a particular identified home in the Commonwealth can thereafter refuse to place the child in that particular home based on the results of a completed home study.

The ICPC shall apply to all identified adoptions of children born to mothers who are out-of-State residents, regardless of whether the surrender was executed in the sending State or in Massachusetts, unless the child is surrendered directly to an exempt relative or guardian, as enumerated in 110 CMR 7.503(3).

## **Foster to Adopt Placements**

**Citation:** Code of Regs. Tit. 110, § 7.200

Any foster parent may seek to become the preadoptive placement for a child for whom the department's long-term goal is adoption. A foster parent may be approved as the preadoptive placement for a particular child if the department determines, after assessment, that adoption by the foster parent will further the best interests of that child.

Although all foster preadoptive parents who seek to become a preadoptive placement will be considered and assessed, priority will be given to those who are interested in the kinds of children currently waiting for and in need of homes. This includes, but is not limited to, the following types of children: school age, special needs, legal risk, siblings, Black, Hispanic, and mixed racial. Special needs include a wide variety of emotional problems, behavioral disorders, learning disabilities, and other handicapping medical conditions. Applicants interested only in healthy infants will be considered as the need for such homes presents itself.

All preadoptive parents who have a child in preadoptive placement shall have a full or abbreviated reevaluation, as appropriate:

- Whenever the department learns of factors affecting the suitability of the placement
- Within 30 days prior to an adoption, if the adoption occurs more than 1 year after approval of the preadoptive placement
- Annually in accordance with 110 CMR 7.113

## **Links to Resources**

State regulations:

- [Standards for the Licensure or Approval of Agencies Offering Child Placement and Adoption Services](#) (title 606, chapter 5)
- [Criminal Offender Record Checks](#) (title 110, chapter 18)

## **MICHIGAN**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation: Comp. Laws § 710.23f**

In a direct placement, an individual seeking to adopt must undergo a preplacement assessment.

### **Agency or Person Conducting the Study**

**Citation: Comp. Laws § 710.23f**

The preplacement assessment shall be prepared by a child-placing agency.

### **Qualifications for Adoptive Parents**

**Citation: Comp. Laws § 710.22**

An individual is considered to be suitable to be a parent of an adoptee when there is no specific concern that placement of any child, or a particular child, in the home of the individual would pose a risk of harm to the physical or psychological well-being of the child.

### **Elements of a Home Study**

**Citation: Comp. Laws § 710.23f**

A preplacement assessment is based upon personal interviews and visits at the residence of the individual being assessed, interviews of others who know the individual, and reports received under this subsection. The assessment shall contain all the following information about the individual being assessed:

- Age, nationality, race, ethnicity, and any religious preference
- Marital and family status and history
- Physical and mental health, including any history of substance abuse
- Education and employment history and any special skills and interests
- Property and income, including outstanding financial obligations
- Reason for wanting to adopt
- Whether the individual has ever been the respondent in a domestic violence proceeding or a proceeding concerning a child who was allegedly abused, dependent, deprived, neglected, abandoned, or delinquent, and the outcome of the proceeding
- Whether the individual has ever been convicted of a crime
- Any fact or circumstance that raises a specific concern about the suitability of the individual as an adoptive parent

The applicant must submit the following:

- A document from the Michigan State police and the Federal Bureau of Investigation describing all the individual's criminal convictions or stating that the agency's records indicate that the individual has not been convicted of a crime
- The results of a physical examination that indicates that the individual is free from any known condition that would affect his or her ability to care for an adoptee

### **Grounds for Withholding Approval**

**Citation: Comp. Laws §§ 710.23f, 710.22a**

If the child-placing agency determines that the information in the preplacement assessment raises a specific concern, the child-placing agency shall find that the individual is not suitable to be an adoptive parent. The conclusion shall be supported by a written account of how one or more specific concerns pose a risk to the physical or psychological well-being of any child or a particular child.



A child shall not be placed with a prospective adoptive parent and an adoption order shall not be issued if a person authorized to place the child, or the court authorized to issue the order, has reliable information that the prospective adoptive parent has been convicted of any of the following:

- Soliciting a child for an immoral purpose or child sexual exploitation
- Criminal sexual conduct
- A law of another State substantially similar to any of the above

#### **When Studies Must Be Completed**

**Citation: Admin. Code R 400.12708**

An agency shall have on file a written adoption evaluation and agency recommendation before approving the adoptive parents for each adoptive placement and before referring a child to, or placing a child in, the home for purposes of adoption.

#### **Postplacement Study Requirements**

**Citation: Comp. Laws §§ 710.46; 710.52; Admin. Code R 400.12711**

Upon the filing of an adoption petition, the court shall direct a full investigation by an employee or agent of the court, a child-placing agency, or the department. The court may use the preplacement assessment and may order an additional investigation by an employee or agent of the court or a child-placing agency. The following shall be considered in the investigation:

- The best interests of the adoptee
- The adoptee's family background, including names and identifying data regarding the parent or parents, if obtainable
- The reasons for the adoptee's placement away from his or her parent or parents

A written report of the investigation shall be filed within 3 months after the order for investigation.

During the period before entry of the order of adoption, the child shall be supervised at the direction of the court by an employee or agent of the court, a child-placing agency, or the department, which shall make reports regarding the adjustment of the child in the home. The investigations shall be made under reasonable circumstances and at reasonable intervals.

In a direct placement, the child shall be supervised during the period before entry of the order of adoption by the child-placing agency that investigated the placement or, in the court's discretion, by another child-placing agency.

*In regulation:* An agency shall provide postplacement supervision for the adoptive family at the adoptive parent(s)' home as needed, but not less than once every 3 months, after the placement of a child and until the final order of adoption. The agency shall do the following:

- Assess and record the child's and adoptive family's adjustment and, where needed, include plans to assist the child or adoptive family
- Keep the adoptive parents informed of the results of the agency's continuing assessment of the placement at the conclusion of each visit

#### **Exceptions for Stepparent or Relative Adoptions**

This issue is not addressed in the statutes and regulations reviewed.

## **Requirements for Interjurisdictional Placements**

**Citation:** Comp. Laws § 3.711

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

## **Foster to Adopt Placements**

**Citation:** Comp. Laws § 710.46

If the adoptee has been placed for foster care with the petitioner for 12 months or longer and the foster family study was completed or updated not more than 12 months before the petition was filed, the court, upon motion by the petitioner, may waive the full investigation required by this section. The foster family study, with information added as necessary to update or supplement the original study, may be substituted for the written report.

## **Links to Resources**

[Adoption Services Manual](#) (Michigan Department of Health and Human Services)

["Adoption Program Statement"](#) (Michigan Department of Human Services)

[Adopting a Child in Michigan](#) (Michigan Department of Human Services)

## **MINNESOTA**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Ann. Stat. § 259.41

The background study must be completed on each person older than age 13 living in the home. The required background study must be completed as part of the home study.

### **Agency or Person Conducting the Study**

**Citation:** Ann. Stat. § 259.41

The study and report shall be completed by a licensed child-placing agency and must be thorough and comprehensive.

### **Qualifications for Adoptive Parents**

**Citation:** Admin. Code R. 9560.0140

When determining the suitability of prospective adoptive parents, the child-placing agency shall consider, at a minimum, the following:

- The applicant shall be primarily motivated to meet the child's needs, emotionally mature with healthy interpersonal relationships, in good physical and mental health, and able to adequately support and parent a child in a healthy and emotionally secure environment.
- The applicant shall have the capacity to accept and incorporate into the family a child born to other parents and to assist the child in understanding the child's genetic background and adoption.
- The applicant must not be delayed or denied the opportunity to adopt based on the race, color, or national origin of the applicant or the child involved.

## **Elements of a Home Study**

**Citation:** Ann. Stat. §§ 259.41; 245C.33

The adoption study must include at least one in-home visit with the prospective adoptive parent. At a minimum, the study must document the following information about the prospective adoptive parent:

- A background study that includes the following:
  - An assessment of the data and information obtained through criminal records checks to determine if the prospective adoptive parent and any other person older than age 13 living in the home have a felony conviction consistent with 42 U.S.C. § 671(a)(2)
  - An assessment of the effect of any conviction or finding of substantiated maltreatment on the capacity of the prospective adoptive parent to safely care for and parent a child
- A medical and social history and assessment of current health
- An assessment of potential parenting skills
- An assessment of the ability to provide adequate financial support for a child
- An assessment of the level of knowledge and awareness of adoption issues including, where appropriate, matters relating to interracial, cross-cultural, and special needs adoptions

The adoption study is the basis for the completion of a written report. The report must be in a format specified by the commissioner and must contain recommendations regarding the suitability of the subject of the study to be an adoptive parent.

The commissioner of the Department of Human Services shall review the following information regarding the background study subject:

- Information from the child abuse and neglect registry for any State in which the subject has resided for the past 5 years
- Information from State and national crime information databases

## **Grounds for Withholding Approval**

**Citation:** Ann. Stat. § 259.41

A home study must not be approved if a background study reveals a felony conviction at any time for any of the following:

- Child abuse or neglect
- Spousal abuse
- A crime against children, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery

A home study must not be approved if a background study reveals a felony conviction within the past 5 years for physical assault or battery or a drug-related offense.

## **When Studies Must Be Completed**

**Citation:** Ann. Stat. § 259.41

An approved adoption study, completed background study, and written report must be completed before the child is placed in a prospective adoptive home. In an agency placement, the report must be filed with the court at the time the adoption petition is filed. In a direct adoptive placement, the report must be filed with the court in support of a motion for temporary preadoptive custody.

An agency may update an adoption study and report as needed, regardless of when the original study and report—or most recent update—was completed. An adoption study is valid if the report has been completed or updated within the previous 12 months.

### **Postplacement Study Requirements**

**Citation:** Ann. Stat. § 259.53

Upon the filing of a petition for adoption, the court shall immediately refer the petition to an agency for completion of a postplacement assessment and report.

The agency to which the petition has been referred shall conduct a postplacement assessment and file a report with the court within 90 days of receipt of a copy of the adoption petition. The assessment and report must evaluate the environment and antecedents of the child to be adopted, the home of the petitioners, and whether placement with the petitioners meets the needs of the child. The report must include a recommendation to the court as to whether the petition should or should not be granted.

In making evaluations and recommendations, the postplacement assessment and report must at least address the following:

- The level of adaptation by the prospective adoptive parents to parenting the child
- The health and well-being of the child in the prospective adoptive parents' home
- The level of incorporation by the child into the prospective adoptive parents' home, extended family, and community
- The level of inclusion of the child's previous history into the prospective adoptive home, such as cultural or ethnic practices or contact with former foster parents or birth relatives

No petition shall be granted until the child has lived for 3 months in the proposed home, subject to a right of visitation by the commissioner or an agency or their authorized representatives.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Ann. Stat. §§ 259.41; 259.53

Placement for adoption with an individual who is related to the child is subject to a background study. In the case of a stepparent adoption, a background study must be completed on the stepparent and any children, except that a child of the stepparent does not need to have a background study completed if he or she is a sibling through birth or adoption of the person being adopted.

The required investigation and period of residence may be waived by the court when the petition for adoption is submitted by a stepparent.

### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Stat. § 260.851; Admin. Code R. 9560.0150

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

*In regulation:* No child may be brought into or sent out of Minnesota for adoptive placement into a nonrelative's home unless one of the following conditions is met:

- The commissioner, as State administrator of the Interstate Compact on the Placement of Children, issues written approval for the importation or exportation pursuant to the requirements of that compact.
- The commissioner has, in situations that do not involve the compact, issued a written consent to importation or exportation of the child, pursuant to applicable State law.

The commissioner shall not issue consent or approval for the movement of a child across State lines if the proposed placement is planned or made by an unlicensed third party.

The commissioner, upon receipt of all required documentation, shall issue consent or approval for importation when one of the following conditions is satisfied:

- An authorized child-placing agency in the sending State has adoptive planning rights to the child and requests the importation into Minnesota.
- A family plans to move to Minnesota and has a child placed with them according to the laws of the other State.

The following documents are required for the commissioner's consent and approval:

- An authorized child-placing agency's written confirmation that the family is approved for adoptive placement
- A document that identifies the child and the child's birth date, birthplace, and parentage
- Legal documents that demonstrate that the child has been properly released for adoption

### **Foster to Adopt Placements**

**Citation:** Ann. Stat. § 259.41

In the case of a licensed foster parent seeking to adopt a child who is in the foster parent(s)' care, any portions of the foster care licensing process that duplicate requirements of the adoption home study may be submitted in satisfaction of the relevant requirements of this section.

### **Links to Resources**

[State regulations](#)

## **MISSISSIPPI**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Code of Rules § 18-006-106

A resource home is a single-family home licensed to provide care for a child in the custody of the Division of Family and Children's Services (DFCS) when that child cannot return safely to his or her own home for a period of time, temporarily or permanently. A resource home may be a foster, adoptive, or kinship care home.

All adults residing in the home who will participate in the care of the child must participate in all aspects of the licensing process. When a married couple applies, both spouses must participate in all aspects of the process.

Background checks, through law enforcement and DFCS records, will be conducted on all persons age 14 and older who reside in the home.

### **Agency or Person Conducting the Study**

**Citation: Code of Rules §§ 18-006-107; 18-006-106**

When a child in the custody of DFCS is being placed for adoption, an adoption specialist with the DFCS Adoption Unit is responsible for making an adoptive home study under the supervision of the adoption administrator. For all other types of resource home licensure, the home study will be completed by a resource specialist.

### **Qualifications for Adoptive Parents**

**Citation: Code of Rules § 18-006-106**

Applicants must be residents of the state of Mississippi. A legal alien may obtain a resource home license if all adult household members are legally in the United States.

The applicants must be at least age 21 and be financially self-sufficient. Married applicants must verify they are legally married.

The applicant must be able to protect children from harm and give and receive appropriate affection. The applicant also must have the willingness and ability to commit the time necessary to provide supervision and guidance. At least one parent in the home must be able to assist a child with checking homework assignments and giving help as needed.

The applicant(s) shall possess competent physical, cognitive, mental, and emotional capacities with reasonable life expectancy that is anticipated to continue through the minority of the child.

The resource home must meet the following criteria:

- Be well-heated or well-cooled
- Be well-ventilated
- Have a working telephone
- Provide safe storage of hazardous chemicals, cleaning materials, medications, and firearms
- Ensure that outside play areas are clean and free of hazards
- Have a continuous supply of clean drinking water and interior plumbing
- Have at least one operable smoke detector in each living area and near sleeping areas
- Have an operable fire extinguisher

The interior home environment shall be safe and sanitary, with adequate facilities. All household pets must have current vaccinations.

No more than four same-sex children shall share a bedroom. Each foster child shall have a standard bed appropriate to the child's age and needs. Children under age 18 months shall sleep in a crib. Children over age 18 months shall not sleep in the same room with an adult who is older than age 21. Children over age 3 shall not share a room with a child of the opposite sex.

### **Elements of a Home Study**

**Citation: Code of Rules § 18-006-106**

Following orientation and receipt of a home study application, the licensure specialist must complete the screening process, which includes the following:

- Fingerprinting the applicant
- Local criminal background checks on all household members age 14 and older

- Central registry checks
- A record check evaluation
- A sex offender registry check

The applicant shall supply four character references, only one of which may be a close relative. Adult children who do not live in the home should be contacted as additional references. The licensure specialist also must seek at least two additional references not named by the applicant. These references may be school personnel, law enforcement staff, clergy, other licensed resource parents, neighbors, or other DFCS staff.

The home environment must be assessed using the home environment checklist.

The licensure specialist shall conduct a minimum of three home visits and a minimum of four home study interviews with the applicants as follows:

- The first home visit includes interview one, a joint interview that is conducted after the applicants have completed the home study application and SAFE Questionnaire 1. This interview is used to 'get to know the applicants.'
- The second home visit includes interviews two and three, conducted separately and scheduled back-to-back, with each applicant after administering SAFE Questionnaire 2.
- The third home visit includes interview four, a joint interview that should focus on the marriage, or the support system for a single applicant, and their parenting plan. This is also where questions that still need answering are addressed.

Each home visit should be conducted approximately 1 week apart. All household members shall be interviewed privately, and these interviews can be completed during one of the home visits above.

### **Grounds for Withholding Approval**

#### **Citation: Code of Rules § 18-006-106**

Any applicant or person residing in the home who has been convicted of a crime or who has a pending indictment of a crime, whether a misdemeanor or felony, that bears negatively upon the individual's fitness to have responsibility for the safety and well-being of children will be evaluated as to their fitness to provide child care or be licensed as a resource parent. If one of the following felony offenses has been committed, a license shall not be granted:

- A felony offense against a spouse or former spouse
- A felony offense against children, including child pornography, child abuse, or neglect
- A crime involving violence, including sexual assault, rape, or homicide, but not including other physical assault or battery
- A felony physical assault, battery, or drug-related offense within the last 5 years

Grounds for denial may include, but are not limited to, the following:

- The following is true for any person residing in the home:
  - Has been convicted of a crime that would prevent licensure
  - Has a record of evidenced child maltreatment
  - Refuses to submit to background checks
- The minimum standards are not met.
- The conditions in the home would or could be physically, mentally, or emotionally harmful to a child placed in the home.



- The following applies to the applicant:
  - Has a history of alcohol or drug use without documentation of successful treatment and aftercare
  - Has been involved in illegal activity
  - Makes ethnic or racial slurs about certain groups of people or expresses other extremist views during the home study process
  - Shows an inability to work with DFCS
- A person, residing in the home or not residing in the home, with responsibility of transporting children has been determined to be a high-risk driver.

### **When Studies Must Be Completed**

#### **Citation: Code of Rules § 18-006-106**

All persons who contact DFCS and are interested in becoming a licensed resource parent will be considered. The inquiry may be screened out on initial contact if the very basic requirements are not met and the potential applicant is not a kinship care placement. These basic requirements include the following:

- The applicant is at least age 21.
- The number of children in the home is fewer than 5.
- The applicant(s) are a legally married couple (not separated) or is legally single (not cohabitating).
- The applicant has a Mississippi Automated Child Welfare System clearance.
- The applicant has no known criminal history.
- The applicant is a legal Mississippi resident.

The applicant also must attend an orientation meeting within the first month of inquiry.

Within 120 days of the date the applicant completed the orientation and screening or within 90 days for expedited relative placements, all screened-in applications must be processed, and a written decision must be given to the applicant.

### **Postplacement Study Requirements**

#### **Citation: Code of Rules § 18-006-107**

A major role of the adoption specialist during the supervisory period is to provide support, including assistance with parenting skills, to the adoptive family. The adoption specialist supervising an adoptive placement shall be notified of any request for services received in the county during the placement of a child in an adoptive home.

A minimum of 6 months supervision is required for each adoptive placement. This may be all the time that is necessary for an infant placement. The 6 months may be extended if needed to stabilize the placement. The adoptive family also will be encouraged to attend the adoption support group meetings before placement and after for continued postadoptive support.

During the supervisory period, the adoption specialist will make a minimum of two visits each month to the home of the adoptive family. The first visit will occur within 2 weeks of placement. The adoption specialist will speak to the child in private in the home during the supervisory visits. One visit may occur in a setting other than the home. The number of contacts with the adoptive family may vary greatly, depending on the individual situation.

At the end of the supervisory period, the adoption specialist supervising the placement will prepare a family file, with a memo summarizing the placement and recommending that the family be allowed to finalize the adoption.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Ann. Code § 93-17-13; Code of Rules § 18-006-106

The 6-month period of postplacement supervision is not required when a child is a stepchild of a petitioner or is related by blood to the petitioner within the third degree.

*In regulation:* For a child in need of out-of-home care, DFCS will give first priority for placement to a relative when it is suitable and appropriate to do so. If a child is in the custody of DFCS and placed with a relative, the relative must be licensed as a resource family within 90 days of placement.

DFCS shall maintain an expedited process for licensing screened relative and fictive kin caregivers to enable a child to be placed quickly with relatives or fictive kin upon entering foster care. The licensing process for these placements shall take place in two steps:

- An emergency process that enables a child to be placed with the relative as soon as the child enters placement, following an initial screen of the relative's home
- A full licensing process, to be completed no later than 90 calendar days after the child has entered placement

DFCS may waive nonsafety licensing requirements for relative or fictive kin placements in individual cases in accordance with Federal regulations.

### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Code § 43-18-1

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Foster to Adopt Placements**

**Citation:** Code of Rules § 18-006-107

A resource parent who has been providing foster care for a child for 6 months or more shall be given preference as an adoptive parent for that child once the child becomes legally available for adoption, unless there is documentation as to why the placement is unsuitable for adoption.

Every adoption of a foster child initially placed in a licensed resource home must have a completed child-specific adoptive home study, known as the adoption addendum. The adoption specialist shall submit the adoption addendum and all necessary documentation within 60 days of a child being freed for adoption unless there are documented reasons for delay that are in the best interests of the child. The adoption specialist will review and provide a written approval or denial within 10 days of receipt of the documentation.

Written instructions to the resource parent on how to proceed with the adoption will be provided when the adoption specialist approves the family to adopt the child through an adoption approval letter. If the resource family does not follow through with the finalization within 6 months of receiving the adoption approval letter, the adoption unit will notify the resource family that recruitment efforts for an adoptive home for the child must be initiated.

### **Links to Resources**

[Policy Manual, Section G: Adoption Policy](#) (Mississippi Department of Human Services, Division of Family and Children's Services)

## MISSOURI

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Ann. Stat. § 453.070; Code of Regs. Tit. 13, § 35-73.080

An assessment must be made of the adoptive parents.

*In regulation:* The adoption home study must include all members of the applicants' household.

### **Agency or Person Conducting the Study**

**Citation:** Ann. Stat. § 453.070

The investigation, as directed by the court having jurisdiction, may be made by any of the following:

- The Children's Division of the Department of Social Services
- A juvenile court officer
- A licensed child-placing agency
- A social worker
- A professional counselor
- A licensed psychologist who is associated with a licensed child-placing agency
- Another suitable person appointed by the court

### **Qualifications for Adoptive Parents**

**Citation:** Ann. Stat. § 453.070

The assessment and investigation will determine whether the child is suitable for adoption by the petitioner and whether the petitioner is suitable as a parent for the child.

### **Elements of a Home Study**

**Citation:** Code of Regs. Tit. 13, § 35-73.080

The family assessment process shall include the following:

- Confidential interviews with the applicants and all members of the applicants' household, as age appropriate
- A visit to the residence of the applicants that includes a complete inspection of the home
- A minimum of at least two separate visits on nonconsecutive days

A social history on each applicant shall include the following:

- A description of the applicant's family of origin, including the type of family structure, values, child rearing, relationships past and present, and discipline methods
- Education and occupational history, including current employment
- Marital history and current relationships
- Interests and hobbies
- Physical and mental health history, including psychiatric treatment, if any, and the extent of alcohol and drug use
- The applicant's emotional stability and maturity
- Religious beliefs and practices
- Parenting background, including the motivation to adopt
- Location and description of physical residence, including the type of community and school district available
- Financial status and management

Supplemental documentation shall include the following:

- At least four reference letters, including one employment-related reference per applicant from one who has worked with the person within the past 5 years, one relative, and one nonrelated personal reference
- A child abuse and neglect background screening check that is no more than 6 months old
- Criminal arrest records from a State law enforcement agency that are no more than 6 months old
- Fingerprint-based criminal conviction records from a State law enforcement agency
- Written medical reports on all adult members of the household that are no more than 12 months old
- Written documentation of income and financial resources

### **Grounds for Withholding Approval**

This issue is not addressed in the statutes and regulations reviewed.

### **When Studies Must Be Completed**

**Citation:** Ann. Stat. § 453.070; Code of Regs. Tit. 13, § 35-73.080

The results of the investigation shall be incorporated in a written report that shall be submitted to the court within 90 days of the request for the investigation. The assessment of the petitioner or petitioners shall be submitted to the petitioner and to the court prior to the scheduled hearing of the adoptive petition.

*In regulation:* Adoptive family assessments shall be updated annually. An update also shall be completed if there is a significant change in the family situation. Updates shall include the following:

- One or more interviews with all members of the family
- Medical reports on all household members biennially, unless otherwise indicated
- Child abuse and neglect reports on all adults completed within the past 30 days
- Arrest record check completed within the past 30 days
- Evaluation of any previous placements
- A summary of additional children to be adopted

### **Postplacement Study Requirements**

**Citation:** Ann. Stat. § 453.077; Code of Regs. Tit. 13, § 35-73.080

When a child has been placed with the petitioner for the required 6-month placement period, the investigator shall provide the court with a postplacement assessment. The postplacement assessment shall include an update of the preplacement assessment that was submitted to the court and a report on the emotional, physical, and psychological status of the child.

*In regulation:* A child-placing agency shall maintain contact with the family during the supervision period. For children younger than age 3, the agency shall do the following:

- Conduct quarterly home visits until the adoption is final
- Conduct monthly telephone contacts between home visits
- Receive regular written reports from the child's pediatrician

For children age 3 or older or children with special needs, the agency shall do the following:

- Conduct one home visit within the first 10 days of placement and then, at a minimum, quarterly until the adoption is finalized
- Conduct monthly telephone contacts between home visits
- Receive regular written reports from the child's pediatrician
- If the child is in school, receive one report from school personnel every school quarter regarding the child's progress
- Interview the child privately to discuss the child's feelings about the adoption during each supervisory visit

The agency shall document in the child's record that all members of the adoptive family's household were interviewed during supervision and that the following issues were discussed:

- How the addition of this child into the family has changed family relationships
- What role each family member has assumed in child care
- How parents have coped with adjustments; additional responsibilities; discipline; and physical, psychological, emotional, and financial stresses
- How the family is imparting knowledge of the child's history, as age appropriate
- The child's adjustment, including regarding health, school, and family

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Ann. Stat. § 453.070

In cases where the adoption involves a child younger than age 18 who is the natural child of one of the petitioners, the court may waive the investigation and report, except the criminal background check.

### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Stat. §§ 210.620; 210.622

Prior to sending a child to a receiving State, the public child-placing agency shall submit a written request for assessment to the receiving State. The assessment shall evaluate the prospective placement to determine whether the placement meets the individualized needs of the child, including, but not limited to, the child's safety and stability; health and well-being; and mental, emotional, and physical development.

Upon receipt of a request from the public child welfare agency of the sending State, the receiving State shall initiate an assessment of the proposed placement to determine its safety and suitability. If the proposed placement is a placement with a relative, the public child-placing agency of the sending State may request a determination of whether the placement qualifies as a provisional placement.

The public child-placing agency in the receiving State may request and shall be entitled to receive from the public or private child-placing agency in the sending State supporting or additional information necessary to complete the assessment.

The public child-placing agency in the receiving State shall complete or arrange for the completion of the assessment within the timeframes established by the rules of the Interstate Commission.

Notwithstanding the provisions above, the division may enter into an agreement with a similar agency in any State adjoining Missouri that provides for the emergency placement of abused or neglected children across State lines without the prior approval required by the interstate compact. A request for approval shall be initiated if the placement extends beyond 30 days.

### **Foster to Adopt Placements**

**Citation:** Ann. Stat. §§ 210.566; 453.070

If a child becomes free for adoption while in foster care, the child's foster family shall be given preferential consideration as adoptive parents.

Any adult person or persons age 18 or older who, as foster parent or parents, have cared for a foster child continuously for a period of 9 months or more and for whom bonding has occurred as evidenced by the positive emotional and physical interaction between the foster parent and child may apply for the placement of the child with them for the purpose of adoption if the child is eligible for adoption. The agency and court shall give preference and first consideration for adoptive placements to foster parents. However, the final determination of the propriety of the adoption of such foster child shall be within the sole discretion of the court.

## Links to Resources

[State regulations](#)

## MONTANA

*Current Through August 2020*

### Who Must Be Studied

**Citation: Ann. Code § 42-3-202**

The prospective adoptive parent and the home of the prospective adoptive parent must be studied and evaluated.

### Agency or Person Conducting the Study

**Citation: Ann. Code § 42-3-202**

A prospective adoptive parent may request a preplacement evaluation from the Department of Public Health and Human Services, a licensed social worker, or a licensed child-placing agency. In a direct parental placement adoption, the preplacement evaluation must be conducted by either a licensed social worker or a licensed child-placing agency.

### Qualifications for Adoptive Parents

**Citation: Ann. Code § 42-1-106; Admin. Rules R. 37.52.104**

A husband and wife jointly or an unmarried individual who is at least age 18 may be eligible to adopt a child.

*In regulation:* The department will not accept adoptive applicants who have current applications before any other licensed adoption agency. The department decides whether applicants will be studied and whether children will be placed. The department may limit adoptive intake according to the number and type of children available for adoption.

Adoptive applicants must meet the following requirements:

- Submit to the department a physical examination report as part of the adoption application
- Have sufficient income to provide for an additional child or children

### Elements of a Home Study

**Citation: Ann. Code §§ 42-3-203; 42-3-204**

A preplacement evaluation must include a review of the following:

- A check of criminal conviction data, data on the substantiated abuse or neglect of a child, and data pertaining to any involvement in incidents of domestic violence
- Medical and social history and current health
- An assessment of potential parenting skills
- Ability to provide adequate financial support for a child
- Level of knowledge and awareness of adoption issues, including, when appropriate, matters relating to open, interracial, cross-cultural, and special needs adoptions
- A check of the youth court records of any person living in the prospective home

The preplacement evaluation must include at least one in-home visit with the prospective adoptive parent and at least one interview with each family member.

The preplacement evaluation report must contain the following information, if available:

- Age, nationality, racial or ethnic background, and any religious affiliation
- Marital status and family history
- Physical and mental health history and any history of abuse of alcohol or drugs
- Education and employment history and any special skills
- Property and income, including outstanding financial obligations
- Whether the individual has been charged with or convicted of domestic violence or has been involved in a substantiated charge of child abuse or neglect or elder abuse or neglect and the disposition of the charges
- Whether the individual is subject to a court order restricting the individual's right to custody or visitation with a child
- Whether the individual has been convicted of a crime other than a minor traffic violation
- The quality of the environment in the individual's home and the functioning of other children in the individual's household

### **Grounds for Withholding Approval**

**Citation:** Ann. Code § 42-3-205

An evaluator shall assess the information required for the home study to determine if it raises a specific concern that placement of any child or a particular child in the home of the individual would pose a significant risk of harm to the physical or psychological well-being of the child. If an evaluator determines that the information raises a specific concern, the evaluator, based on the original or any further investigation, shall find that the individual is or is not suited to be an adoptive parent. The evaluator shall support the finding with a written explanation.

### **When Studies Must Be Completed**

**Citation:** Ann. Code §§ 42-3-201; 42-3-204

A child may not be placed for the purposes of adoption unless the person with whom a child is proposed to be placed has had a preplacement evaluation completed to determine fitness and readiness as an adoptive parent.

A preplacement evaluation is valid for 1 year following its date of completion and must be updated if there is a significant change in circumstances.

### **Postplacement Study Requirements**

**Citation:** Ann. Code §§ 42-4-112; 42-4-113; 42-4-205; 42-4-209

In a direct parental placement adoption, the court shall order a 6-month postplacement supervision and a postplacement evaluation. The postplacement evaluation period must be supervised and evaluated by a licensed social worker or other qualified person.

An evaluation must be based on a personal interview with the prospective adoptive parent in his or her home and an observation of the relationship between the child and the adoptive parent. At a minimum, the evaluation must include the following information:

- An assessment of adaptation by the adoptive parent to parenting the child
- An assessment of the health and well-being of the child
- The level of incorporation by the child into the adoptive parent(s)' home
- An account of any change in the adoptive parent(s)' marital status or family history, physical or mental health, home environment, property, income, or financial obligations since the filing of the preplacement evaluation

The evaluation must contain a definite recommendation stating the reasons for or against the proposed adoption.



For a department or agency placement, the department or agency shall supervise and evaluate the placement during a 6-month postplacement evaluation period. The evaluation must include the following information:

- Whether the child is legally free for adoption
- Whether the proposed home is suitable for the child
- A statement that the medical and social histories of the birth parents and child have been provided to the adoptive parent
- An assessment of adaptation by the adoptive parent to parenting the child

The evaluation must contain a definite recommendation stating the reasons for or against the proposed adoption.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation: Ann. Code §§ 42-3-212; 42-4-309**

In a direct parental placement adoption, if the court is satisfied that adoption is in the best interests of the child, the court may waive the requirement of a preplacement and postplacement evaluation when a parent or guardian places a child for adoption directly with an extended family member of the child.

In a stepparent adoption, if the court is satisfied that the adoption is in the best interests of the child, the court may waive the requirement of a preplacement evaluation and the 6-month postplacement evaluation and report and grant a decree of adoption.

### **Requirements for Interjurisdictional Placements**

**Citation: Ann. Code § 41-4-101**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Foster to Adopt Placements**

**Citation: Ann. Code § 42-4-113**

The department or an agency may recommend the waiver of the 6-month postplacement evaluation period and the postplacement evaluation if the adoptee has been in the petitioner's home as a foster child for at least 1 year.

### **Links to Resources**

[Adoption in Montana](#) [webpage] (Montana Department of Public Health and Human Services, Child and Family Services Division)

[State regulations](#)

## NEBRASKA

*Current Through August 2020*

### Who Must Be Studied

**Citation:** Admin. Code Tit. 390, § 7-001.06

The applicants, their children, and other persons living in the home shall be included in the study.

### Agency or Person Conducting the Study

**Citation:** Rev. Stat. § 43-107

The study must be completed by the Department of Health and Human Services or a licensed child-placing agency.

### Qualifications for Adoptive Parents

**Citation:** Admin. Code Tit. 390, § 7-001.06

Applicants for providing adoptive care must meet at least the following requirements:

- The applicant must be at least age 19. Generally, at least one parent should be within the normal childbearing age for the child to be placed.
- An applicant must be in such physical and mental condition that it is reasonable to expect him or her to be able to fulfill parenting responsibilities. If there appears to be a health condition that might affect parenting ability, a medical report may be requested.
- The application of all persons will be considered regardless of race, gender, ethnic group, or religion.
- The applicant must be able to budget his or her financial resources in such a way that a child placed can be reasonably assured of minimum standards of nutrition, health, shelter, clothing, and other essentials.
- Applicants must be willing to consider accepting children in the department's custody or likely to enter the department's custody.

### Elements of a Home Study

**Citation:** Rev. Stat. § 43-107; Admin. Code Tit. 390, § 7-001.06

The preplacement or postplacement adoptive home study shall be performed as prescribed in rules and regulations of the department and shall include at a minimum an examination into the facts relating to the petitioner or petitioners as may be relevant to the propriety of such adoption. The rules and regulations shall require an adoptive home study to include a national criminal history records check and a check of the central registry for any history of the petitioner or petitioners of behavior injurious to or that may endanger the health or morals of a child.

*In regulation:* The department will assess all persons who are interested in becoming adoptive parents. This process includes the following:

- Home visits
- Interviews with all the applicants, their children, and other persons living in the home
- A written home study, using the department's format
- A self-study completed by the applicants
- References from three persons
- Background checks with the Adult Protective Services Central Registry and the Central Registry of Child Protection Cases
- A criminal records check
- A medical summary for each family member

### **Grounds for Withholding Approval**

**Citation:** Admin. Code Tit. 390, § 7-001.06

A negative medical report may be the basis for denial of an application at any point in the home study process.

The department will consider all the information and take into consideration the needs of the children in the department's custody to determine whether a family should become an adoptive family. The home study will include the recommendation.

### **When Studies Must Be Completed**

**Citation:** Rev. Stat. § 43-107

For adoption placements occurring on or after January 1, 1994, a preplacement adoptive home study shall be filed with the court prior to the hearing on the adoption petition. The study must have been completed within 1 year before the date on which the adoptee is placed with the petitioner.

### **Postplacement Study Requirements**

**Citation:** Admin. Code Tit. 390, § 6-002.08

Postplacement services are provided before the finalization of adoption. Supervision is provided by having regular family contact, home visits with both parents, visits alone with the child, and contact with other persons living in the home. A minimum of 6 months of postplacement supervision is provided. For a child with special needs, supervision for 1 year is recommended.

The department also will provide family-centered support services to do the following:

- Assist the family with the integration of the child into the family and the creation of a new family unit
- Provide assessment of the progress and the need for other services
- Help the family plan for services the family will desire after finalization

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Rev. Stat. § 43-107

An adoptive home study shall not be required when the petitioner is a stepparent of the adoptee, unless required by the court. An adoptive home study may be waived by the court upon a showing of good cause by the petitioner when the petitioner is a birth grandparent or a stepgrandparent who is married to the birth grandparent at the time of the adoption, if both are adopting the child. For all petitions filed on or after January 1, 1994, the judge shall order the petitioner to request the Nebraska State Patrol to file a national criminal history record information check and to request the department to conduct a check of the central registry for any history of the petitioner of behavior injurious to or that may endanger the health or morals of a child. An adoption decree shall not be issued until such records are on file with the court.

### **Requirements for Interjurisdictional Placements**

**Citation:** Rev. Stat. § 43-1103; Admin. Code Tit. 390, § 9-001A

Prior to sending a child to a receiving State, the public child-placing agency shall submit a written request for assessment to the receiving State. The sending State and the receiving State may request additional information or documents prior to finalization of an approved placement.

Upon receipt of a request from the public child-placing agency of the sending State, the receiving State shall initiate an assessment of the proposed placement to determine its safety and suitability. If the proposed placement is a placement with a relative, the public child-placing agency of the sending State may request a determination for a provisional placement.

The public child-placing agency in the receiving State shall approve a provisional placement and complete or arrange for the completion of the assessment within the timeframes established by the rules of the Interstate Commission.

*In regulation:* No child will be placed from Nebraska into another State or from another State into Nebraska until both of the following occur:

- A home study or adoptive study is completed.
- Approval to place is granted from the Interstate Compact on the Placement of Children administrators in each State.

### **Foster to Adopt Placements**

**Citation:** Rev. Stat. § 43-107

A foster parent who later petitions the court to adopt his or her foster child shall be exempt from the requirements of a preplacement adoptive home study. The petitioner or petitioners shall have a postplacement adoptive home study completed by the department or a licensed child-placing agency and filed with the court at least 1 week prior to the hearing for adoption.

### **Links to Resources**

[Home Study Guidebook](#) (Nebraska Department of Health and Human Services)

[State regulations](#), see chapters 6 and 7

## **NEVADA**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Admin. Code §§ 127.235; 127.395

The applicants for adoption and any member of the applicants' household who is age 18 and older must be included in the study.

### **Agency or Person Conducting the Study**

**Citation:** Admin. Code §§ 127.235; 127.395

The study may be conducted by either a child-placing agency or an agency that provides child welfare services.

### **Qualifications for Adoptive Parents**

**Citation:** Admin. Code §§ 127.239; 127.240; 127.415; 127.420

The agency shall select an adoptive home for a child based on the ability of the members of that home to meet the needs of that child. To be approved as a prospective adoptive parent, the applicant must demonstrate his or her capacity to be a parent and to meet the needs of an adopted child, including his or her ability to do the following:

- Provide the child with conditions and opportunities to promote his or her healthy personality growth and development of his or her potential
- Assume responsibility for the safety, care, support, education, and character development of the child
- Offer a reasonably happy and secure family life with love, understanding, guidance, and companionship

### **Elements of a Home Study**

**Citation: Admin. Code §§ 127.235; 127.395**

A person who wishes to have his or her home studied for the purpose of adoption must do the following:

- Make a written application
- Submit a copy of his or her fingerprints
- Sign a release of information
- Cooperate with the agency by providing other information as necessary to evaluate the home

Upon receiving an application, the agency shall evaluate the applicant to determine his or her suitability for becoming an adoptive parent. Such an evaluation must include the following:

- An interview and assessment of the applicant(s)
- An assessment that must include, without limitation, an inquiry into any factor that the caseworker determines is necessary to assess the ability of the applicant to meet the needs of the adoptee
- A visit to and assessment of the home of the applicant, including a fire and safety inspection
- A request for and review of any reports and investigations regarding the abuse or neglect of a child by the applicant or any member of the applicant's household who is age 18 or older
- A request for and review of any information concerning the applicant and any member of the applicant's household who is age 18 or older maintained by local law enforcement agencies
- A request for and review of any State and Federal records of criminal history regarding the applicant and any member of the applicant's household who is age 18 or older
- The receipt and review of at least five satisfactory references from persons who have known the applicant for no less than 2 years, with no more than two of the references being from family members
- A medical examination of the applicant and each member of his or her household
- Verification of the marital status of the applicant, including the review of any applicable records regarding marriage, divorce, and the death of a spouse

### **Grounds for Withholding Approval**

**Citation: Admin. Code §§ 127.240; 127.420**

An application to adopt must be denied if any of the following apply:

- The applicant has submitted false information or has withheld relevant information.
- The applicant refuses or fails to provide information requested by the agency.
- Two persons who are applying to adopt a child jointly are not legally married to each other.
- The marriage of two persons legally married to each other who are applying to adopt a child jointly is determined by the agency to be unstable.
- The applicant is married and his or her spouse has not joined in the application.
- The applicant's housing is inadequate to accommodate an additional child.
- The applicant has not demonstrated financial responsibility.
- The applicant has not adequately prepared to provide ongoing physical and emotional care to the child.
- The agency has, based on its evaluation of the applicant, concerns relating to the applicant's moral character, mental stability, or motivation for adopting a child.
- The applicant or a member of the applicant's household who is age 18 or older has been convicted, arrested, or has charges pending for a crime involving harm to a child.

- The applicant or a member of the applicant's household who is age 18 or older has charges pending for a felony conviction or has been arrested and is awaiting final disposition of possible or pending charges involving the following:
  - Child abuse or neglect
  - Spousal abuse
  - Any crime against children, including child pornography
  - Any crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery
  - Physical assault, battery, or a drug-related offense that was committed within the past 5 years
- The agency has concerns and reasonable doubts, based on any other relevant information, about the safety or well-being of the child, if the child is placed with the applicant.

### **When Studies Must Be Completed**

**Citation:** Rev. Stat. § 127.280; Admin. Code §§ 127.238; 127.410

A child may not be placed in the home of prospective adoptive parents before the home study investigation has been completed.

*In regulation:* The home study must be updated annually until a child has been placed with the applicant or the applicant requests removal of his or her name from the waiting list.

An updated study of a prospective adoptive home must include the following:

- All the changes that have occurred since the previous study
- A request for and review of any reports and investigations regarding the abuse or neglect of a child by the applicant or any member of the applicant's household who is age 18 or older
- A request for and review of any information concerning the applicant or any member of the applicant's household who is age 18 or older maintained by local law enforcement agencies

### **Postplacement Study Requirements**

**Citation:** Rev. Stat. § 127.120; Admin. Code §§ 127.256; 127.455

After an adoption petition is filed, the agency shall make an investigation and report to the court. The report must contain a specific recommendation for or against approval of the petition, a statement of whether the child is known to be an Indian child, and any other information regarding the child or proposed home that the court requires.

*In regulation:* After the placement of the child in an adoptive home, the agency shall do the following:

- In the case of a child with special needs, make at least one supervisory visit to the adoptive home as follows:
  - Per week during the month following the initial placement
  - Per month until the adoption becomes final
- For a child with no special needs, make at least one supervisory visit per month until the adoption becomes final
- Document all contacts with the prospective adoptive family, child, and other persons who know or have contact with the child
- Provide consultation with or referral to such community resources as necessary to meet the child's needs
- Assist the prospective adoptive parent(s) to develop any skills related to parenting that may be needed to meet the specific needs of the adoptee

If the agency has concerns regarding the placement of a child, the agency may contact teachers, babysitters, counselors, providers of medical care, government agencies, and any other persons who know or have contact with the child for the purpose of ensuring that the specific needs of the child are being met.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Rev. Stat. § 127.120

If one petitioner or the spouse of a petitioner is related to the child within the third degree of consanguinity, the court may, in its discretion, waive the investigation by the agency. A copy of the order waiving the investigation must be sent to the nearest office of the agency by the petitioners within 7 days after the order is issued.

### **Requirements for Interjurisdictional Placements**

**Citation:** Rev. Stat. § 127.330

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Foster to Adopt Placements**

**Citation:** Admin. Code § 127.450

If the foster parent of a child who is currently living with that foster parent is chosen as the adoptive parent of that child, the agency that provides child welfare services shall do the following before the child's permanent placement in that home and in addition to meeting the applicable requirements of this chapter and any other applicable laws:

- Review the licensing records of the foster parents
- Update the study of the prospective adoptive home
- Request and review any reports and investigations regarding the abuse or neglect of a child by the applicant or any member of the prospective adoptive family and household who is age 18 or older and any records of criminal history of such persons
- Determine whether the adoptive family is eligible for financial or other assistance

### **Links to Resources**

[Guide to Adoption in Nevada](#) (Nevada Department of Health & Human Services, Division of Child & Family Services)

[State regulations](#)

## **NEW HAMPSHIRE**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Admin. Code, HE-C 6448.16

The family assessment involves all adults and children of sufficient understanding in the household.



### **Agency or Person Conducting the Study**

**Citation:** Admin. Code, HE-C 6448.16

The child-placing agency shall conduct the assessment.

### **Qualifications for Adoptive Parents**

**Citation:** Admin. Code, HE-C 6448.16; 6448.17

The minimum requirements for acceptance of the adoptive parent applicants shall be as follows:

- Each adoptive parent applicant shall be at least age 18.
- Each prospective adoptive parent shall confirm their commitment to adopt.
- Adoptive parent applicants, whether married or single, shall have established a stable and consistent home life in that the applicant has remained in the same home with the same household members for at least 2 years with adequate support systems, such as extended family and friends in the community who are able to assist the family.
- The applicants shall demonstrate good physical and emotional health, with a reasonable expectation that the good health will continue throughout the minority of the child.
- Sufficient physical space and accommodations in the home shall exist for the adoptive child.
- The applicants shall have sufficient income to support the family and the child they wish to adopt.

Preadoptive training shall be completed in its entirety during the family assessment process and prior to approving a family for adoption. Preadoptive training shall consist of at least 8 hours of training that covers the following:

- The adoption process
- The impact of early and prenatal trauma on child development
- Understanding a child's behavior
- Grief and loss
- Developmental stages
- The family unit from which the child entered the adoptive process
- The impact of adoption on the family and community
- Race and culture

### **Elements of a Home Study**

**Citation:** Rev. Stat. § 170-B:18; Admin. Code HE-C 6448.16

The court shall require a background check in all adoption proceedings. The background check shall consist of a fingerprint-based criminal record check of national crime information databases and a central registry check for all prospective adoptive parents and any other adults living in the home.

*In regulation:* During the application process, the agency shall obtain the following:

- A signed application
- A signed medical statement from a licensed physician on each applicant based on an examination given within 1 year of the application
- A financial statement that includes monthly income, monthly expenses, and assets
- Information on the applicants' religious preferences, if any
- A minimum of five personal references provided by persons who have known the applicants for at least 2 years, one of whom is a relative and the remaining four being unrelated to the applicant

The assessment shall include the following:

- At least three meetings, with at least one meeting in the home
- Individual and joint meetings, when applicable, with the couple
- Consideration of the following factors to assess the adoptive parent applicants' compatibility with a child and any problems the adoptive parent applicants might encounter following the adoption, including the following:
  - The applicants' motivation to adopt
  - If applicable, how the applicants have dealt with issues of their infertility
  - The applicants' expectations of the child and preferred child characteristics
  - The applicants' feelings about adoption and how adoption will be explained to the child

### **Grounds for Withholding Approval**

**Citation: Admin. Code, HE-C 6448.16**

The adoptive parent applicant shall not have been convicted of child abuse or neglect or any other serious crime that would affect the ability to care for children.

If a founded child abuse or neglect report is on file for any member of the adoptive parent applicant's household, staff of the Department of Children, Youth and Families (DCYF), in cooperation with staff from the child-placing agency, shall conduct a complete review of the circumstances surrounding the report. After review, if DCYF determines that the household member poses no further threat to any child, the child-placing agency shall proceed with the application process.

### **When Studies Must Be Completed**

**Citation: Admin. Rules, HE-C 6448.16**

The family assessment shall be completed within 120 days of the date that the application and all required documents were received, unless the applicants agree in writing that the child-placing agency may extend the time allowed to complete the family assessment. The caseworker will provide written results to the applicant within 30 days after completing the family assessment.

Approved adoptive families who have waited a year for a placement shall have an annual home visit and family assessment update that includes the following:

- Any changes to the original family assessment
- An update of the household members' medical health
- Updated criminal records checks for all household members
- Updated child protective services records checks for child abuse or neglect

### **Postplacement Study Requirements**

**Citation: Admin. Rules, HE-C 6448.18**

Following placement of the child, the caseworker shall do the following:

- Contact the adoptive family, by phone or in person, within 3 weeks of placement
- Meet in person with the adoptive family and the child(ren) at least 1 month after placement and once every 2 months until the adoption is finalized or until at least three visits have been completed
- Conduct at least two of the required meetings in the home of the adoptive family

For foreign adoptions, the caseworker shall do the following:

- Meet in person with the adoptive family and the child(ren) within 1 month of the placement
- Complete at least three postplacement visits in total
- Make additional visits with the family and the child(ren) if required by the foreign country or the child-placing agency responsible for the child

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Rev. Stat. § 170-B:18; Admin. Rules, HE-C 6448.17

*Effective January 1, 2021:* The court may order an adoption decree without an assessment when one of the adoptee's parent will remain a parent.

*In regulation:* Preadoptive training shall not be required when the adoptive parent applicant is the stepparent of the child who has lived with the child for at least 6 months.

### **Requirements for Interjurisdictional Placements**

**Citation:** Rev. Stat. § 170-A:1; Admin. Rules, HE-C 6448.18

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children (ICPC).

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

*In regulation:* The caseworker shall submit postplacement supervisory reports to the DCYF ICPC office for all interstate adoption placements.

### **Foster to Adopt Placements**

**Citation:** Admin. Rules, HE-C 6448.18

The following shall be required in preparation of the child for adoptive placement:

- A child shall not be placed for adoption until all legal impediments have been removed.
- A child may be placed in a legal risk adoption home that has been approved for preadoptive placement when the child's permanent plan is adoption but the child has not been surrendered for adoption or has not been the subject of a completed petition.
- The child-placing agency shall formally advise preadoptive parents in writing of the nature and extent of any legal or medical risks.
- A child shall not be placed in an adoptive home until the home has been approved by a licensed child-placing agency or the department.

### **Links to Resources**

[State regulations](#) (see Part He-C 6448)

## NEW JERSEY

*Current Through September 2020*

### Who Must Be Studied

**Citation:** Admin. Code § 3A:50-5.6

The applicants and household members age 18 and older must be included in the study.

### Agency or Person Conducting the Study

**Citation:** Admin. Code §§ 3A:50-1.6; 3A:22-3.1

An adoption agency that is certified by the Department of Children and Families shall provide adoption services, including conducting home studies of adoptive applicants. The department shall accept an application from and provide home study services to an adult New Jersey resident interested in becoming an adoptive parent, only if the adult is interested in adopting a special needs child.

### Qualifications for Adoptive Parents

**Citation:** Admin. Code § 3A:50-5.6

The agency shall ensure that the adoptive applicants meet the following criteria:

- Are at least age 18 and at least 10 years older than the child being adopted
- Have the capacity to meet the child's physical and emotional needs

The agency also shall ask applicants to disclose any history of child abuse or neglect or any criminal record, excluding minor traffic violations.

### Elements of a Home Study

**Citation:** Admin. Code § 3A:50-5.6

The home study process shall include the following:

- At least three in-person joint and individual interviews with married applicants
- At least one in-person joint and one individual interview with each member of the applicant's household
- At least one visit to the residence of the applicants
- A review of the applicants' current job references
- A review of three personal references from persons unrelated to the applicants

The agency shall obtain information on the applicants, including, but not limited to, the following:

- The applicants' interests, hobbies, child caring skills, strengths, and weaknesses and how they see themselves and each other
- Philosophies on child rearing, discipline, and parental roles
- Experience with children
- Emotional stability and maturity
- The state of their marital relationship
- The attitudes of other members of the family
- Each parent's family life history
- Each parent's agreement not to use excessive corporal punishment as a means of discipline or otherwise engage in abusive or neglectful behavior
- Written medical reports on each applicant and all other persons living in the home

- Verifications of present or previous marriage(s) and divorce(s) of each adoptive applicant, including deaths of former spouses when there was no divorce
- Location and description of physical environment of the residence and neighborhood
- A statement of income and financial resources and a description of the applicant's capacity to manage finances

The agency shall obtain fingerprint-based criminal history background checks and child abuse records checks on each adoptive applicant and all persons age 18 and older residing in the adoptive applicant's home.

### **Grounds for Withholding Approval**

**Citation: Admin. Code § 3A:50-5.6**

An adoption agency shall disqualify an adoptive applicant if the applicant or any adult residing in the household was convicted of one of the following crimes or offenses:

- A crime against a child, including endangering the welfare of a child; child pornography; or child abuse, neglect, or abandonment
- Murder or manslaughter
- Aggravated assault
- Stalking
- Kidnapping and related offenses, including criminal restraint; false imprisonment; interference with custody; criminal coercion; or enticing a child into a motor vehicle, structure, or isolated area
- Sexual assault, criminal sexual contact, or lewdness
- First-degree robbery or second-degree burglary
- Domestic violence
- Endangering the welfare of an incompetent person or an elderly or disabled person
- Terrorist threats
- Arson

An adoptive applicant may be disqualified if he or she or an adult residing in the household was convicted of one of the following crimes or offenses within the preceding 5 years:

- Simple assault or fourth-degree aggravated assault
- A drug-related crime
- Second-degree robbery or third-degree burglary

When the child abuse record background check reveals that the adoptive applicant or an adult residing in the home has a record of a substantiated incident of child abuse and/or neglect, the agency shall examine the nature and seriousness of the abuse and/or neglect incidents and determine if the perpetrator has completed a rehabilitation program or counseling program. If such evidence exists, the agency shall assess whether the perpetrator can provide an appropriate home for the child.

### **When Studies Must Be Completed**

**Citation: Admin. Code § 3A:50-5.6**

The agency shall not place a child in the adoptive applicant's home for the purpose of adoption without a completed home study.

For applicants who have been studied, approved, and placed on a waiting list for longer than 12 months from the time their home study was approved, the agency shall ensure that the home study is current within 12 months

of the child's placement into the home, except for home studies for foreign adoption, which may be current for 18 months of the child's being placed in the home. The updated home study shall include the following:

- One or more interviews with all members of the applicants' household
- Medical reports within the past year for all members of the applicants' household
- A visit to the residence of the applicants
- Updated financial information

### **Postplacement Study Requirements**

**Citation: Admin. Code § 3A:50-5.8**

The agency shall visit the home within 14 calendar days of the adoptive placement and document the following in the child's record:

- The child's background information was reviewed with the adoptive parents.
- The adoptive parent(s) and child were given reassurance that their feelings, worries, and joys are natural and understandable.
- School-age children are in compliance with compulsory education requirements.
- Working parents have made child care arrangements.

For children younger than age 5, the agency shall do the following:

- Conduct bimonthly home visits for at least 6 months
- Document that all members of the household were interviewed
- Document that the following issues were discussed:
  - How the presence of the child changed family relationships
  - What role each family member has assumed regarding child care and discipline
  - How parents cope with the demands of a crying infant and/or a child who 'tests' the placement and how the family reacts to these episodes, including any feelings of insecurity about doing the 'right' thing

For children age 5 or older, the agency shall do the following:

- Conduct monthly home visits during the minimum supervisory 6-month period and then bimonthly home or office visits until the adoption is finalized
- Document that the child was interviewed privately about his or her feelings about the adoption at each supervisory visit
- Document that the following issues were discussed:
  - How the presence of the child changed family relationships
  - What role each family member has assumed regarding child care and discipline
  - How the child 'tests' the placement and how the family reacts to these episodes, including any feelings of insecurity about doing the 'right' thing
  - How the family perceives the child's sense of identity and the need to fill in gaps in the child's history
  - How the child has adjusted to the school environment

### **Exceptions for Stepparent or Relative Adoptions**

**Citation: Admin. Code § 3A:50-5.6**

For a stepparent adoption, a criminal history record check shall not be required for household members age 18 and older who are related to the birth parent.

## **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Stat. § 9:23-5

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

## **Foster to Adopt Placements**

**Citation:** Ann. Stat. § 30:4C-26.7

Any person who as a resource family parent has cared for a child continuously for a period of 15 months or more may apply to the division for the placement of the child with them for the purpose of adoption, and if the child is eligible for adoption, the division shall give preference and first consideration to their application over all other applications for adoption placement.

## **Links to Resources**

[Path to Adoption](#) [webpage] (New Jersey Department of Children and Families)

[Licensing Information](#) [webpage] (New Jersey Department of Children and Families)

## **NEW MEXICO**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Ann. Stat. § 32A-5-14

The petitioner, the petitioner's children, and any other permanent residents of the petitioner's home shall be included in the study.

### **Agency or Person Conducting the Study**

**Citation:** Ann. Stat. § 32A-5-13; Admin. Code § 8.26.3.17

The preplacement study shall be conducted by an agency or a person certified by the Children, Youth and Families Department (CYFD) to conduct the study.

*In regulation:* For an independent adoption, only persons certified by CYFD shall be permitted to conduct adoptive counseling, studies, and reports. Adoptive counseling narratives, preplacement studies, and postplacement reports will not be accepted if the persons conducting these services are not certified by CYFD.

To qualify as an investigator, the applicant shall meet both of the following:

- Hold a master's of social work degree from a school of social work accredited by the Council of Social Work Education and be licensed by the New Mexico board of social work examiners; hold a master's degree from an accredited degree-granting institution in sociology, psychology, guidance and counseling, or counseling; or be licensed at the licensed professional clinical counsel level (L.P.C.C.) by the Counseling and Therapy Practice Board
- Have 2 years paid, full-time experience in family evaluation and child development and behavior

If the adoptee is an Indian child, the investigator may be a person authorized by an Indian Tribe to conduct adoptive studies or counseling by an Indian Tribe.



The individual shall be certified by CYFD and appear on CYFD's current list prior to conducting adoptive services. If the person preparing the adoptive services is out-of-State, such person shall attach a statement setting forth qualifications that are equivalent to those required of an investigator or counselor pursuant to New Mexico law and regulations.

### **Qualifications for Adoptive Parents**

**Citation: Admin. Code §§ 8.26.4.7; 8.26.4.8**

An 'applicant' is any person who applies to be considered as a potential foster care provider, treatment foster care provider, or an adoptive parent. Applicants must meet the following qualifications:

- Applicants must be age 18 or older.
- Applicants must be residents of New Mexico.
- Applicants must be able to communicate with the child in the child's own language or through translation services or other resources.
- Applicants must be able to communicate with the Protective Services Division (PSD), licensing agents, health-care providers, and other service providers, including through translation services or other resources.
- At least one applicant in the home must have functional literacy or have access to resources to read (e.g., have the ability to read medication labels in order to properly administer them).
- Applicants must have income or resources necessary to make timely payments for shelter, food, utility costs, clothing, and other household expenses prior to the addition of an adoptive or foster child.

Tribal agencies also may be involved in conducting home studies for American Indian and Alaska Native children. Federal law provides that any receiving State must treat any Tribal home study report as meeting the requirements imposed by the State for the completion of a home study.

Citizenship or immigration status shall not prevent eligibility for licensure. State regulation provides guidance on licensing non-U.S. citizens without legal permanent residency.

### **Elements of a Home Study**

**Citation: Ann. Stat. §§ 32A-5-14; 32A-5-14.1**

The preplacement study shall include, at a minimum, the following:

- An individual interview with each petitioner
- A joint interview with both petitioners
- A home visit that includes an interview with the petitioner's children and any other permanent residents of the home
- An interview with the adoptee if age appropriate
- An individual interview with each of the adoptee's parents
- Full disclosure to the petitioner
- An exploration of the petitioners' philosophy concerning discussion of adoption issues with the adoptee
- The initiation of a criminal records check of each petitioner
- A medical certificate dated no more than 1 year prior to any adoptive placement assessing the petitioner's health as it relates to the petitioner's ability to care for the adoptee
- A minimum of three letters of reference from individuals named by the petitioner
- A statement of the capacity and readiness of the petitioner for parenthood and the petitioner's emotional and physical health and ability to shelter, feed, clothe, and educate the adoptee
- Verification of the petitioner's employment, financial resources, and marital status

- A report of a medical examination performed on the adoptee within 1 year prior to the proposed adoptive placement
- A statement of the results of any prior preplacement study

A fingerprint-based nationwide criminal history records check shall be conducted on a person who files a petition to adopt a child.

### **Grounds for Withholding Approval**

**Citation: Admin. Code §§ 8.26.4.20: 8.8.3.13**

An applicant's request for licensure may be denied based on a documented professional assessment that the applicant cannot adequately provide safety, permanency, and well-being for children.

For the purpose of these regulations, any of the following shall result in a conclusion that the applicant is an unreasonable risk:

- A conviction for a felony or misdemeanor involving moral turpitude that directly relates to whether the applicant can provide a safe, responsible, and morally positive setting for care recipients
- A conviction for a felony or a misdemeanor involving moral turpitude that does not directly relate to whether the applicant can provide a safe, responsible, and morally positive setting for care recipients if the department determines that the applicant has not been sufficiently rehabilitated
- A conviction, regardless of the degree of the crime or the date of the conviction, of trafficking in controlled substances, criminal sexual penetration, related sexual offenses, or child abuse
- A substantiated referral, regardless of the date, for sexual abuse or for neglect characterized by a failure to protect against sexual abuse
- The placement of the applicant's child in CYFD's or another State's custody
- A registration or a requirement to be registered on a State sex offender registry

There shall be a determination of unreasonable risk if a background check shows any of the following:

- Pending charges for a felony offense; any misdemeanor offense involving domestic violence, child abuse, any other misdemeanor offense of moral turpitude; or an arrest but no disposition for any such crime if a conviction as charged would result in a determination of unreasonable risk
- A pending child protective services referral or any other CYFD investigation of abuse or neglect
- An outstanding warrant issued for an applicant

### **When Studies Must Be Completed**

**Citation: Ann. Stat. § 32A-5-13**

A preplacement study that has been prepared or updated within 1 year immediately prior to the date of placement that approves the petitioner as an appropriate adoptive parent shall be filed with the court prior to issuance of a placement order.

### **Postplacement Study Requirements**

**Citation: Ann. Stat. § 32A-5-31; Admin. Code § 8.26.3.32**

A postplacement report shall include the following:

- The interaction between the adoptee and petitioner
- The adjustment of the adoptee since placement
- The integration and acceptance of the adoptee in the petitioner's family
- The petitioner's ability to meet the physical and emotional needs of the adoptee
- Whether the adoptive home is a suitable home for the adoptee
- Whether the adoption is in the best interests of the adoptee
- The type and frequency of postplacement services given to the petitioner

The postplacement report shall contain an evaluation of the proposed adoption with a recommendation as to the granting of the petition for adoption.

The investigation for the postplacement report shall be conducted by the department, an agency, or an investigator. The department, agency, or investigator shall observe the adoptee and interview the petitioner in the petitioner's home as soon as possible after the receipt of notice of the action, but in any event within 30 days. For an adoptee who is younger than age 1 at the time of placement, a written report shall be filed with the court within 60 days from receipt of notice of the proceeding. For an adoptee who is age 1 or older at the time of placement, the written report shall be filed within 120 days.

*In regulation:* Appropriate postplacement services shall be provided to the adoptee and the prospective adoptive family from the time of the child's placement until the postplacement report is filed. At a minimum, the following services shall be provided:

- Contact shall be made with the prospective adoptive family personally or by telephone within 48 hours after placement.
- A home visit shall be made within 3 working days of placement.
- Additional visits shall be made every other month thereafter until the postplacement report is filed.

#### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Ann. Stat. § 32A-5-32; Admin. Code § 8.26.3.33

Any person may adopt his or her spouse's child in accordance with the provisions of the Adoption Act. When the adoptee has lived with his or her stepparent for at least 1 year following the stepparent's marriage to the custodial parent, the following provisions apply:

- Placement shall not be required pursuant to § 32A-5-12.
- A preplacement study or postplacement report shall not be required, unless ordered by the court.
- When the stepparent and the custodial parent have been married for less than 2 years, counseling shall be required for the stepparent and the custodial parent.
- The noncustodial parent shall receive counseling unless counseling is waived.
- The adoptee, if age 10 or older, shall receive counseling.
- A criminal records check shall be conducted on a stepparent.
- A report of fees and charges shall not be prepared, unless ordered by the court.
- The court may waive the 90-day period between the filing of the petition for adoption and issuance of the decree of adoption.
- When adopted, the adoptee shall take the name designated in the adoption petition, so long as the petitioner's spouse and the adoptee, if age 10 or older, consent to the name.

When an adoptee has not lived with the stepparent for more than 1 year following the stepparent's marriage to the custodial parent, the adoption shall proceed as an independent adoption.

*In regulation:* The petition to adopt shall be filed by the stepparent with whom the adoptee has resided for at least 1 year since the stepparent's marriage to the adoptee's custodial parent. The consent of the noncustodial parent, the custodial parent, and the adoptee who is age 10 or older are required in all stepparent adoptions, except in those cases where the noncustodial parent's parental rights have been terminated involuntarily.

In all stepparent adoptions, the stepparent shall obtain a criminal records check.

## **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Stat. § 32A-11-1

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

## **Foster to Adopt Placements**

**Citation:** Admin. Code § 8.26.2.24

PSD shall attempt to place foster children with concurrent plans of adoption in foster homes that have been identified as concurrent families. PSD completes the preplacement home study for foster parents and treatment foster parents who have been selected as adoptive parents for children in PSD custody.

## **Links to Resources**

[State regulations](#)

## **NEW YORK**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Code of Rules & Regs. Tit. 18, § 421.27

The applicant and any person older than age 18 residing in the applicant's household must be included in the study.

### **Agency or Person Conducting the Study**

**Citation:** Dom. Rel. Law § 115-d

A preplacement investigation conducted pursuant to the provisions of this section shall be made by a disinterested person who in the opinion of the court is qualified by training and experience to examine the allegations set forth in the application and any other factors that may be relevant to the suitability of the applicant or applicants as a qualified adoptive parent or parents. For the purposes of this section, a disinterested person shall include a licensed master social worker, licensed clinical social worker, the probation service of the family court, or an authorized agency specifically designated by the court to conduct preplacement investigations.

### **Qualifications for Adoptive Parents**

**Citation:** Code of Rules & Regs. Tit. 18, § 421.16

Applicants shall be at least age 18. The agency shall not establish any other minimum or maximum age for acceptance. An applicant shall be healthy enough to have the energy and other abilities needed to fulfill the parental responsibilities.

Agencies must not consider marital status in their acceptance of applicants. Married applicants must have been married for at least 1 year. An adoptive applicant may not be rejected for adoption because of his or her fertility. The significance of fertility and/or infertility as it relates to the desire to adopt shall always be explored in the adoption process, but applicants shall not be required to provide proof of infertility.

The agency may study family size as it relates to the ability of a family to care for another child and the quality of life that will be offered to an adoptive child.

Employment, education, or volunteer activities of the applicants may not be a basis for rejection. Race, ethnic group, and religion shall not be a basis for rejecting an adoption applicant.

No applicant shall be rejected based on low income or because of receipt of income maintenance payments. The adoption study process shall evaluate an applicant's ability to budget his or her resources in such a way that a child can be reasonably assured of minimum standards of nutrition, health, shelter, clothing, and other essentials.

Changes in employment and residences may be examined to determine the significance of such changes for the functioning and well-being of the family and any child to be placed in the home.

### **Elements of a Home Study**

**Citation: Code of Rules & Regs. Tit. 18, §§ 421.16; 421.27**

An adoption study shall explore the following attributes of the applicants:

- Capacity to give and receive affection
- Ability to provide for a child's physical and emotional needs
- Ability to accept the intrinsic worth of a child, to respect and share his or her past, and to have realistic expectations and goals
- Flexibility and ability to change
- Ability to cope with problems, stress, and frustration
- Feelings about parenting an adopted child and the ability to make a commitment to a child placed in the home
- Ability to use community resources to strengthen and enrich family functioning

A report of a physical examination conducted not more than 1 year preceding the date of the adoption application regarding the family's general health; the absence of communicable disease, infection, or illness; or any physical condition that might affect the proper care of an adopted child is required.

An adoption study shall inquire into an applicant's experience with children and offer him or her, if feasible, the opportunity to increase his or her experience, knowledge, and skills in this area.

An adoption study shall include a check with the State child maltreatment central registry as to whether the subject has an indicated maltreatment report on file. If the applicant or other household member age 18 or older has resided out-of-State at any time during the previous 5 years, a check of out-of-State registries must be made. The study also must include a check of whether the applicant or an adult household member is listed on the vulnerable persons' central register.

An authorized agency must perform fingerprint-based State and Federal criminal history record checks regarding any prospective adoptive parent and each person older than age 18 who is currently residing in the home of the prospective adoptive parent before the adoptive parent is finally approved for the placement of a child.

### **Grounds for Withholding Approval**

**Citation:** Code of Rules & Regs. Tit. 18, §§ 421.16; 421.27

If the applicant is the subject of an indicated report of child abuse or maltreatment, the agency must determine on the basis of the information it has available and in accordance with guidelines developed by the Office of Children and Family Services whether to approve the application. If the applicant or other household member older than age 18 is listed on the vulnerable persons' central register, the agency must determine whether to approve the application.

Current abuse of alcohol or other drugs requires the rejection of an application. The record must clearly show how the finding of such abuse was made.

The authorized agency must deny an adoption application when a criminal history record of the prospective or approved adoptive parent reveals any of the following:

- A felony conviction at any time involving any of the following:
  - Child abuse or neglect
  - Spousal abuse
  - A crime against a child, including child pornography
  - A crime involving violence, including rape, sexual assault, or homicide, other than a crime involving physical assault or battery
- A felony conviction within 5 years for physical assault, battery, or a drug-related offense

The authorized agency may deny an application for approval of a prospective adoptive parent when any of the following applies:

- A criminal history record of the prospective or approved adoptive parent reveals a charge or a conviction of a crime other than one set forth above
- A criminal history record of any other person older than age 18 who resides in the home of the prospective or approved adoptive parent reveals a charge or a conviction of any crime

### **When Studies Must Be Completed**

**Citation:** Dom. Rel. Law § 115

A person seeking to commence a private-placement adoption shall be certified as a qualified adoptive parent by a court of competent jurisdiction prior to the placement of a child in his or her home.

### **Postplacement Study Requirements**

**Citation:** Dom. Rel. Law § 116

When the adoptive child is younger than age 18, no order of adoption shall be made until 3 months after the petition to adopt has been filed.

A postplacement investigation shall be made by a disinterested person who has no interest in the outcome of petitioner's application. The disinterested person shall make a written report of his or her investigation that shall include, but not be limited to, the following information:

- The marital and family status and history of the adoptive parents and adoptive child
- The physical and mental health of the adoptive parents and adoptive child
- The property owned by and the income of the adoptive parents
- The compensation paid or agreed upon with respect to the placement of the child for adoption
- Whether either adoptive parent has ever been a respondent in any proceeding concerning allegedly abused, neglected, abandoned, or delinquent children
- Any other facts relating to the familial, social, religious, emotional, and financial circumstances of the adoptive parents that may be relevant to a determination of adoption

The written report of investigation shall be submitted to the court within 30 days unless the court grants an extension for good cause shown. The report shall be filed, in any event, before the final order of adoption is granted.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation: Dom. Rel. Law §§ 115-d; 116**

A preplacement investigation is not required when the petition to adopt is filed by a stepparent for the adoption of a stepchild when the stepchild has resided with the birth parent and the stepparent for a continuous period of at least 1 year.

When the spouse of the adoptive parent is the birth parent of the child and the child has resided with the birth parent and adoptive parent for more than 3 months before the adoption petition was filed, a waiting period shall not be required.

### **Requirements for Interjurisdictional Placements**

**Citation: Code of Rules & Regs. Tit. 18, § 421.14**

When the Office of Children and Family Services, through the Interstate Compact on the Placement of Children, receives a request to conduct a home study for the approval of persons in New York as adoptive parents for a child from another State, the office will forward the request to the social services district in which the prospective adoptive parent resides for the purpose of conducting a home study and approving the prospective adoptive parent in accordance with these regulations. The social services district may conduct the study directly or may use a voluntary authorized agency to conduct the home study. The study must be completed and simultaneously returned within 60 days to the Office of Children and Family Services and the State or local agency that submitted the request.

The prospective adoptive parent need not complete the education or training requirements of this part for the completion of the home study.

The term 'home study' means an assessment of the safety and suitability of placing the child in the home of the prospective adoptive parent based on an evaluation of a home environment.

When a social services district proposes to place a foster child or children with prospective adoptive parent(s) in another State, the social services district must treat a home study received from the other State, an Indian Tribe, or a private agency under contract with the other State as meeting the requirements imposed by New York for the completion of a home study before placing the child or children in the home, unless within 14 days of the receipt of the home study, the social services district determines, based on the content of the home study, that making a decision in reliance on the home study would be contrary to the welfare of the child or children.

### **Foster to Adopt Placements**

**Citation: Code of Rules & Regs. Tit. 18, § 421.19**

Authorized agencies shall offer an adoption application to foster parents or refer them to an authorized agency that operates an adoption program when a child in their care for 12 continuous months has been freed for adoption. An agency shall accept an adoption application from a foster parent seeking to adopt a child who has been in his home for less than 12 continuous months. The agency must assess and prepare foster parent adoptive applicants as rapidly as possible, as follows:

- Review the information about the family that was obtained in the original foster home study and annual recertification
- Identify information needed in an adoption study that was lacking or insufficiently current



- Identify those areas of family functioning that may need further exploration or strengthening
- Conduct an adoption study process with the following attributes:
  - Does not repeat information-gathering activities
  - Obtains additional or updated information as rapidly as possible, including obtaining criminal history record checks
  - Focuses on areas identified as needing further exploration or strengthening
  - Clarifies for the applicant the difference between foster care and adoption and the issues involved in obtaining an adoption subsidy
  - Includes checking whether an applicant or other person older than age 18 who resides in the home is the subject of an indicated report of child abuse or maltreatment on file with the State child maltreatment central registry, is listed on the child abuse registry of another State, or is listed on the register of substantiated cases of abuse or neglect maintained by the Justice Center for the Protection of People With Special Needs

### **Links to Resources**

[New York City Foster Parent's Guide to Adoption](#) (New York State Office of Children & Family Services)

[New York State Foster Parent's Guide to Adoption](#) (New York State Office of Children & Family Services)

[State regulations](#)

## **NORTH CAROLINA**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation: Gen. Stat. § 48-3-309**

The prospective adoptive parents and all individuals age 18 or older residing in the prospective adoptive home shall be included in the study.

### **Agency or Person Conducting the Study**

**Citation: Gen. Stat. § 48-1-109**

Only a county department of social services in this State or an agency licensed by the State Department of Social Services may prepare preplacement assessments.

### **Qualifications for Adoptive Parents**

**Citation: Gen. Stat. § 48-3-301**

An individual seeking to adopt a child must be found to be suitable to be an adoptive parent, either in general or for a specific minor.

### **Elements of a Home Study**

**Citation: Gen. Stat. §§ 48-3-303; 48-3-309**

The preplacement assessment must include at least one personal interview with each individual being assessed. The preplacement assessment shall report on the following:

- Nationality, race or ethnicity, and any religious preference
- Marital and family status and history, including the presence of any children born to or adopted by the individual and any other children in the household
- Date of birth

- Physical and mental health, including any addiction to alcohol or drugs
- Education and employment history and any special skills
- Property, income, and current financial information
- Reason for wanting to adopt
- Whether the individual has ever been a respondent in a domestic violence proceeding or a proceeding concerning a minor who was allegedly abused, dependent, neglected, abandoned, or delinquent and the outcome of the proceeding
- Whether the individual has ever been convicted of a crime other than a minor traffic violation
- The quality of the environment in the home and the functioning of any children in the household

The department shall ensure that fingerprint-based criminal histories of all prospective adoptive parents and all individuals age 18 or older who reside in the prospective adoptive home are checked prior to placement and, based on the criminal history, a determination is made as to the prospective adoptive parent(s)' fitness to have responsibility for the safety and well-being of children and whether other individuals required to be checked are fit for an adoptive child to reside with them in the home. The department shall ensure that all individuals required to be checked are checked prior to placement for county, State, and Federal criminal histories.

### **Grounds for Withholding Approval**

**Citation: Gen. Stat. § 48-3-309**

A county department of social services shall issue an unfavorable preplacement assessment to a prospective adoptive parent if any person residing in the home has a criminal history. An unfavorable preplacement assessment shall be issued when the county department of social services determines that, based on other criminal convictions, whether felony or misdemeanor, the prospective adoptive parent is unfit to have responsibility for the safety and well-being of children or other individuals required to be checked are found unfit for an adoptive child to reside with them in the home.

For purposes of this section, the term 'criminal history' means the following:

- A county, State, or Federal conviction of a felony or a pending felony indictment for any of the following:
  - A crime for child abuse or neglect
  - Spousal abuse
  - A crime against a child, including child pornography
  - A crime involving violence, including rape, sexual assault, or homicide, other than physical assault or battery
- A county, State, or Federal conviction of a felony or a pending felony indictment for physical assault, battery, or a drug-related offense, if the offense was committed within the past 5 years

Refusal to consent to a criminal history check by any individual required to be checked is grounds for the issuance of an unfavorable preplacement assessment.

### **When Studies Must Be Completed**

**Citation: Gen. Stat. § 48-3-301**

A preplacement assessment must be completed or updated within 18 months immediately preceding a placement of a child for adoption.

### **Postplacement Study Requirements**

**Citation:** Gen. Stat. §§ 48-2-501; 48-2-502

Whenever a petition for adoption of a minor is filed, the court shall order a report to the court made to assist the court in determining if the proposed adoption of the minor by the petitioner is in the minor's best interests.

In preparing the report, the agency shall conduct a personal interview with each petitioner in the petitioner's residence and at least one additional interview with each petitioner and the adoptee. The agency shall observe the relationship between the adoptee and the petitioners.

The report must contain the following:

- An account of the petitioner's marital or family status, physical and mental health, home environment, property, income, and financial obligations
- All reasonably available nonidentifying information concerning the physical, mental, and emotional condition of the adoptee
- Copies of any court order, judgment, decree, or pending legal proceeding affecting the adoptee, the petitioner, or any child of the petitioner relevant to the welfare of the adoptee
- A list of the expenses, fees, or other charges incurred, paid, or to be paid in connection with the adoption
- Any fact or circumstance known to the agency that raises a specific concern about whether the proposed adoption is contrary to the best interests of the adoptee because it poses a significant risk of harm to the well-being of the adoptee
- A finding by the agency concerning the suitability of the petitioner and the petitioner's home for the adoptee
- A recommendation concerning the granting of the petition

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Gen. Stat. §§ 48-3-301; 48-2-501

A preplacement assessment is not required in an independent adoption when a prospective adoptive parent is a grandparent, full or half sibling, first cousin, aunt, uncle, great-aunt, great-uncle, or great-grandparent of the minor.

The following exceptions for the requirement for a postpetition report apply:

- In any stepparent adoption in which the minor has lived with the stepparent for at least the 2 consecutive years immediately preceding the filing of the petition, the court may order a report. However, the court is not required to order a report unless the minor's consent is to be waived, the minor has revoked consent, or both of the minor's parents are dead.
- In any adoption of a minor by the minor's grandparent in which the minor has lived with the grandparent for at least the 2 consecutive years immediately preceding the filing of the petition, the court may order a report. However, the court is not required to order a report unless the minor's consent is to be waived, the minor has revoked consent, or the minor is eligible for adoption assistance.

### **Requirements for Interjurisdictional Placements**

**Citation:** Gen. Stat. §§ 48-3-207; 48-1-109

An interstate placement of a minor for purposes of adoption shall comply with the Interstate Compact on the Placement of Children.

A preplacement assessment prepared in another State may be used in this State only if the following conditions are met:

- The prospective adoptive parent resided in the State where it was prepared.
- The person or entity that prepared it was authorized by the law of that State to gather the necessary information.

An assessment prepared in another State that does not meet the requirements of this section and § 48-3-303 must be updated by a county department, a licensed agency, or a person or entity authorized to gather the necessary information pursuant to the laws of the State where the prospective adoptive parent resides before being used in this State.

An order for a report to the court must be sent to a county department, a licensed agency, or a person or entity authorized to prepare adoption home assessments under the laws of the petitioner's State of residence. If the petitioner moves to a different State before the agency completes the report, the agency shall request a report from a person or entity authorized to prepare home assessments under the laws of the petitioner's new State of residence.

### **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

### **Links to Resources**

*Child Welfare Manual*, [Adoption Services Policy, Protocol, and Guidance](#) (North Carolina Department of Health and Human Services)

[State regulations](#)

## **NORTH DAKOTA**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation: Admin. Code § 75-03-36-28**

An adoption assessment must be completed on any prospective adoptive parent.

### **Agency or Person Conducting the Study**

**Citation: Admin. Code § 75-03-36-28**

A child-placing agency shall conduct the adoption assessment.

### **Qualifications for Adoptive Parents**

**Citation: Gen. Stat. § 14-15-03**

The following individuals may adopt:

- A husband and wife together, although one or both are minors
- An unmarried adult
- The unmarried father or mother of the adoptee

### **Elements of a Home Study**

**Citation: Cent. Code §§ 14-15-11; 14-15.1-04; Admin. Code § 75-03-36-31**

An investigation must be made by a licensed child-placing agency to inquire into the conditions and antecedents of a child sought to be adopted and of the petitioner for the purpose of ascertaining whether the adoptive home is a suitable home for the child and whether the proposed adoption is in the best interests of the child. The report of the investigation must contain a review of the child's history and a preplacement adoption assessment of the petitioner, including a criminal history record investigation.

An 'identified adoptive parent' is the person who has been selected by a birth parent to adopt a specific child. Before an adoption hearing under this chapter, the report of a child-placing agency must be filed with the court. The report must include the following:

- A recommendation as to whether the home of the adoptive parent is a suitable home for the child
- A preplacement adoption assessment indicating how the adoptive parent's emotional maturity, finances, health, relationships, criminal history record, and any other relevant factors may affect the parent's ability to accept, care for, and provide the child with an adequate environment in which to mature

*In regulation:* The adoption assessment shall include the following:

- Evidence of stability of the adoptive parents' marital or other significant relationships
- The applicant's emotional stability and maturity, including a history of treatment for substance abuse, mental health concerns, or abuse or neglect issues
- The applicant's parenting skills
- Reports of the physical examination of the applicant, current within the past 12 months
- The applicant's ability to provide financially for the adoptee
- Results of fingerprint-based criminal history records and child abuse and neglect index checks

#### **Grounds for Withholding Approval**

**Citation:** Admin. Code § 75-03-36-31

When an applicant is denied a positive recommendation for adoption, the child-placing agency shall inform the applicant, in writing, of the reasons the child cannot be placed in the applicant's home.

#### **When Studies Must Be Completed**

**Citation:** Gen. Stat. § 14-15-11; Admin. Code §§ 75-03-36-28; 75-03-36-31

A written report of the investigation must be filed with the court by the investigator before the adoption petition is heard.

*In regulation:* A child-placing agency may not place a child into an adoptive home without a full adoption assessment being completed on the prospective adoptive parents, including required fingerprint-based criminal history record investigations and child abuse and neglect index investigations.

The child-placing agency shall require an adoptive family assessment be updated at least every 2 years from the date of completion of the original assessment until a child is placed into the home for the purpose of adoption.

#### **Postplacement Study Requirements**

**Citation:** Gen. Stat. § 14-15-11; Admin. Code § 75-03-36-30

The report of the investigation must contain a postplacement evaluation of the placement with a recommendation as to the granting of the petition for adoption and any other information the court requires regarding the petitioner or the child.

*In regulation:* The child-placing agency shall do the following:

- Make continuing supportive services available for children and families following adoptive placement
- Interview all members of the adoptive family in the family home
- Have face-to-face visits with the child on a monthly basis, primarily in the child's residence
- Provide assistance to the adoptive family in completing the legal adoption of the child

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Gen. Stat. §§ 14-15-11; 14-15.1-04

An investigation and report are not required in cases in which a stepparent is the petitioner. If the petitioner is a relative other than a stepparent of the child, the child has lived with the petitioner for at least 9 months, no allegations of abuse or neglect have been filed against the petitioner or any member of the petitioner's household, and the court is satisfied that the proposed adoptive home is appropriate for the child, the court may waive the investigation and report.

If the identified adoptive parent is a relative of the child, the report of a child-placing agency must include the following:

- An assessment and recommendation of the criminal history record of the identified adoptive parent and any adult living in the home of the adoptive parent
- Written credible character statements from three adult witnesses that include the following:
  - The relationship of the witness to the adoptive parent
  - The relationship, love, and other emotional ties existing between the child and the adoptive parent
  - The emotional maturity and moral character of the adoptive parent
  - The sufficiency and stability of the adoptive parent's home environment
  - The ability of the adoptive parent to provide food, clothing, shelter, and medical care for the child
  - The mental and physical health of the adoptive parent, if known

### **Requirements for Interjurisdictional Placements**

**Citation:** Cent. Code § 14-13-01

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

### **Links to Resources**

[Adoption Program](#) [web section] (North Dakota Department of Human Services)

[State regulations](#)

## **NORTHERN MARIANA ISLANDS**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Commonwealth Code Tit. 8, § 1410

The petitioner(s) may be the subject of an investigation.

### **Agency or Person Conducting the Study**

**Citation:** Commonwealth Code Tit. 8, § 1410

The investigation shall be made by the Division of Youth Services, its designee, or another qualified person or agency designated by the court.

### **Qualifications for Adoptive Parents**

**Citation:** Commonwealth Code Tit. 8, § 1403

An adult person who is a resident of the Commonwealth may petition to adopt. The person may be single, married to the legal mother or father of the child, or married and petitioning jointly with his or her spouse. The petitioner must be at least 10 years older than the child to be adopted.

### **Elements of a Home Study**

**Citation:** Commonwealth Code Tit. 8, § 1410

If so ordered by the court, an investigation ('home study') shall be of the petitioner for the purpose of determining whether the adoptive home is suitable for the child and whether the proposed adoption is in the best interests of the child.

### **Grounds for Withholding Approval**

This issue is not addressed in the statutes reviewed.

### **When Studies Must Be Completed**

**Citation:** Commonwealth Code Tit. 8, § 1410

A written report of the home study must be filed with the court before the petition for adoption can be heard.

### **Postplacement Study Requirements**

This issue is not addressed in the statutes reviewed.

### **Exceptions for Stepparent or Relative Adoptions**

This issue is not addressed in the statutes reviewed.

### **Requirements for Interjurisdictional Placements**

This issue is not addressed in the statutes reviewed.

### **Foster to Adopt Placements**

This issue is not addressed in the statutes reviewed.

### **Links to Resources**

None are available online.

## **OHIO**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Admin. Code § 5101:2-48-09

Each adoptive applicant and each adult household member of the applicant's home shall be included in the study.



### **Agency or Person Conducting the Study**

**Citation: Rev. Stat. §§ 3107.031; 3107.014**

An assessor shall conduct a home study for the purpose of determining whether a person seeking to adopt a child is suitable to adopt.

Except as provided below, only an individual who meets all of the following requirements may perform the duties of an assessor:

- The individual must be in the employ of, appointed by, or under contract with a court, public children's services agency, private child-placing agency, or private noncustodial agency.
- The individual must be one of the following:
  - A licensed professional clinical counselor, professional counselor, social worker, or marriage and family therapist
  - A licensed psychologist
  - A student working to earn a 4-year, postsecondary degree or higher in a social or behavior science who conducts assessor's duties under the supervision of a licensed professional clinical counselor, social worker, or marriage and family therapist
  - A civil service employee engaging in social work without a license, as permitted by § 4757.41(A)(5)
  - A former employee of a public children services agency who, while so employed, conducted the duties of an assessor

The individual must complete training in accordance with rules adopted under § 3107.015.

An individual in the employ of, appointed by, or under contract with a court prior to September 18, 1996, to conduct adoption investigations of prospective adoptive parents may perform the duties of an assessor under §§ 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 5103.152 if the individual complies with the training requirements of this section regardless of whether the individual meets the professional requirements listed above.

### **Qualifications for Adoptive Parents**

**Citation: Rev. Stat. §§ 3107.03; 3107.031; Admin. Code § 5101:2-48-09**

The following persons may adopt:

- A husband and wife together, at least one of whom is an adult
- An unmarried adult
- The unmarried minor parent of the adoptee

The assessor shall not consider the person's age when determining whether the person is suitable to adopt if the person is old enough to adopt.

*In regulation:* The child-placing agency shall provide preservice training to all adoptive applicants prior to approval of the home study. Preservice training shall include the following:

- The legal rights and responsibilities of adoptive parents
- The child-placing agency's policies and procedures
- The Department of Job and Family Services requirements for approving adoptive applicants
- The effects placement, separation, and attachment issues have on children and their families
- Caregivers' involvement in permanency planning for children and their families and postadoptive issues for children and families, including the availability of adoption subsidies

- The dynamics of physical abuse, sexual abuse, emotional abuse, neglect, and substance abuse on human growth and development
- Behavior management techniques
- The effects of caregiving on children's families
- Prevention, recognition, and management of communicable diseases
- Community health and social services available to children and their families
- Cultural issues, including cultural diversity training
- The substance of § 2152.72 of the Revised Code that deals with the information required to be shared with a prospective adoptive parent before a child who has been adjudicated a delinquent child for the commission of certain violent crimes is placed with a prospective adoptive parent

The agency may waive components of the requirement for education and training if the assessor determines that the family has received training previously or the family has the skills to care for the needs of the child who will be placed in the home.

### **Elements of a Home Study**

**Citation: Rev. Stat. §§ 3107.033; 3107.034; 3107.035; Admin. Code §§ 5101:2-48-09; 5101:2-48-12**

A home study shall include a search of the statewide automated child welfare information system and a check of a central registry of another State if a prospective adoptive parent or a person age 18 or older who resides with a prospective adoptive parent has resided in another State within the 5-year period immediately prior to the date on which a criminal records check is requested.

At the time of the initial home study and every 2 years thereafter, if the home study is updated, the agency that arranges an adoption shall conduct a search of the U.S. Department of Justice national sex offender public website regarding the prospective adoptive parent and all persons age 18 or older who reside with the prospective adoptive parent.

*In regulation:* The home study shall include the following:

- Documentation of current marital status, if applicable
- A financial statement that shows the household has an income sufficient to meet the basic needs of the household
- The report of State and Federal criminal records checks
- The results of a central registry of abuse and neglect for each adoptive applicant and each adult household member in every State in which the person has resided in the past 5 years
- Face-to-face interviews with all members of the household older than age 4
- Interviews with any adult children of the applicants
- A medical statement that documents that the applicant and all members of the household are free from any physical, emotional, or mental condition that would endanger children or seriously impair the ability of the household members to care for the adoptee
- The names of three people unrelated to the applicant who do not reside with the applicant to serve as references
- Documentation of the successful completion of required preservice training
- A favorable local or State fire safety inspection
- Documentation that the residence meets all safety standards

### **Grounds for Withholding Approval**

**Citation:** Rev. Stat. §§ 3107.034; 3107.035; Admin. Code § 5101:2-48-10

The summary report of a search of the statewide automated child welfare information system shall contain, if applicable, a chronological list of abuse and neglect determinations or allegations of which the person seeking to adopt is subject and in regards to which a public children services agency has done one of the following:

- Determined that abuse or neglect occurred
- Initiated an investigation, which is ongoing
- Initiated an investigation for which the agency was unable to determine whether abuse or neglect occurred

An application for adoption may be denied based on a summary report containing the information described above, when considered within the totality of the circumstances.

A petition for adoption may be denied based solely on the results of the search of the national sex offender public website.

*In regulation:* The agency shall not approve an adoptive placement if the results of the criminal records check indicate that a prospective adoptive parent or, when applicable, any adult who resides with the prospective adoptive parent, has been convicted of or pleaded guilty to any offense listed this rule, including any of the following:

- Cruelty to animals
- Murder, manslaughter, or assault
- Permitting child abuse
- Aggravated menacing, menacing by stalking, or menacing
- Patient abuse or neglect
- Kidnapping or abduction
- Criminal child enticement
- A sexual offense, including rape, sexual battery, unlawful sexual conduct with a minor, voyeurism, public indecency, or prostitution
- Arson or terrorism
- Robbery, burglary, or identity fraud
- Rioting or disturbing a lawful meeting
- Endangering children
- Contributing to the unruliness or delinquency of a child
- Domestic violence
- Weapons-related offenses
- Drug-related offenses
- Ethnic intimidation

### **When Studies Must Be Completed**

**Citation:** Admin. Code §§ 5101:2-48-12; 5101:2-48-12.1

The required assessment of an adoptive applicant shall commence within 30 days after the agency receives a fully completed application. The agency shall complete the home study assessment within 180 days of the date the agency received the application.

All adoption home studies shall be updated every 2 years from the date of approval of the initial home study or the date of approval of the most current update, whichever is more recent. The update shall include the following:

- The most recent medical statement completed for the applicant and all household members by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife
- A report of a physical, psychiatric, or psychological examination or treatment of the adoptive parent(s) or other household member to ensure the safety, health, or care of an adoptive child
- The most recent fire inspection by a State certified fire safety inspector or the State fire marshal's office
- The most recent financial statement
- A check of the abuse and neglect report history of each adoptive parent and adult household member
- A safety audit to be completed within 6 months prior to the approval of the adoption home study update, that documents that the residence continues to meet all safety standards
- The most recent criminal records check for the adoptive parents and adult household members
- A minimum of one written reference from a professional who is knowledgeable of the family dynamics and family functioning
- At least one home visit and one interview with each member of the household (except foster children) over age 4 currently residing in the home

#### **Postplacement Study Requirements**

**Citation: Rev. Stat. §§ 3107.101; 3107.12; 3107.13**

No later than 7 days after an adoptee is placed in a prospective adoptive home, the assessor shall begin monthly home visits in that home until the court issues a final decree of adoption. During the home visits, the assessor shall evaluate the progress of the placement in the prospective adoptive home and also shall make face-to-face contact with the prospective adoptive parent, the adoptee, and all other children or adults residing in the home.

An assessor shall conduct a prefinalization assessment of the child and petitioner before a court issues a final decree of adoption. On completion of the assessment, the assessor shall prepare a written report that includes the following:

- The adjustment of the child and the petitioner to the adoptive placement
- The present and anticipated needs of the child and the petitioner for adoption-related services
- The physical, mental, and developmental condition of the child
- If known, the child's birth family background
- The reasons for the child's placement with the petitioner, the petitioner's attitude toward the proposed adoption, and the circumstances under which the child was placed in the home of the petitioner
- The attitude of the child toward the proposed adoption, if the child's age makes this feasible
- If the child is an Indian child, how the placement complies with the Indian Child Welfare Act of 1978
- If known, the child's psychological background, including prior abuse of the child and behavioral problems of the child

A final decree of adoption shall not be issued until the adoptee has lived in the adoptive home for at least 6 months after placement and the department or court has had an opportunity to observe or investigate the adoptive home.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Rev. Stat. §§ 3107.101; 3107.12; 3107.13

The requirement for monthly home visits does not apply to an adoption by a stepparent whose spouse is a birth or adoptive parent of the adoptee. The requirement for a prefinalization assessment does not apply to a stepparent adoption unless a court, after determining a prefinalization assessment is in the best interests of the child, orders that an assessor conduct a prefinalization assessment.

In the case of adoption by a stepparent, the final order of adoption shall not be issued until at least 6 months after the filing of the petition or until the child has lived in the home for at least 6 months.

### **Requirements for Interjurisdictional Placements**

**Citation:** Rev. Code § 5103.23

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Foster to Adopt Placements**

**Citation:** Rev. Code § 3107.012

A foster caregiver may apply to obtain the services of an agency to arrange an adoption for the foster caregiver if he or she seeks to adopt the foster child who has resided in the foster caregiver's home for at least 6 months.

The department shall prescribe an application for a foster caregiver to use. The application shall not require that the foster caregiver provide any information the foster caregiver already provided the department or undergo an inspection the foster caregiver already underwent to obtain a foster home certificate.

An agency that receives an application for adoption from a foster caregiver shall not require, as a condition for accepting or approving the application, that the foster caregiver undergo a criminal records check as a prospective adoptive parent. The agency shall inform the foster caregiver that the foster caregiver must undergo the criminal records check before a court may issue a final decree of adoption or interlocutory order of adoption.

### **Links to Resources**

[Ohio Adoption Guide: A Handbook for Prospective Adoptive Families](#) (Ohio Department of Job and Family Services)

[State regulations](#)

## **OKLAHOMA**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Ann. Stat. Tit. 10, § 7505-5.3

The study must include the prospective adoptive parents and all other household members who are age 18 and older.

### **Agency or Person Conducting the Study**

**Citation:** Ann. Stat. Tit. 10, § 7505-5.4

Home studies must be conducted only by the following persons or agencies:

- The agency having custody or legal guardianship of the child
- The Department of Human Services (DHS)
- A licensed child-placing agency
- A person designated by the court who meets one of the following qualifications:
  - A master's degree in social work and 1 year of experience in children's services
  - A member of the Academy of Certified Social Workers and 1 year of experience in children's services
  - A master's degree in a behavioral or social science and 2 years' experience in children's services
  - A doctorate in a behavioral or social science and 1 year of experience in children's services
  - A member of the clergy with 2 years of experience in family counseling
- A person who is supervised by a person described above who meets one of the following qualifications:
  - A bachelor's degree in social work
  - A bachelor's degree in behavioral or social science and 1 year of experience in children's or family services

### **Qualifications for Adoptive Parents**

**Citation:** Ann. Stat. Tit. 10, § 7503-1.1; Admin. Code § 340:75-15-41.1

The following persons are eligible to adopt a child:

- A husband and wife jointly if both spouses are at least age 21
- Either the husband or wife if the other spouse is a parent or a relative of the child
- An unmarried person who is at least age 21
- A married person who is at least age 21 who is legally separated

*In regulation:* If a prospective placement provider meets the minimum age required by statute, DHS may not use the age of an otherwise eligible individual as a reason for denial of placement.

### **Elements of a Home Study**

**Citation:** Ann. Stat. Tit. 10, § 7505-5.3

A home study must include at a minimum the following:

- An appropriate inquiry to determine whether the proposed home is a suitable one for the child
- At least one individual interview with each parent, each school-age child, and any other household member; one joint interview; a home visit; and three written references
- Verification that the home is a healthy, safe environment in which to raise a child
- Verification of marital status, employment, income, access to medical care, and physical health and history
- When the child is in the legal custody of DHS, a Department of Public Safety motor vehicle report for the adoptive parents and all other adult household members
- A review of a criminal background check and a child abuse and neglect information system check that includes the following:
  - A national fingerprint-based criminal background check, a search of the Department of Corrections' sex offenders registry, and a search of the child abuse and neglect information system
  - For each adoptive parent or other household member age 18 and older who has not maintained continuous residency in the State for 5 years prior to the home study or home study update, a child abuse registry check from every other State in which the person has resided during the 5-year period

### **Grounds for Withholding Approval**

**Citation:** Ann. Stat. Tit. 10, § 7505-5.1; Admin. Code § 340:75-15-88

A prospective adoptive parent shall not be approved for placement of a child if the petitioners or any other person residing in the home of the petitioners has been convicted of any of the following felony offenses:

- Within the 5-year period preceding the date of the petition, physical assault, domestic abuse, battery, or a drug-related offense
- Child abuse or neglect
- A crime against a child, including child pornography
- A crime involving violence, including, but not limited to, rape, sexual assault, or homicide

Under no circumstances shall a child be placed with an individual subject to the Oklahoma Sex Offenders Registration Act or an individual who is married to or living with an individual subject to the Oklahoma Sex Offenders Registration Act.

*In regulation:* Other reasons for denial may include any of the following:

- The applicant lacks a stable, adequate income.
- The home is inadequate to accommodate the addition of children or presents health or safety concerns.
- The applicant or any person residing in the home has a history of arrests, convictions, or alleged or confirmed child abuse or neglect.
- The health or any other condition of the applicant would impede his or her ability to parent and provide age-appropriate activities and care for a child on a permanent basis into adult years.
- Relationships in the household are unstable and unsatisfactory.
- The behavioral health of the applicant or other household member would impede the applicant's ability to provide care for a child.
- References are guarded or have reservations in recommending the applicant.
- The applicant does not complete the required preservice training within 1 year of application.
- The applicant has applied to adopt a child of a certain age, race, or other characteristic that DHS reasonably believes may not be available for adoption in the foreseeable future.

### **When Studies Must Be Completed**

**Citation:** Ann. Stat. Tit. 10, § 7505-5.1

A person must have a favorable written preplacement home study before a child may be placed in his or her custody for purposes of adoption. A preplacement home study is favorable if it contains a finding that the person is suited to be an adoptive parent, either in general or for a particular child, and it is completed or brought current within 12 months of the placement of a child.

### **Postplacement Study Requirements**

**Citation:** Ann. Stat. Tit. 10, § 7505-5.3

Prior to issuance of a final decree, the investigator shall observe the minor in the proposed adoptive home and report in writing to the court on any circumstances or conditions that may have a bearing on the granting of a final adoption decree.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Ann. Stat. Tit. 10, §§ 7505-5.1; 7505-5.2

A preplacement home study is not required if a parent or guardian places a minor directly with a relative of the child for purposes of adoption or if the minor has been residing with a birth parent's spouse for at least 1 year when the petition for adoption is filed, but a home study of the relative or stepparent is required during the pendency of a proceeding for adoption.



If a preplacement home study has not been done, the court shall order that a home study be made upon the filing of a petition for adoption. If the adoptee is the biological or adopted child of either of the petitioners or of the spouse of the petitioner, then the court may waive the requirement for a home study report if the court makes the following findings:

- Waiver of the home study requirement is in the best interests of the child.
- The parent of the child and the stepparent of the child who are petitioning for adoption have been married for at least 1 year with the adoptee living in their home.
- The stepparent has no record of conviction of a felony or conviction or adjudication in juvenile court for child abuse or neglect or domestic violence, and there is no record of a protective order or orders issued against the stepparent

In all other adoptions, including foster, relative, and stepparent adoptions, a home study and report shall be made.

### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Stat. Tit. 10, § 571

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Foster to Adopt Placements**

**Citation:** Admin. Code § 340:75-15-41.1

During any permanency hearing, if the court determines the child is to be placed for adoption and the child has resided with the foster parent for at least 1 year, the court will consider the foster parent eligible to adopt and give great weight to the foster parent in the adoption consideration unless there is an existing, loving, emotional bond with a relative of the child, by blood or marriage, who is willing, able, and eligible to adopt the child. The court must take into account the statutory factors to make the determination, including, but not limited to, the age and preference of the child and the long-term best interests of the child.

### **Links to Resources**

[State regulations](#) (select 'View Code,' title 340, chapter 75, subchapter 15)

## **OREGON**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Admin. Rules § 413-120-0450

The adoptive applicant and other persons in the household who are age 18 and older will be included in the investigation and study.

### **Agency or Person Conducting the Study**

**Citation:** Rev. Stat. § 109.304

The home study and placement report are completed by the Department of Human Services, a licensed adoption agency, or other public agency.

### **Qualifications for Adoptive Parents**

**Citation:** Admin. Rules §§ 413-120-0220; 413-120-0246

The adoptive applicant must be at least age 21, unless one of the following applies:

- The child welfare program manager or a designee has approved a relative adoptive applicant between age 18 through 20.
- The child is an Indian child, and the adoptive applicant is a member of the child's extended family, another member of the Indian child's Tribe, or another Indian family.

To be approved to adopt a child in the legal custody of the department, an individual must complete the following:

- Have an adoption home study recommending the applicant as a potential adoptive resource
- Meet the department's standards for adoptive homes by demonstrating the knowledge, skills, and ability to meet, without agency oversight, the current and lifelong needs of the child for all the following:
  - Physical and emotional safety and well-being
  - Developing and maintaining connections to the child's family
  - Continuity and familiarity
  - Appropriate social, educational, developmental, emotional, and physical support
  - Integration into the family
  - Stability and permanency
  - Maintaining his or her identity, cultural, religious, and spiritual heritage
- Provide evidence of successful completion of a training program approved by the department, unless the adoption program manager has approved an alternate training program

### **Elements of a Home Study**

**Citation:** Rev. Stat. § 109.309; Admin. Rules § 413-200-0314

In a proceeding for the adoption of a minor child, a current home study must be approved by either the department or a licensed adoption agency for the purpose of demonstrating that the petitioner meets the minimum standards for adoptive homes as set forth in the department's administrative rules.

*In regulation:* To become a certified adoptive resource, the applicant must do the following:

- Allow the department to conduct an in-home safety assessment of the applicant's home
- Allow the department to have face-to-face contact with all members of the applicant's household
- Provide personal, family, and social history information
- Provide information about any current or previous licenses, certifications, or applications for relative care, foster care, child care, or adoption
- Allow the department, at its discretion, to gather information regarding the criminal offender information records of any child not in the care or custody of the department who lives in the household if there is reason to believe that child may pose a risk to children placed in the home

In addition, the applicant and each adult member of the applicant's household must have face-to-face contact with a department certifier and must provide the following:

- Information regarding criminal involvement, including arrests and convictions regarding any member of the household
- Information regarding any previous allegations of child abuse and neglect
- Consent to criminal records and child abuse and neglect background checks

Upon request, the applicant must authorize the department to contact and obtain information from an individual or organization in order to complete a thorough background check of the applicant and, if applicable, authorize the department to disclose that information as necessary during the certification process.

### **Grounds for Withholding Approval**

**Citation:** Admin. Rules §§ 413-120-0225; 413-120-0450

The department may deny an application at any time when one or more of the following applies:

- Information regarding the applicant is sufficient to determine the applicant cannot meet adoption home standards.
- An applicant's license or certificate to provide services to children, the elderly, or individuals with disabilities has previously been or is currently being denied, revoked, or suspended.
- The applicant falsifies or omits information.
- The applicant does not respond to requests for information within the timelines established by the department.
- The applicant does not submit the required application information.

A conviction for any crime or a false statement about a conviction for any crime may disqualify an applicant from being approved as an adoptive parent.

The department may not approve an adoption application, and no exception may be granted, if the applicant has been convicted in Oregon or any other jurisdiction of a felony that involves the following:

- Violence, including rape, sexual assault, and homicide, but not including other physical assault or battery
- Intentional starvation or torture
- Abuse or neglect of a child
- Spousal abuse
- Aiding, abetting, attempting, soliciting, or conspiring to cause the death of a child
- Sodomy or sexual abuse
- A child as the victim, including child pornography
- Other crimes listed in regulation, including the following:
  - Murder or manslaughter
  - Felony assault if the victim is a child or spouse
  - Kidnapping
  - Rape, incest, sodomy, or sexual abuse
  - Child neglect or abandonment
  - Criminal nonsupport
  - Burglary or robbery if the crime involves violence

The department may not approve an adoption application, and no exception may be granted, if the applicant has been convicted of a felony within the preceding 5 years that involves physical assault or battery or a drug-related offense.

### **When Studies Must Be Completed**

**Citation:** Admin. Rules § 413-120-0246

The adoption home study recommending the applicant as a potential adoptive resource must have been written, amended, or updated within the 12 months prior to the adoption placement selection.

### **Postplacement Study Requirements**

**Citation:** Rev. Stat. § 109.304; Admin. Rules § 413-120-0860

A placement report is a written report created after the petition for adoption has been filed that includes the department's or the agency's recommendation to the court concerning whether the court should grant the petition for adoption based upon the department's or the agency's evaluation of the following:

- The status and adjustment of the child
- The status and adjustment of the child's prospective adoptive parent

*In regulation:* Postplacement supervision must include the following:

- Monthly face-to-face contact with the child
- Assessment of the child's safety and well-being
- Providing services and support to assist the adoptive parent in meeting the requirements described in regulation
- Providing support to the adoptive parent in the process of the completion and submission of the adoption assistance application, when applicable
- Documentation from the supervising worker that includes the supervision reports and a recommendation regarding finalization of the adoption

When it becomes known to the department that there are significant changes to the adoptive parent's situation, including changes in the family structure, the department may require an updated adoption home study prior to making a determination to proceed with finalization of the adoption.

The standard supervision period for an adoptive placement is a minimum of 6 consecutive months and can include the time the adoptive parent was the child's substitute caregiver. When the child's caseworker and the adoption worker agree that it is in the child's best interests to proceed with finalization before the standard 6-month period, the child's caseworker or adoption worker must request approval from their supervisor and the adoption program manager.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Rev. Stat. § 109.309

The department, upon request by the petitioner, may waive the home study requirement in an adoption proceeding in which one of the child's biological parents or adoptive parents retains parental rights or when a relative who qualifies under the department's administrative rules for a waiver of the home study requirement is the prospective adoptive parent.

### **Requirements for Interjurisdictional Placements**

**Citation:** Rev. Stat. § 417.200

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

## **Foster to Adopt Placements**

**Citation: Admin. Rules § 413-120-0541**

A foster parent may request consideration as a current caregiver for a child in the legal custody of the department when the requirements of all the following sections are met:

- Adoption is the child's identified permanency or concurrent permanency plan, and the department determines it is in the best interests of the child to proceed with identifying potential adoptive resources.
- The child has been in the physical custody of the foster parent for the most recent 12 consecutive months.
- The foster parent is willing to be considered as the adoptive resource for the child's siblings currently in substitute care who also have adoption as an identified permanency or concurrent permanency plan.
- The caseworker and the caseworker's supervisor have complied with the requirements of both of the following:
  - Reviewed the department's diligent efforts to identify, contact, and place a child with relatives and to place siblings together
  - Have confirmed there are no pending department actions regarding the following:
    - Identifying a child's relatives or a sibling's current guardian, relative, current caregiver, or adoptive resource with whom the sibling is currently living
    - Assessing a relative who has expressed an interest in caring for the child and needs to be or is currently being assessed as a permanency resource

## **Links to Resources**

[State regulations](#) (select chapter 413, division 120)

## **PENNSYLVANIA**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation: Cons. Stat. Tit. 23, § 6344**

The study investigation shall include the prospective adoptive parents and any individual over age 18 residing in the home.

### **Agency or Person Conducting the Study**

**Citation: Cons. Stat. Tit. 23, § 2530**

The home study shall be conducted by a local public child care agency, an adoption agency, or a licensed social worker designated by the court to perform such study. A preplacement report shall be prepared by the agency or person conducting the home study.

### **Qualifications for Adoptive Parents**

**Citation: Cons. Stat. Tit. 23, § 2312**

Any individual may become an adopting parent.

### **Elements of a Home Study**

**Citation: Cons. Stat. Tit. 23, §§ 2530; 6344**

The preplacement report shall set forth all pertinent information relating to the fitness of the adoptive parents as parents. The report shall be based upon a study of the home environment; family life; parenting skills; age; physical and mental health; social, cultural, and religious background; facilities and resources of the adoptive parents; and their ability to manage their resources.

In the course of an investigation, the prospective adoptive parents and any individual older than age 18 residing in the home must submit the following information:

- A report of criminal history record information from the State police
- A certification from the department as to whether the applicant is named in the central register as the perpetrator of a founded or indicated report of child abuse
- A fingerprint-based check of Federal criminal history record information

If a prospective adoptive parent or any individual over age 18 years has resided outside the State at any time within the previous 5 years, the person must submit a certification as to whether the person is named as a perpetrator of child abuse obtained within the past year from the Statewide central registry in each State in which the person has resided within the previous 5-year period.

### **Grounds for Withholding Approval**

**Citation:** Cons. Stat. Tit. 23, § 6344

A prospective adoptive parent may not be approved if any of the following apply to the prospective adoptive parent or an individual age 14 or older who resides for at least 30 days in a calendar year with the prospective adoptive parent:

- The person is named in the central register as the perpetrator of a founded report of child abuse committed within the 5-year period immediately preceding verification or is named in the central register as the perpetrator of a founded report for a school employee committed within the 5-year period immediately preceding verification.
- The person has been found guilty at any time of an offense listed in § 6344(c)(2), including criminal homicide, aggravated assault, kidnapping, rape, sexual assault, incest, endangering the welfare of children, prostitution, or sexual abuse of children.
- The person has been found guilty of a drug-related offense within the past 5 years.

### **When Studies Must Be Completed**

**Citation:** Cons. Stat. Tit. 23, §§ 2530; 2531

Before a child may be placed with a prospective adoptive parent, a home study containing a favorable recommendation must have been completed within 3 years and been supplemented within 1 year prior to placement.

The preplacement report must be included with a report of intention to adopt that must be filed with the court.

### **Postplacement Study Requirements**

**Citation:** Cons. Stat. Tit. 23, §§ 2533; 2535

Within 6 months after filing the report of intention to adopt, the intermediary that arranged the adoption placement of the child shall make a written report to the court in which the petition for adoption will be filed. The report shall include the following:

- The name and address of the intermediary
- The name, sex, racial background, age, date and place of birth, and religious affiliation of the child
- The date of the placement of the child with the adoptive parents
- A statement that medical history information was obtained and, if not obtained, a statement of the reason

When a report of intention to adopt has been filed, the court shall order an investigation to be made and a report filed by a local public child care agency, a voluntary child care agency, or an appropriate person designated by the court. In lieu of the investigation, the court may accept an investigation made by the agency that placed the child, and the report of investigation in such cases may be incorporated into the report of the intermediary.

The investigation shall cover all pertinent information regarding the child's eligibility for adoption and the suitability of the placement, including the physical, mental, and emotional needs and welfare of the child and the child's and adoptive parents' age; sex; health; and racial, ethnic, and religious background.

#### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Cons. Stat. Tit. 23, § 2531

The report of intention to adopt shall not be required when the child is the child, grandchild, stepchild, brother or sister of the whole or half blood, or niece or nephew by blood, marriage, or adoption of the person receiving or retaining custody or physical care.

#### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Stat. Tit. 62, § 761

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

#### **Foster to Adopt Placements**

**Citation:** Ann. Stat. Tit. 11, § 2624

A resource family parent or parents shall be given an interview with the appropriate county or private agency when all the following occur:

- The county or private agency that placed the child with that resource family has changed the child's goal from foster care to adoption.
- The resource family parent is interested in becoming an adoptive resource for that child.
- The child has resided with that resource family for 6 months or more.

In addition to information obtained from interviews of other prospective adoptive families, the interviewing agency shall convey information obtained from the interview with the resource family parent to the county agency responsible for making the determination as to adoptive placement of the child. When more than one adoptive resource is available for the placement of a child, the county agency shall document its reasons for placing the child with the selected adoptive parents in the child's case record.

No resource parent who meets the conditions set forth above shall be denied consideration as an adoptive parent solely because of the inability to access that individual as a resource family parent in the future.

#### **Links to Resources**

[State regulations](#)

### **PUERTO RICO**

*Current Through August 2020*

#### **Who Must Be Studied**

**Citation:** Ann. Laws Tit. 8, § 1086d

A study shall be made of the adoption petitioner.



### **Agency or Person Conducting the Study**

**Citation:** Ann. Laws Tit. 8, § 1086d

The Department of the Family or any licensed private adoption agency shall file a report on the home study with the court for the adjudication of any petition for the adoption of a minor.

### **Qualifications for Adoptive Parents**

This issue is not addressed in the statutes reviewed.

### **Elements of a Home Study**

**Citation:** Ann. Laws Tit. 8, § 1086d

The home study or report shall include the family background of the petitioners, the adoptee, and his parent or parents, as well as any other material circumstances of the case, such as the following:

- Interviews with the parents, the adoptive parties, and the adoptee, as well as the matters discussed
- Home visits with the parents and adoptive parents
- A physical description of the residence and the child safety measures inside and outside of the residence
- A health certificate of the adoptive party
- The health condition of the adoptee
- A certification of income and the management thereof
- The criminal history and history of child abuse
- A family history, including a description of the adoptive parties, their interpersonal and family relations, and significant events in their lives
- The past and present education and employment
- A description of the family dynamic in terms of the decision-making process, social life, life changes resulting from having an adoptee in their home, and dealing with this situation
- A description of the family's daily routine, child care, hobbies, and interests
- The experience raising and caring for children
- A description of the neighborhood where the adoptive parties live and references from neighbors
- The system of values to be instilled in the minor
- The motivations for choosing adoption
- The support system, whether from the extended family or external
- Any other aspect or criteria to be adopted by the department for the preparation of home studies in accordance with its regulations and the guidelines adopted by the Federal Government

### **Grounds for Withholding Approval**

This issue is not addressed in the statutes reviewed.

### **When Studies Must Be Completed**

**Citation:** Ann. Laws Tit. 8, § 1086d

The home study shall be filed within a maximum term of 30 days from the date of notice of the petition. If the home study is intended for use in the adoption hearing, the study shall not be older than 1 year.

### **Postplacement Study Requirements**

**Citation:** Ann. Laws Tit. 8, § 1086d

The home study shall include the recommendations of the agency on whether it is in the best interests of the minor to remain in custody of the petitioners and under the supervision of the agency or whether the adoption should proceed.

### **Exceptions for Stepparent or Relative Adoptions**

This issue is not addressed in the statutes reviewed.

### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Laws Tit. 8, § 549

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Foster to Adopt Placements**

This issue is not addressed in the statutes reviewed.

### **Links to Resources**

None are available online.

## **RHODE ISLAND**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Gen. Laws § 15-7-11

The prospective adoptive parents, all prospective siblings, and any other household members shall be included in the home study.

### **Agency or Person Conducting the Study**

**Citation:** Gen. Laws § 15-7-11

The Department of Children, Youth and Families (DCYF) shall have the duty to verify the allegations of an adoption petition and to make an appropriate investigation to determine whether the proposed adoptive home is a suitable home for the child. When a child has been placed for adoption by a duly licensed child-placing agency, the court may accept the home study report of the child-placing agency in lieu of the investigation and recommendation of DCYF.

### **Qualifications for Adoptive Parents**

**Citation:** Gen. Laws § 15-7-4; Code of Rules § 214-40-00-5

Any person residing in Rhode Island may petition the family court to adopt as his or her child any person younger than him or herself and under age 18.

*In regulation:* The child-placing agency shall establish physical requirements for adoptive homes, including, but not limited to, the following:

- The adoptive home shall be clean, safe, free of obvious hazards, and of sufficient size to accommodate comfortably all members of the household.
- The adoptive home shall have adequate lighting and ventilation, hot and cold water supply, plumbing, electricity, and heat.
- Reports by the Health Department must be in the adoptive home file as to the following:
  - A finding of safety when well water is used by the adoptive family
  - A finding of approval when septic tanks and leach-fields are used by the adoptive family

### **Elements of a Home Study**

**Citation: Gen. Laws § 15-7-11**

All home studies shall be based on a minimum of two home visits by the agency conducting the home study. All prospective siblings and any other household members shall be interviewed during a home visit. The following information shall be included in all home studies:

- Identifying information on all household members, including minor children and the current needs of each child
- Information regarding the prospective adoptive parent(s)' motivation and reasons for the adoption
- Current background information on the prospective adoptive parents, including a written self-assessment
- Child care experience and parenting philosophy
- Information regarding past and present marriage and/or partnership relationships
- Current medical and psychological conditions, including addiction to drugs or alcohol, that may be seriously detrimental to the health and welfare of children
- A description of the home and local community, including any health and safety concerns regarding the home
- Information regarding finances and employment
- Reference letters from at least three individuals, at least two of whom are nonrelatives
- Results of background checks with DCYF and clearance checks regarding State and Federal criminal records, without disclosing the nature of the disqualifying information, conducted on the prospective adoptive parents and any household member age 18 and older
- Information related to the prospective adoptive parent's willingness and ability to accept and cooperate with adoption support services, including their level of understanding regarding openness with the birth family
- Information related to the match between prospective adoptive parents and the child, including attitudes and capabilities of prospective adoptive parents and the child's characteristics and background

### **Grounds for Withholding Approval**

**Citation: Gen. Laws § 15-7-11; Code of Rules § 214-40-00-5**

The director of DCYF will determine by rules and regulations those items of information appearing on a criminal-records check that constitute disqualifying information because that information would indicate the prospective adoptive parent could endanger the health or welfare of a child. Upon the discovery of any disqualifying information with respect to a proposed prospective adoptive parent, the director shall inform the agency that disqualifying information has been discovered, without disclosing the nature of the disqualifying information.

*In regulation:* The agency shall deny approval of an adoption application if any of the following apply to the applicant:

- Has been convicted of, or is serving an active probationary sentence for, a disqualifying criminal offense
- Falsifies or omits facts on an application form or during an adoptive home study
- Impedes an adoptive study
- Has a documented history of substantiated child abuse or neglect
- Has a past or current history of agency or departmental intervention deemed detrimental to the care of a child
- Has a documented history of chemical- or alcohol-related problems
- Would not provide satisfactory parenting for a child

#### **When Studies Must Be Completed**

**Citation:** Gen. Laws § 15-7-11

The report of the investigation shall be submitted within 60 days.

#### **Postplacement Study Requirements**

**Citation:** Code of Rules § 214-40-00-5

The social service worker shall visit the adoptive family at least twice after the placement of a child and prior to the final decree. A summary of the observations made during the visits shall be recorded and used in making final recommendations as to the finalization of the adoption.

#### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Gen. Laws § 15-7-11

Provisions of this section requiring a home study may, in the discretion of the court, be waived in the case of a petition for the adoption of a child where the child is the natural child of one of the parties petitioning for the adoption and resides with the petitioning parties.

#### **Requirements for Interjurisdictional Placements**

**Citation:** Gen. Laws § 40-15-1

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

#### **Foster to Adopt Placements**

**Citation:** Gen. Laws § 42-72-5.1

The foster parents of a child who have had the physical custody of the child for a period of 2 years or more may petition the family court for the adoption of the child. The court shall give notice of the petition to the natural parents and, after a hearing thereon, the court may grant the petition, if it finds that the following apply:

- DCYF has made every effort to involve the natural parents in planning for the child.
- The natural parents did not exercise reasonable visitation rights with the child.
- Termination of the rights of the natural parents and adoption by the foster parents is in the best interests of the child.

## Links to Resources

[Policy Manual 2020](#) (select 'Adoption' from the menu) (Rhode Island Department of Children, Youth and Families)

[State regulations](#)

## SOUTH CAROLINA

*Current Through August 2020*

### Who Must Be Studied

**Citation: Ann. Code § 63-9-520; Code of Regs. § 114-4980**

An investigation must be made of the prospective adoptive parent(s).

*In regulation:* Each member of the household must be included in the adoption study.

### Agency or Person Conducting the Study

**Citation: Code of Regs. § 114-4980**

The child-placing agency shall conduct the adoptive study.

### Qualifications for Adoptive Parents

**Citation: Ann. Code § 63-9-60**

Any South Carolina resident may petition the court to adopt a child. Any nonresident of South Carolina may petition the court to adopt a child in the following circumstances only:

- The child is a special needs child.
- The child is to be placed for adoption with a relative related biologically or by marriage.
- At least one of the adoptive parents is in the military service stationed in South Carolina.
- There are unusual or exceptional circumstances such that the best interests of the child would be served by placement with or adoption by nonresidents of this State.
- The child has been in foster care for at least 6 months after having been legally freed for adoption, and no South Carolina resident has been identified as a prospective adoptive home.
- All persons required to give consent to the adoption have specifically consented to the adoption by the nonresident.
- The Department of Social Services or any agency under contract with the department has placed the child with the nonresident for purposes of adoption.

### Elements of a Home Study

**Citation: Ann. Code § 63-9-520; Code of Regs. § 114-4980**

Preplacement investigations must answer all the following:

- Whether the home of the prospective adoptive parents is suitable
- How the emotional maturity, finances, health, relationships, and any other relevant characteristics of the prospective adoptive parents affect their ability to provide a child with an adequate environment
- Whether a prospective parent has ever been involved in any proceeding concerning allegedly neglected, abandoned, abused, or delinquent children
- Whether the prospective parent has completed a course or counseling in preparation for adoption
- Whether the prospective parent is approved for placement of a child for the purposes of adoption

*In regulation:* The child-placing agency should include in any home study at least two face-to-face interviews. Separate face-to-face interviews with each member of the household must be conducted.

The child-placing agency also shall study the following areas:

- Motivation for adoption
- Strengths and weaknesses of each household member
- Attitudes and feelings of the family toward accepting adoptive children
- The applicant's plan for discussing adoption with the child
- Record of arrests and criminal convictions and checks with the child abuse central registry
- Adjustment of birth children, foster children, or previously adopted children
- A report of a physical examination for household members within 6 months of the study that verifies that each person suffers no communicable disease, specific illness, or disabilities that would interfere with the family's ability to parent a child
- Ability to provide financially for the adoptee with or without agency financial assistance through an adoption subsidy
- Personal and community character references
- Religious orientation, if any
- Location and physical environment of the home
- Plan for child care, if the parent(s) work

#### **Grounds for Withholding Approval**

**Citation: Code of Regs. § 114-4980**

The child-placing agency shall notify applicant(s) in writing within 30 days of completion of the adoption investigation of the acceptance or denial of their application. When applicant(s) are not accepted, the child-placing agency shall inform them of the reasons why the application is denied.

#### **When Studies Must Be Completed**

**Citation: Ann. Code § 63-9-520**

Before the placement of any child by any agency or by any person with a prospective adoptive parent, a preplacement investigation, a background investigation, and reports of these investigations must be completed.

If the waiting period for an adoptive placement exceeds 1 year from the date the preplacement investigation report is completed, the report must be updated before the placement of a child to determine any change in circumstances.

#### **Postplacement Study Requirements**

**Citation: Ann. Code § 63-9-520; Code of Regs. § 114-4980**

A postplacement investigation and report of this investigation must be completed after the filing of the adoption petition. Copies of this report must be provided to the adoption petitioner and must be filed with the court at the final hearing on the adoption. A postplacement investigation and report of this investigation must achieve the following:

- Answer all the following:
  - The race, sex, and age of the adoptee and whether the child is a suitable child for adoption by the prospective adoptive parent
  - The reason for the adoptee's placement away from the biological parents
  - Whether the adoptee, if of appropriate age and mental capacity, desires to be adopted

- Review and, where indicated, investigate the allegations of the adoption petition and its attachments and of the accounting of disbursements required under § 63-9-740
- Evaluate the progress of the placement of the adoptee
- Determine whether adoption by the petitioner is in the best interests of the adoptee

*In regulation:* The caseworker shall be in contact with the adoptive family at least monthly after the placement of a child prior to the final decree. Information obtained from the contact shall be used in making recommendations for the finalization of the adoption.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation: Ann. Code § 63-9-1110**

Any person may adopt his or her spouse's child, and any person may adopt a child to whom he or she is related by blood or marriage. In the adoption of these children, the following provisions apply:

- No investigation or report is required, unless otherwise directed by the court.
- No accounting by the petitioner of all disbursements is required unless the accounting is ordered by the court.
- Upon good cause shown, the court may waive the requirement that the final hearing must not be held before 90 days after the filing of the adoption petition.
- Upon good cause shown, the court may waive the requirement of the appointment of independent counsel for an indigent parent.
- Upon good cause shown, the court may waive the requirement that the adoption proceeding must be finalized in this State.

### **Requirements for Interjurisdictional Placements**

**Citation: Ann. Code §§ 63-9-60; 63-9-2200**

Before a child is placed within or outside the boundaries of this State for adoption with nonresidents of this State, compliance with the Interstate Compact on the Placement of Children (ICPC) is required, and a judicial determination must be made in this State that one of the circumstances in § 63-9-60(B)(1)(a)-(g) applies, whether or not the adoption proceedings are instituted in this State.

Neither the department nor its contractors may delay or deny the placement of a child for adoption by a nonresident if that nonresident has been approved for adoption of the child by another State authorized to approve such placements pursuant to the ICPC. The department shall provide an opportunity for a hearing, in accordance with the department's fair hearing procedures, to a nonresident who believes that the department, in violation of this section, has delayed or denied placement of a child for adoption.

Any out-of-home placement of a child outside the State is subject to the provisions of the ICPC. The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Foster to Adopt Placements**

**Citation: Code of Regs. § 114-550**

Foster parents may apply to adopt a foster child. Foster families who have been approved for adoption will be given first consideration for the adoption of a foster child under the following conditions:

- The child has been in the same foster home for a consecutive 6 months or more.
- The child is legally free for adoption.
- Placement for adoption with the foster family is deemed to be in the best interests of the child by the department or the child-placing agency.



## Links to Resources

[Adoption](#) [webpage] (South Carolina Department of Social Services)

[State regulations](#)

## SOUTH DAKOTA

*Current Through August 2020*

### Who Must Be Studied

**Citation: Admin. Code § 67:14:32:05.03**

The study shall include the applicants and family and other household members who are at least age 10.

### Agency or Person Conducting the Study

**Citation: Ann. Stat. § 25-6-9.1**

The home study shall be completed by a licensed child-placing agency, the Department of Social Services (DSS), or a certified social worker eligible to engage in private independent practice.

### Qualifications for Adoptive Parents

**Citation: Admin. Code § 67:14:32:08**

The general qualifications for an adoptive applicant are as follows:

- The applicant is at least age 21 and resides in South Dakota. Verification of age is required.
- No member of the applicant's household age 10 or older, other than a child placed in the home for foster care, has on record a substantiated report of child abuse or neglect.
- No member of the applicant's household has had a conviction for any of the crimes specified in § 67:14:32:05.05.
- The applicant is capable of providing good care for children.
- The applicant has income to meet the needs of the applicant's existing family and to support, care, and educate an adopted child.
- The applicant's children, if any, are willing to accept an adopted child as a member of the family.
- The applicant's family composition, needs, and relationships may not adversely affect an adopted child.
- The applicant has the ability to parent a child, including a basic understanding of the child's physical and mental or emotional development and the ability to fulfill the child's needs. An applicant must have the ability to offer continuing care and guidance to a child throughout the stages of the child's development in a manner consistent with the social and cultural heritage norms of the child. The applicant must be able to continue meeting the needs of the applicant's own children, if any. The applicant must display the capacity to provide good care for children.

DSS may require a psychological evaluation and the submission of medical records if questions arise during the application process regarding the applicant's emotional stability or the emotional stability of another household member.

### Elements of a Home Study

**Citation: Ann. Stat. § 25-6-9.1; Admin. Code §§ 67:14:32:05.03; :09; :11.01**

A home study shall include a fingerprint-based criminal record check completed by the Division of Criminal Investigation and a central registry screening completed by DSS. In addition, no child who is in the custody of DSS may be placed in a home for adoption until a fingerprint-based criminal record check has been completed by the Federal Bureau of Investigation for each adopting parent.

*In regulation:* DSS shall screen an applicant and family and other household members who are at least age 10 to determine if the individual has been involved in any substantiated incidents of child abuse or neglect. The individual may not have a substantiated report of child abuse or neglect.

A physical examination is required for each applicant. A physical examination completed within the 12 months preceding the application is acceptable. The applicant shall also present evidence to DSS that each household member under age 18 meets the immunization requirements of the Department of Health. The minimum immunization requirements for a child age 4 months through 6 years include diphtheria, tetanus, and acellular pertussis (DTaP); poliovirus; measles, mumps, and rubella (MMR); and varicella. The minimum immunization requirements for a child age 7 through 18 include tetanus, diphtheria, and acellular pertussis (Tdap) and meningococcal ACYW (MCV4).

An adoptive study includes an evaluation of the applicant based on references, personal interviews, screenings against the central registry for abuse or neglect, a criminal record check, information obtained from at least three character references, and home consultations.

### **Grounds for Withholding Approval**

**Citation:** Admin. Code §§ 67:14:32:05.05; 67:14:32:10

DSS shall deny an application and shall notify the applicant of the denial if the criminal record check detects a conviction for any of the following:

- A crime that would indicate harmful behavior toward children
- A crime of violence
- A sex crime
- Within the preceding 5 years, a conviction for any other felony

DSS may deny an adoption application based on its evaluation, substantiated by facts, showing that the applicant does not meet the requirements of this chapter. Within 120 days after application, DSS shall notify the applicant in writing of the application status. If the application is denied, DSS shall inform the applicant of the reasons for the denial.

### **When Studies Must Be Completed**

**Citation:** Ann. Stat. § 25-6-9.1; Admin. Code § 67:14:32:11.01

No person may place a child in a home for adoption until a home study has been completed.

*In regulation:* An adoptive study may not be used if more than 3 years have elapsed between the date the study was completed and the date of placement.

### **Postplacement Study Requirements**

**Citation:** Ann. Stat. § 25-6-11; Admin. Code §§ 67:14:11:01; :02; :03

For a child in the custody of DSS, the petitioner shall notify DSS when the adoption petition has been filed with the court. DSS shall make a recommendation as to the desirability of the adoption.

*In regulation:* Upon receipt of a copy of the adoption petition, DSS shall conduct an investigation as to the desirability for the adoption. The investigation shall include the following:

- Personal interviews with the petitioners, the child who is older than age 6, the natural parents or the legal guardian, if parental rights have been terminated
- Inspection of information from DSS case records
- Inspection of information obtained from medical, financial, or other references
- Inspection of information provided by other social agencies

Following the investigation, DSS shall submit its recommendations to the judge of the court in which the adoption petition was filed. The recommendation shall be in writing and shall be signed by the secretary of DSS or a designee. DSS' recommendations as to the desirability of adoption shall be based on investigations of the adoptive parents, the natural parents, and the adoptee.

#### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Ann. Stat. § 25-6-10

In the case of a stepparent adopting a stepchild, an investigation is not required unless ordered by the court.

#### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Stat. § 26-13-1; Admin. Code § 67:14:24:09.01

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

*In regulation:* A study and evaluation of an out-of-State placement facility shall be made by an agency licensed or authorized for child placement. The study and evaluation shall be based on the other State's child placement standards and shall be submitted by the out-of-State agency to DSS prior to placement of a child.

#### **Foster to Adopt Placements**

**Citation:** Admin. Code § 67:42:05:01

A 'fost/adopt' family is an approved adoptive home that has agreed to accept the placement of a child who is not yet legally free for adoption. The family is committed, as is the placing agency, to make the placement permanent when legal termination of parental rights is completed.

#### **Links to Resources**

[State regulations](#)

### **TENNESSEE**

*Current Through August 2020*

#### **Who Must Be Studied**

**Citation:** Rules & Regs. R. 0250-4-9-.09

The agency shall make a thorough study of the applicants before the home is approved.

#### **Agency or Person Conducting the Study**

**Citation:** Ann. Code § 36-1-116

The study may be conducted by a licensed child-placing agency, a licensed clinical social worker, or the Department of Children's Services if the parents are indigent under Federal poverty guidelines.

### **Qualifications for Adoptive Parents**

**Citation:** Ann. Code § 36-1-115

Any person older than age 18 may petition to adopt a child. The petitioners must have physical custody or must demonstrate to the court that they have the right to receive custody of the child.

The petitioner shall live and maintain their regular place of abode in this State when the adoption petition is filed. Nonresidents may also file a petition to adopt a child in this State if they file such petition in the county where a court granted the nonresidents partial or complete guardianship of the child.

If the petitioner is an active duty service member in the U.S. military, the service member and any copetitioner with the service member may file a petition for adoption in this State without actual residency in this State if the service member has lived or maintained a regular place of abode within this State for 6 consecutive months immediately prior to entering military service or if this State is the service member's State of legal residence as identified to the U.S. military.

### **Elements of a Home Study**

**Citation:** Rules & Regs. R. 0250-4-9-.09

The adoptive home study shall be based on consideration of the following points:

- Information obtained through interviews with all members of the family living in the home
- At least one visit to the home
- The applicants' motivation to adopt a child
- The applicants' ability to provide for the child
- Information obtained through contacts with references that shall include members of the extended family as well as individuals who are not related to the applicants
- The character, values, and ethical standards of the applicants
- The physical and mental health of the applicants
- Health and fire safety conditions within the home

The agency shall ascertain that the applicants have reasonably good health and average life expectancy so that the security of having parents is unlikely to be cut short before the child matures. Except for the placement of special needs children, the agency shall require that the cause of childlessness be evaluated by a physician. This medical evaluation shall be included in the agency assessment of the motivation to adopt a child.

The adoptive home study shall include the caseworkers' evaluation of the applicants' suitability as adoptive parents and recommendations as to approval of the home. The home study shall also include a face sheet, study references, health examinations, and verification of marital status.

### **Grounds for Withholding Approval**

**Citation:** Rules & Regs. R. 0250-4-9-.09

When the adoptive home study is completed, the applicants shall be informed in writing as to the disposition of their application.

### **When Studies Must Be Completed**

**Citation:** Ann. Code § 36-1-116; Rules & Regs. R. 0250-4-9-.09

Prior to filing a petition for the adoption, the prospective adoptive parents shall request a home study or a preliminary home study concerning the suitability of their home and themselves as adoptive parents. To be valid, the home study must have been completed or updated within 1 year prior to filing of the petition. The preliminary home study must have been completed within 30 days prior to the filing of the petition.

Upon filing the adoption petition, the prospective adoptive parents shall notify the court if they have requested a home study or preliminary home study and shall file or cause to be filed a copy of the court report based upon the home study or preliminary home study with the court.

*In regulation:* For a public agency adoption, the adoptive home study shall be completed before the placement of a child in the home.

### **Postplacement Study Requirements**

**Citation:** Ann. Code § 36-1-116; Rules & Regs. R. 0250-4-9-.09

The court shall order a licensed child-placing agency, licensed clinical social worker, or the department if the parents are indigent under Federal poverty guidelines or if the child was placed with the prospective adoptive parents by the department, to provide supervision for the child who is in the home of prospective adoptive parents and to make any necessary reports that the court should have concerning the welfare of the child pending entry of the final order in the case.

*In regulation:* After placement, the caseworker shall visit in the home at least quarterly until the adoption is finalized.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Ann. Code §§ 36-1-115; 36-1-116

The requirement for State residency for a period of 6 months shall not apply when the petitioner is seeking to adopt a child who is related as long as the petitioner is an actual resident of the State at the time the petition is filed.

The court may waive the requirement for a home study and postplacement supervision when the child is to be adopted by related persons.

### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Code §§ 36-1-116; 37-4-201

The petition to adopt must indicate whether the child was brought into Tennessee for adoption and, if so, that there has been full compliance with the Interstate Compact on the Placement of Children (ICPC) or, if compliance has not occurred, a statement alleging good cause for such noncompliance.

Any out-of-home placement of a child outside the State is subject to the provisions of the ICPC. The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Foster to Adopt Placements**

**Citation:** Ann. Code § 36-1-115

When a child is placed in a foster home and becomes available for adoption due to the termination or surrender of all parental or guardianship rights to the child, those foster parents shall be given first preference to adopt the child if the child has resided in the foster home for 12 or more consecutive months immediately preceding the filing of an adoption petition.

In becoming adoptive parents, the foster parents shall meet all requirements otherwise imposed on persons seeking to adopt children in the custody of the department and shall be subject to all other provisions of this part.

## Links to Resources

[Adoption Best Practices Manual](#) (Tennessee Department of Children's Services)

[State regulations](#)

## TEXAS

*Current Through August 2020*

### Who Must Be Studied

**Citation:** Admin. Code Tit. 40, § 745.9057

The applicants, their families, and any persons, including children, residing in the applicants' home shall be included in the study.

### Agency or Person Conducting the Study

**Citation:** Fam. Code §§ 107.152; 107.153; 107.154

The court may appoint the Department of Family and Protective Services to conduct the adoption evaluation only if the department is the managing conservator of the child who is the subject of the adoption petition. Otherwise, the court may appoint a qualified individual, a qualified private entity, or a domestic relations office to conduct the adoption evaluation.

To be qualified to conduct an adoption evaluation, a person must meet the following requirements:

- Have a degree from an accredited college or university in a human services field of study and a license to practice in this State as a social worker, professional counselor, marriage and family therapist, or psychologist and have either of the following qualifications:
  - Have 1 year of full-time experience working at a child-placing agency conducting child-placing activities
  - Be practicing under the direct supervision of a person qualified to conduct adoption evaluations
- Be employed by a domestic relations office, provided that the person conducts adoption evaluations relating only to families ordered to participate in adoption evaluations conducted by the domestic relations office
- Be qualified as a child custody evaluator under § 107.104

In addition to the other qualifications prescribed above, an individual must complete at least 8 hours of family violence dynamics training provided by a family violence service provider to be qualified to conduct an adoption evaluation under this subchapter.

### Qualifications for Adoptive Parents

**Citation:** Admin. Code Tit. 40, § 745.9057

All adoptive applicants must meet the following qualifications:

- Be age 21 or older
- Be financially able to provide for their family and the adoptee
- Be healthy enough to assume parenting responsibilities
- Be able to accept and parent an adopted child
- Be willing to respect and encourage the adoptee's religious affiliation, if any

## **Elements of a Home Study**

**Citation:** Admin. Code Tit. 40, §§ 735.307; 735.311; 735.313; 735.325

The preplacement evaluation must include at least the following:

- Individual interviews with each adoptive parent, each child age 4 or older who is living in the home, and any other person who is living in the home
- Joint interviews with the adoptive parents and family members who are living in the home
- Interviews with the following individuals:
  - Every adult child or minor child age 12 or older of each adoptive parent not living in the home
  - A family member not living in the home
  - Neighbors, school personnel, clergy, or any community member unrelated to the adoptive parents

The evaluator must visit the home at least once. All members of the household must be present for the visit.

The evaluator must determine the following concerning the adoptive home:

- Whether there any potential safety or health issues
- Whether the home is clean, safe, and free of obvious fire and other hazards
- Whether the home is equipped with smoke detectors
- Whether the home has sufficient space to accommodate the members of the household and the adoptive child

The report must contain the following:

- Results of State and Federal criminal background checks and central registry check and an assessment of whether the results should bar placement of the child with the adoptive parents
- Assessments of the adoptive parents and their family's interaction with each other and the relationship between the child and each adoptive parent, if a relationship currently exists
- An assessment of the child's physical, intellectual, social, and psychological functioning
- An assessment of basic care and safety issues, including the safety of the physical environment of the adoptive home
- An assessment of the adoptive parents' individual strengths and weaknesses
- Conclusions and recommendations to the court as to whether the adoptive parents' home will meet the child's needs

## **Grounds for Withholding Approval**

**Citation:** Admin. Code Tit. 40, §§ 745.661; 745.669; 745.671

Approval may be denied if the person has committed any of the misdemeanor or felony offenses listed on the chart [Foster or Adoptive Homes: Criminal History Requirements](#), including the following:

- Offenses against the person or family, including the following:
  - Murder or manslaughter
  - Trafficking of persons
  - Severe sexual abuse of a minor
  - Family violence
  - Unregulated custody transfer of an adopted child
- Indecency with a child
- Stalking
- Criminal solicitation of a minor



- Any offense committed in the past 5 years, including the following:
  - Those under the Texas Controlled Substances Act
  - Intoxication and alcoholic beverage offenses
- Any other felony under the Texas Penal Code or similar offense under the law of another State or Federal law committed within the past 10 years
- Deferred adjudications covering an offense listed above if the person has not completed probation successfully

An applicant will not be approved if he or she is required to register as a sex offender in Texas or any other State or territory.

Approval also may be denied if a check of the child abuse central registry reveals that the person has any sustained finding of child sexual abuse, labor trafficking, sex trafficking, physical abuse, emotional abuse, physical neglect, neglectful supervision, or medical neglect.

### **When Studies Must Be Completed**

**Citation: Admin. Code Tit. 40, §§ 735.301; 735.319**

The preplacement portion of an adoption evaluation is usually conducted before the child begins living in the home of the adoptive parents. If the child that does not begin living with the adoptive parents within 6 months after the completion of the preplacement evaluation, the evaluation must be updated within 30 days before the child begins living in the home.

### **Postplacement Study Requirements**

**Citation: Admin. Code Tit. 40, §§ 735.401; 735.403; 735.405; 735.409; 735.411**

The evaluator must conduct interviews for the postplacement evaluation after the child has resided in the adoptive parents' home for at least 5 months, unless otherwise directed by the court. The interviews must include at least one of the following:

- An individual interview with each adoptive parent; each child age 4 or older living full- or part-time in the home, including the child placed for adoption; or any other person living full- or part-time in the home
- A joint interview with the adoptive parents
- A family group interview with family members living in the home

Each interview must focus on the adjustment of the family and the adoptive child. In addition, the evaluator must visit the home at least once. All members of the household, including the child, must be present for at least one home visit.

The postplacement evaluation report must contain the following:

- Any previously incomplete report regarding the adoptive parents and the child that was required for the preplacement evaluation, including any updates relating to the following:
  - The child's current physical, mental, and emotional status, including any special needs
  - The child's legal status
  - Any new information regarding the adoptive parents
- A summary of the adjustment of the adoptive parents, other family members, other persons living in the home, and the child during the last 5 to 6 months
- An assessment of how the adoptive parents have responded to any special needs of the child
- An updated assessment of basic care and safety issues, including the physical safety of the environment of the adoptive home and how the child has responded to living in the adoptive home
- An updated assessment of the adoptive parents' individual strengths and weaknesses
- Conclusions and recommendations to the court as to whether the adoption should be finalized

### **Exceptions for Stepparent or Relative Adoptions**

This issue is not addressed in the statutes and regulations reviewed.

### **Requirements for Interjurisdictional Placements**

**Citation: Fam. Code § 162.102**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

### **Links to Resources**

[State regulations, title 40, chapter 735](#)

[State regulations, title 40, § 745.9057\(a\)](#)

[State regulations, title 40, § 745.671\(a\)](#)

## **UTAH**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation: Ann. Code § 78B-6-128**

Each prospective adoptive parent and any other adult living in the home shall be included in the study.

### **Agency or Person Conducting the Study**

**Citation: Ann. Code § 78B-6-128**

The preplacement evaluation may be conducted by any of the following:

- An expert in family relations approved by the court
- A certified social worker
- A clinical social worker
- A marriage and family therapist
- A psychologist
- A social service worker, if supervised by a certified or clinical social worker
- A clinical mental health counselor
- An Office of Licensing employee within the Department of Human Services who is trained to perform a home study
- The department or a child-placing agency that has entered into a contract with the department for a child with special needs who is in the custody of any public child welfare agency

## **Qualifications for Adoptive Parents**

**Citation:** Ann. Stat. §§ 78B-6-117; 78B-6-118; Admin. Code R512-41-3

A child may be adopted by adults who are legally married to each other, including adoption by a stepparent. A child may not be adopted by a person who is cohabiting in a relationship that is not a legally valid and binding marriage under the laws of this State, unless the individual is a relative of the child or a recognized placement under the Indian Child Welfare Act, 25 U.S.C. § 1901, et seq.

When a child in the custody of the Division of Child and Family Services is placed for adoption, the child shall be placed with a married couple unless the following apply:

- There are no qualified married couples who have applied to adopt a child, are willing to adopt the child, and are an appropriate placement for the child.
- The child is placed with a relative.
- The child is placed with a person who has already developed a substantial relationship with the child.
- The child is placed with a person who was selected by a parent or former parent of the child.
- It is in the best interests of the child to place the child with a single person.

A person adopting a child must be at least 10 years older than the child adopted. If the petitioners are a married couple, only one of them need be at least 10 years older than the child.

*In regulation:* Prospective adoptive parents who apply to adopt a child in the custody of division, including kin or division employees, must meet the following requirements:

- Complete the adoption training program approved by the division
- Be assessed and approved as adoptive parents following completion of a home study by a licensed child-placing agency or by the division
- Obtain a foster care license issued by the Office of Licensing within the Department of Human Services, meet the same standards, or receive a written waiver from the division standard
- Receive a determination by the division that no conflict of interest exists in the adoption process

## **Elements of a Home Study**

**Citation:** Ann. Code § 78B-6-128; Admin. Code R512-40-5

The preplacement evaluation shall include the following:

- A fingerprint-based State and national criminal history records check
- A report containing all information regarding reports and investigations of child abuse, neglect, and dependency for each State the person has lived in for the previous 5 years

The home study shall include the following:

- A recommendation to the court regarding the suitability of the prospective adoptive parent for placement of a child
- A description of in-person interviews with the prospective adoptive parent, the parent's children, and other individuals living in the home
- A description of character and suitability references from at least two individuals who are not related to the prospective adoptive parent and with at least one individual who is related to the prospective adoptive parent
- A medical history, based upon a doctor's physical examination of the prospective adoptive parent, made within 2 years before the date of the application
- A description of an inspection of the home to determine whether sufficient space and facilities exist to meet the needs of the child and whether basic health and safety standards are maintained

*In regulation:* The home study assessment also will include the following:

- Psychosocial information gathered from the prospective adoptive parent and family members
- Home visits and interviews to assess the prospective adoptive parent in the following areas:
  - Marriage, relationship, and personal stability
  - Ability to manage stress
  - Capacity to parent a child who has experienced trauma and who may have other special needs
  - How any children living in the home will be affected
- Verification of sufficient income to provide for a child's needs

### **Grounds for Withholding Approval**

**Citation:** Ann. Code §§ 78-6-117; 62A-2-120

An adult may not adopt a child if, before adoption is finalized, the adult has been convicted of, pleaded guilty to, or pleaded no contest to a felony or attempted felony involving conduct that constitutes any of the following:

- Child abuse or child abuse homicide
- Child kidnapping or human trafficking of a child
- Sexual abuse, aggravated sexual abuse, or sexual exploitation of a minor

The office shall not approve a prospective adoptive parent if the applicant has been convicted of a felony involving any of the following:

- Child abuse, domestic violence committed in the presence of a child, abuse or neglect of a child with a disability, or endangerment of a child or vulnerable adult
- Aggravated murder, murder, manslaughter, child abuse homicide, or homicide by assault
- Kidnapping, child kidnapping, or aggravated kidnapping
- Human trafficking of a child
- Any sexual offense described in title 76, chapter 5, part 4
- Sexual exploitation of a minor
- Aggravated arson, aggravated burglary, or aggravated robbery
- Domestic violence
- An offense committed outside the State that, if committed in the State, would constitute a violation of an offense described above

The office shall deny approval of a prospective adoptive parent if, within the immediately preceding 5 years, the applicant was convicted of any of the following:

- Aggravated assault, aggravated assault by a prisoner, or mayhem
- A drug-related offense

In addition, the office shall conduct the comprehensive review of an applicant's background check if the child abuse registry check indicates that the individual is listed in a child abuse and neglect registry of another State as having a substantiated or supported finding of a severe type of child abuse or neglect.

### **When Studies Must Be Completed**

**Citation:** Ann. Code § 78B-6-128; Admin. Code R512-40-3

A child may not be placed in an adoptive home until a preplacement adoptive evaluation assessing the prospective adoptive parent and the prospective adoptive home has been conducted in accordance with the requirements of this section.

The preplacement evaluation shall be completed or updated within the 12-month period immediately preceding the placement of a child with the prospective adoptive parent.

*In regulation:* A record of the approved home study shall be maintained in the division's management information system. Any significant changes in the family's situation shall be documented by revisions or additions on an annual basis in the adoptive study, including revised medical reports, if needed.

At the end of a family's third year as an approved prospective adoptive home, the division shall notify the family that their home study will be closed unless the family reapplies for a new home study to be completed.

### **Postplacement Study Requirements**

**Citation:** Ann. Code § 78B-6-129

A postplacement evaluation shall be conducted and submitted to the court prior to the final hearing in an adoption proceeding. The postplacement evaluation shall include the following:

- Verification of the allegations of fact contained in the adoption petition
- An evaluation of the progress of the child's placement in the adoptive home
- A recommendation regarding whether the adoption is in the best interests of the child

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Ann. Code §§ 78B-6-128; 78B-6-129

Preplacement and postplacement evaluations are not required if a preexisting parent has legal custody of the adoptee and the prospective adoptive parent is related to that child or the preexisting parent as a stepparent, sibling, grandparent, aunt, uncle, or first cousin unless the court otherwise requests the preplacement evaluation. The prospective adoptive parent shall obtain criminal history record information and a report containing all information regarding reports and investigations of child abuse, neglect, and dependency and file that documentation with the court prior to finalization of the adoption.

### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Code §§ 62A-4a-701; 62A-4a-710

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The State of Utah may request a home study report from another State or an Indian Tribe for purposes of assessing

the safety and suitability of placing a child in a home outside of the jurisdiction of the State of Utah.

The State of Utah may not impose any restriction on the ability of a State agency administering, or supervising the administration of, a State program operated under a State plan approved under 42 U.S.C. § 671 to contract with a private agency to conduct a home study.

When the State of Utah receives a home study report, the home study report shall be considered to meet all requirements imposed by the State of Utah for completion of a home study before a child is placed in a home, unless, within 14 days after the day on which the report is received, the State of Utah determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child.

## **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

## **Links to Resources**

[Utah Guide to Adopting Children Who Live in Foster Care: A Handbook for Prospective Adoptive Parents](#) (Utah Department of Human Services, Division of Child and Family Services)

[State regulations](#)

## **VERMONT**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Code of Rules § 13-162-005

The study must include all family members.

### **Agency or Person Conducting the Study**

**Citation:** Ann. Stat. Tit. 15A, § 2-202

A preplacement evaluation may be prepared only by a person who is qualified by the Department for Children and Families to make the evaluation or who meets the qualifications of an evaluator and is appointed by the court.

### **Qualifications for Adoptive Parents**

**Citation:** Code of Rules § 13-162-005

The prospective adoptive family must be able to meet the child's needs.

### **Elements of a Home Study**

**Citation:** Ann. Stat. Tit. 15A, § 2-203

A preplacement evaluation shall be based upon a personal interview and visit at the residence of the person being evaluated and personal interviews or correspondence with others who know the person and may have information relevant to the evaluation.

A preplacement evaluation shall contain the following information:

- Age, nationality, racial or ethnic background, and any religious affiliation
- Marital status and family history, including the age and location of any children and the identity of and relationship to anyone else living in the household
- Parenting experience
- Physical and mental health and any history of alcohol or drug abuse
- Education and employment history
- Property, income, and outstanding financial obligations
- Any previous requests for an evaluation or involvement in an adoptive placement and the outcome of the evaluation or placement
- Whether the person has been subject to an abuse prevention order, charged with or convicted of domestic assault, the subject of a substantiated complaint filed with the department, or subject to a court order restricting the person's right to parental rights and responsibilities or parent-child contact with a child

- Whether the person has been convicted of a crime other than a minor traffic violation
- Whether the person has located a parent interested in placing a child with the person for adoption and, if so, a brief description of the parent and the minor
- The reason for and attitude about adoption
- Whether the person is in noncompliance with a child support order
- Any other fact or circumstance that may be relevant in determining whether the person is suited to be an adoptive parent, including the quality of the environment in the home and the functioning of other children in the household

The applicant shall submit to fingerprinting and sign a release permitting a criminal background check.

### **Grounds for Withholding Approval**

**Citation:** Ann. Stat. Tit. 15A, § 2-204

If an evaluator determines that the information assessed raises a concern that placement of any minor, or a particular minor, in the home of the person would pose a risk of harm to the physical or psychological well-being of the minor, the evaluator, on the basis of the original or any further investigation, shall find that the person is or is not suited to be an adoptive parent. The evaluator shall support the finding with a written explanation.

### **When Studies Must Be Completed**

**Citation:** Ann. Stat. Tit. 15A, § 2-201

Except for placements with a relative or a stepparent, a person must have a favorable written preplacement evaluation before receiving a child for adoption. An evaluation is valid if it was completed or updated within the 12 months preceding the placement of the child with the person.

### **Postplacement Study Requirements**

**Citation:** Ann. Stat. Tit. 15A, §§ 3-601; 3-602; 3-603

No later than 5 business days after an adoption petition is filed, the court shall order that an evaluation be made of the placement. The evaluation shall be based on a personal interview with the petitioner in his or her residence and observation of the relationship between the adoptee and the petitioner.

The evaluation shall be in writing and contain the following:

- An account of any change in the petitioner's marital status or family history, physical or mental health, home environment, property, income, or financial obligations since the filing of the preplacement evaluation
- All reasonably available information concerning the physical, mental, and emotional condition of the adoptee that is not included in any report on the minor's health, genetic, and social history filed in the proceeding for adoption
- Copies of any court order, judgment, decree, or pending legal proceeding affecting the adoptee, the petitioner, or any child of the petitioner
- Any behavior or characteristics of the petitioner that raise a concern
- A recommendation concerning the granting of the petition for adoption

The evaluator shall complete a written evaluation and file it with the court within 60 days after receipt of the court's order unless the court for good cause allows a later filing. If an evaluation produces a concern, the evaluation shall be filed immediately and shall explain why the concern poses a risk of harm to the physical or psychological well-being of the child.



### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Ann. Stat. Tit. 15A, §§ 2-201; 4-110

A preplacement evaluation is not required if a parent or guardian places a child for adoption directly with a relative of the child, but an evaluation of the relative is required during the pendency of a proceeding for adoption.

After a petition for adoption of a minor stepchild is filed, the court may order that an evaluation be made by a qualified evaluator to assist the court in determining whether the proposed adoption is in the best interests of the child. Unless otherwise directed by the court, an evaluator shall base the evaluation on a personal interview with the petitioner and the petitioner's spouse in the petitioner's residence, observation of the relationship between the child and the petitioner, and personal interviews with others who know the petitioner and may have information relevant to the examination.

An evaluation shall be in writing and contain the following:

- The information required by § 2-203(d) and (e) concerning any background of criminal conviction and/or child maltreatment
- The information required by § 3-602(b)(2) through (5), including the child's health and social history

If the court does not order an evaluation, the preference of the minor who is younger than age 14 shall be taken into consideration, if the minor is mature enough to express a preference.

Whether or not an evaluation is ordered, the court shall obtain the petitioner's background information, as required by § 2-203(d)(7)-(9).

### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Stat. Tit. 15A, § 2-106

An adoption in this State of a minor brought into this State from another State by a prospective adoptive parent, or by a person who places the minor for adoption in this State, is governed by the laws of this State, including this title and the Interstate Compact on the Placement of Children.

### **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

### **Links to Resources**

[Licensing Regulations for Child-Placing Agencies in Vermont](#) (Vermont Department for Children and Families, Family Services Division)

## **VIRGIN ISLANDS**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Ann. Code Tit. 16, § 145

The adoption petitioner must be studied as to his or her suitability to adopt a child.

### **Agency or Person Conducting the Study**

**Citation: Ann. Code Tit. 16, § 145**

The commissioner of Public Welfare shall submit a report and recommendation with respect to the proposed adoption.

### **Qualifications for Adoptive Parents**

**Citation: Ann. Code Tit. 16, § 145**

The adoption petitioner must have sufficient ability and in all respects be a proper person to bring up the child and furnish suitable nurturing and education.

### **Elements of a Home Study**

This issue is not addressed in the statutes and regulations reviewed.

### **Grounds for Withholding Approval**

This issue is not addressed in the statutes and regulations reviewed.

### **When Studies Must Be Completed**

This issue is not addressed in the statutes and regulations reviewed.

### **Postplacement Study Requirements**

This issue is not addressed in the statutes and regulations reviewed.

### **Exceptions for Stepparent or Relative Adoptions**

This issue is not addressed in the statutes and regulations reviewed.

### **Requirements for Interjurisdictional Placements**

**Citation: Ann. Code Tit. 34, § 121**

Any out-of-home placement of a child to a State outside the Virgin Islands is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

### **Links to Resources**

[Court rules](#) (click on 4. Virgin Islands Rules of Family Division Procedure; see part G – Rules for Adoption Proceedings)

## **VIRGINIA**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation: Admin. Code Tit. 22, § 40-211-30**

The applicant and all members of the household shall be included in the home study.

### **Agency or Person Conducting the Study**

**Citation: Ann. Code § 63.2-1231**

The home study may be conducted by the agency social worker, family services specialist, or other qualified equivalent worker.

### **Qualifications for Adoptive Parents**

**Citation: Ann. Code § 63.2-1231; Admin. Code Tit. 22, §§ 40-211-20; 40-211-60; 40-211-70**

The prospective adoptive parents must be financially able, morally suitable, and in satisfactory physical and mental health to care for the child.

*In regulation:* All resource, foster, adoptive, and respite providers seeking approval from the local Department of Social Services shall be at least age 18. The applicant must complete the preservice training that is provided by the local department.

The applicant's home shall have sufficient appropriate space and furnishings for each child receiving care in the home. The home shall be heated in winter, dry, well-ventilated, and have adequate lighting. The home shall have a working telephone and an operable smoke detector.

Multiple children sharing a bedroom shall each have adequate space, including closet and storage space. Bedrooms shall have adequate square footage for each child to have personal space. Children over the age 2 shall not share a bed. Children over age 2 shall not share a bedroom with an adult unless the local department approves due to documented needs, disabilities, or other specified conditions. Children of any age cannot share a bed with an adult. Children of the opposite sex over age 3 shall not sleep in the same room.

The home and grounds shall be free from litter and debris and present no hazard to the safety of the child. The provider shall store any firearms and other weapons with the activated safety mechanisms in a locked closet or cabinet. Ammunition shall be stored in a separate and locked area. Providers shall ensure that household pets are not a health or safety hazard in accordance with State laws and local ordinances.

### **Elements of a Home Study**

**Citation: Ann. Code § 63.2-1721; Admin. Code Tit. 22, §§ 40-211-30; 40-211-40**

All applicants shall undergo background checks that include a criminal history record check and a search of the central registry maintained for any founded complaint of child abuse and neglect.

*In regulation:* The applicant and all other household members shall submit to a tuberculosis screening and submit the results of a physical examination administered within the last 13 months from a licensed health-care professional.

The local department shall conduct at least three face-to-face interviews with each applicant, with at least one in the applicant's home. If two individuals are listed as applicants, at least one interview must be with both individuals. At least one interview shall be with all individuals who reside in the home.

The local department shall obtain at least three references from persons who have knowledge of each applicant's character and experience with children. At least one reference per person shall be from a nonrelative.

The local department shall conduct a mutual family assessment (MFA). The MFA shall include the following:

- Demographic information, including age, marital status, and family history
- Financial information, including employment, assets, and debts
- Information from the interviews, references, and observations that shall be used to document that the applicant meets the following criteria:
  - Is physically and mentally capable of providing the necessary care for children
  - Can articulate a reasonable process for managing emergencies and ensuring the adequate care, safety, and protection of children
  - Expresses attitudes that demonstrate the capacity to love and nurture a child born to someone else
  - Expresses appropriate motivation to foster and adopt
  - Shows stability in all household relationships
  - Has the financial resources to provide for current and ongoing household needs

#### **Grounds for Withholding Approval**

**Citation:** Ann. Code §§ 63.2-1205.1; 63.2-1719

No petition for adoption shall be granted if the person seeking to adopt has been convicted of a sexually violent offense or an offense requiring registration as a sex offender.

In the case of adoptive homes approved by child-placing agencies, convictions for any crime that is defined as a barrier to approval shall include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would be a felony if committed by an adult within or outside the Commonwealth.

A barrier crime, as defined by § 19.2-392.02, includes, but is not limited to, the following:

- Murder or manslaughter
- Malicious wounding by mob
- Abduction or abduction for immoral purposes
- Assault and bodily wounding
- Robbery
- Carjacking
- Threats of death or bodily injury
- Extortion by threat
- Felony stalking or violation of a protective order
- Sexual assault
- Sex trafficking
- Arson
- Drive-by shooting
- Use of a machine gun or a sawed-off shotgun in a crime of violence
- Pandering
- Crimes against nature involving children
- Taking indecent liberties with children
- Abuse and neglect of children

- Failure to secure medical attention for an injured child
- Obscenity offenses
- Possession of child pornography
- Electronic facilitation of pornography
- Abuse and neglect of incapacitated adults
- Delivery of drugs to prisoners
- Escape from jail
- Felonies by prisoners
- Any offense for which the person is required to register as a sex offender

### **When Studies Must Be Completed**

**Citation: Ann. Code § 63.2-1231**

Any home study conducted for the purpose of parental placement or agency placement shall be valid for a period of 36 months from the date of completion. However, the State Board of Social Services may, by regulation, require an additional State criminal background check before finalizing an adoption if more than 18 months have passed from the completion of the home study.

### **Postplacement Study Requirements**

**Citation: Ann. Stat. § 63.2-1208**

After an adoption petition has been filed, the court shall refer the case to a child-placing agency to conduct an investigation and prepare a report. The investigation shall include inquiries as to the following:

- Whether the petitioner is financially able, morally suitable, in satisfactory physical and mental health, and a proper person to care for and to train the child
- The physical and mental condition of the child
- Why the parents, if living, desire to be relieved of the responsibility for the custody, care, and maintenance of the child and what their attitude is toward the proposed adoption
- Whether the parents have abandoned the child or are morally unfit to have custody over him or her
- The circumstances under which the child came to live, and is living, in the physical custody of the petitioner
- Whether the child is a suitable child for adoption by the petitioner
- What fees have been paid by the petitioners or on their behalf to persons or agencies that have assisted them in obtaining the child
- Whether the adoptive parents have received the report of the birth parents' physical and mental health and the background, medical, and psychological records of the child

The report shall include a recommendation as to the action to be taken by the court on the petition.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation: Ann Code §§ 63.2-1241 through 63.2-1242.3**

For a stepparent adoption, an investigation and report shall be undertaken only if the circuit court in its discretion determines that there should be an investigation before a final order of adoption is entered.

A close relative placement is an adoption by the child's grandparent, great-grandparent, adult nephew or niece, adult brother or sister, adult uncle or aunt, adult great-uncle or great-aunt, stepparent, adult stepbrother or stepsister, or other adult relative of the child by marriage or adoption.

When the child continuously has lived with a close relative for less than 2 years, the adoption proceeding, including court approval of the home study, is subject to parental placement adoption provisions with the following exceptions:

- The birth parent(s)' consent does not have to be executed in court in the presence of the prospective adoptive parents.
- A simultaneous meeting of birth and adoptive parents is not required.
- No hearing is required for this proceeding.
- A postplacement investigation and a report shall not be made if the home study report is filed with the court, unless the court orders one.
- The court may omit the probationary period and enter a final order of adoption.
- The circuit court may waive appointment of a guardian ad litem for the child.

When the child continuously has lived with a close relative for 2 or more years, the parental placement provisions shall not apply. For adoptions under this section, the following apply:

- A postplacement investigation and report shall not be made unless the court orders one.
- The court may omit the probationary period and enter a final order of adoption.
- The court may waive appointment of a guardian ad litem for the child.

#### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Code § 63.2-1000

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

#### **Foster to Adopt Placements**

**Citation:** Ann. Code § 63.2-1229; Admin. Code Tit. 22 §§ 40-211-10; 40-211-20

A foster parent may petition to adopt the foster child that is placed in his or her home when the following apply:

- Either of the following applies:
  - The child-placing agency holding custody of the child consents to the adoption after the child has resided in the home of the foster parent continuously for at least 6 months.
  - The child-placing agency does not consent to the adoption of the child, and the child has resided in the home of the foster parent continuously for at least 18 months.
- The birth parents' rights to the child have been terminated.

The circuit court shall accept the petition filed by the foster parent and shall order a thorough investigation of the matter to be made pursuant to § 63.2-1208. The court may refer the matter for investigation to a licensed child-placing agency other than the agency holding custody of the child. Upon completion of the investigation and report and filing of the consent of the agency holding custody of the child, the circuit court may enter a final order of adoption waiving visitation requirements if the circuit court determines that the adoption is in the best interests of the child.

*In regulation:* A resource parent is an approved provider who is committed to both supporting reunification and being prepared to adopt the child if the child and family do not reunify. When applicants are approved in accordance with regulations, they are approved as foster families, adoptive families, resource families, or respite families. The approved provider shall, however, be allowed to choose to provide only foster care, adoptive care, or respite care if they do not wish to serve as a resource family.

## Links to Resources

["The Steps to Adoption"](#) (Virginia Department of Social Services)

[State regulations](#)

## WASHINGTON

*Current Through August 2020*

### Who Must Be Studied

**Citation: Rev. Code § 26.33.190**

The study shall include the prospective adoptive parents and any adults living in the home.

### Agency or Person Conducting the Study

**Citation: Rev. Code §§ 26.33.190; 26.33.210**

The preplacement report may be completed by an agency, the Department of Children, Youth, and Families, an individual approved by the court, or a qualified salaried court employee.

The department or an agency having the custody of a child may make the preplacement or postplacement report on a petitioner for the adoption of that child.

### Qualifications for Adoptive Parents

**Citation: Rev. Code § 26.33.140**

Any person who is legally competent and age 18 or older may be an adoptive parent.

### Elements of a Home Study

**Citation: Rev. Code § 26.33.190**

The preplacement report shall be based on a study that includes an investigation of the home environment, family life, health, facilities, and resources of the applicant. The report shall include a recommendation as to the fitness of the applicant to be an adoptive parent. The report shall also verify that the following issues were discussed with the prospective adoptive parents:

- The concept of adoption as a lifelong developmental process and commitment
- The potential for the child to have feelings of identity confusion and loss regarding separation from the birth parents
- If applicable, the relevance of the child's relationship with siblings and the potential benefit to the child of providing for a continuing relationship and contact between the child and known siblings
- Disclosure of the fact of adoption to the child
- The child's possible questions about birth parents and relatives
- The relevance of the child's racial, ethnic, and cultural heritage

All preplacement reports shall include a background check of any conviction records, pending charges, or disciplinary board final decisions of prospective adoptive parents. The background check shall include an examination of State and national criminal identification data including, but not limited to, a fingerprint-based background check of national crime information databases for any person being investigated. It also shall include a review of any child abuse and neglect history of any adult living in the prospective adoptive parents' home. The background check of the child abuse and neglect history shall include a review of the child abuse and neglect registries of all States in which the prospective adoptive parents or any other adult living in the home have lived during the 5 years preceding the date of the preplacement report.



### **Grounds for Withholding Approval**

**Citation:** Admin. Code §§ 110-04-0100; 110-04-0110; 110-04-0130

An applicant will be permanently denied approval if he or she has a felony conviction for any of the following:

- Child abuse and/or neglect
- Spousal abuse
- A crime against a child, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery
- Any Federal or out-of-State conviction for an offense that under the laws of this State would disqualify a person from having unsupervised access to children in any home or facility

An applicant will be disqualified if it has been less than 5 years from a conviction for the following crimes:

- Any felony physical assault or battery offense not previously described
- Any felony violation of a drug-related crime

The department will not license, contract, certify, or authorize a person to have unsupervised access to children if the person has a criminal charge pending for a disqualifying crime described in the Adoption and Safe Families Act of 1997 or a criminal charge pending for a disqualifying crime that relates directly to child safety, permanence, or well-being.

### **When Studies Must Be Completed**

**Citation:** Rev. Code § 26.33.180

Except as provided in § 26.33.220, a child shall not be placed with prospective adoptive parents until a preplacement report has been filed with the court.

### **Postplacement Study Requirements**

**Citation:** Rev. Code § 26.33.200

At the time the petition for adoption is filed, the court shall order a postplacement report made to determine the nature and adequacy of the placement and to determine if the placement is in the best interests of the child. The report shall be prepared by an agency, the department, an individual approved by the court, or a qualified salaried court employee appointed by the court.

The report shall be in writing and contain all reasonably available information concerning the physical and mental condition of the child; home environment, family life, health, facilities, and resources of the petitioners; and any other facts and circumstances relating to the propriety and advisability of the adoption. The report also shall include, if relevant, information on the child's special cultural heritage, including membership in any Indian Tribe or band.

The report shall be filed within 60 days of the date of appointment unless the time is extended by the court. The preplacement report shall be made available to the person appointed to make the postplacement report.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Rev. Code § 26.33.220; Admin. Code § 110-50-0180

Unless otherwise ordered by the court, a preplacement report is not required if the petitioner seeks to adopt the child of the petitioner's spouse.

*In regulation:* The department may exclude relatives who have criminal histories, as included in the Adoption and Safe Families Act regulations. The department may not approve a relative placement if the department finds that, based on a criminal records check, a court of competent jurisdiction has determined that the relative or a member of the household has been convicted of a felony involving any of the following:

- Child abuse or neglect
- Spousal abuse
- A crime against a child or children, including child pornography
- Crimes involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery

The department may not approve a relative placement if the department finds the relative, or a member of the household, has, within the last 5 years, been convicted of a felony involving any of the following:

- Physical assault or battery
- A drug-related offense

### **Requirements for Interjurisdictional Placements**

**Citation:** Rev. Code § 26.34.010

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the

Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

### **Links to Resources**

[State regulations](#)

## **WEST VIRGINIA**

*Current Through August 2020*

### **Who Must Be Studied**

**Citation:** Code of State Rules § 78-2-13

All adult family members shall be included in the adoption home study.

### **Agency or Person Conducting the Study**

**Citation:** Code of State Rules § 78-2-13

The study shall be conducted by the child-placing agency.

### **Qualifications for Adoptive Parents**

**Citation:** Code of State Rules §§ 78-2-13; 78-2-20

Adoptive parents shall be nurturing, responsible, patient, stable, flexible, mature, and healthy adults capable of meeting the individual and specific needs of children placed with them. Newly approved adoptive parents shall be no younger than age 21 and no older than age 65 unless a waiver is granted by the secretary of the Department of Health and Human Resources.

Adoptive parents must provide documentation of the following:

- They are in good health, free of communicable diseases, and have had a tuberculin risk assessment or skin test.
- They have sufficient income and financial resources to meet their financial obligations.

As a condition of approval, an agency shall require that each adoptive parent participate in a specified training curriculum. An agency shall develop and implement a written plan for the training of adoptive parents, including preplacement training and child-specific training.

### **Elements of a Home Study**

**Citation:** Code of State Rules §§ 78-2-13; 78-2-15; 78-2-16

Adoptive parents shall provide the agency with the names of at least four references from persons who are not related to them. The agency must interview at least three of the references. Prior to approval, all adult household members shall undergo criminal background checks and checks of child abuse and neglect records.

The agency shall ensure that the physical facilities of an adoptive home present no health or safety hazards and that they are sufficiently clean and comfortable to ensure the well-being and respect of the family in the community. The adoptive home must comply with the same standards used to approve foster family homes.

The home study must include a minimum of one individual in-person interview for each parent and two joint interviews. The study shall describe and evaluate aspects of the home and family and shall include the following:

- The composition of the household and intrafamily relationships
- The family's attitudes, values, and level of understanding of child development
- The manner in which the family handles conflict, stress, and frustration
- Individual and family hobbies, recreation, community activities, and social life
- Each parent's personal history, attitudes, feelings, and values
- The parents' financial situation and motivation to adopt
- An assessment of the adoptive parents' ability and willingness to make a lifetime commitment to the adopted child and their understanding of the legal rights of the adopted child

### **Grounds for Withholding Approval**

**Citation:** Code of State Rules § 78-2-13

An agency shall not approve an adoptive home if any of the following are true:

- The adoptive parents have health, behavior, or emotional or psychological problems that may endanger the well-being of a child.
- Not all references for the foster and adoptive parents are positive in nature.
- Any household member has any convictions other than minor traffic violations.

### **When Studies Must Be Completed**

**Citation:** Code of State Rules §§ 78-2-16; 78-2-19

A comprehensive written home study must be completed prior to placing a child in the home.

For adoptive parents who have not had a child placed with them, the agency shall evaluate them annually and complete a narrative summary that includes the following:

- An update of each of the parents' biographies and any changes in their circumstances or attitudes about adoption
- A recommendation for any changes in the adoptive parents' conditions of approval

### **Postplacement Study Requirements**

**Citation:** Code of State Rules § 78-2-23

Following placement of a child in an adoptive home, the agency shall provide support services, including the following:

- An initial telephone contact within 72 hours of placement and an initial visit within 1 week of placement
- A minimum of six visits during the placement, at least four of which are in the home of the adoptive parents

In a two-parent family, both parents must be involved in at least three visits. Additional visits may be made on a frequency determined by the needs of the child and the adoptive parents. Visits shall include all household members, and the child shall be observed during each visit. If the child is old enough to carry on a conversation, the caseworker must conduct an interview with him or her in private during each visit.

The agency shall continue to provide support services for a minimum of 6 months or longer until permanent placement of the child is achieved. If the child is in the adoptive home as a foster care placement, the period of support services can include the time spent in the adoptive home in foster care. The agency shall provide a final visit with the adoptive family to review the adoption process prior to finalizing the adoption.

### **Exceptions for Stepparent or Relative Adoptions**

This issue is not addressed in the statutes and regulations reviewed.

### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Code § 49-7-101

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

### **Links to Resources**

[Adoption Policy](#) (West Virginia Department of Health and Human Resources, Bureau for Children and Families, Office of Children and Adult Services)

[State regulations](#)

## WISCONSIN

*Current Through August 2020*

### Who Must Be Studied

**Citation: Ann. Stat. § 48.88**

The study shall include the petitioners and any other adults residing in the petitioners' home.

### Agency or Person Conducting the Study

**Citation: Ann. Stat. § 48.88**

The court shall order one of the following to conduct or supplement the investigation:

- If an agency has guardianship of the child: the guardianship agency, unless the agency has already filed its recommendation and has filed with the recommendation a report of an investigation
- If no agency has guardianship of the child and a relative other than a stepparent has filed the petition for adoption: the Department of Children and Families, a county department, or a licensed child welfare agency
- If the child is a citizen of a foreign jurisdiction and is under the guardianship of an individual: the agency that conducted the home study required under Federal law prior to the child's entry into the United States

If the child is an Indian child, the court may request the Tribal child welfare department of the Indian child's Tribe to conduct the investigation.

### Qualifications for Adoptive Parents

**Citation: Ann. Stat. §§ 48.82; 48.84**

When practicable and if requested by the birth parent, the adoptive parents shall be of the same religious faith as the birth parents of the adoptee.

If otherwise qualified, no person shall be denied the benefits of this section because the person is deaf, blind, or has other physical handicaps. No otherwise qualified person may be denied the benefits of this subchapter because of his or her race, color, ancestry, or national origin.

Before a child may be placed for adoption with a proposed adoptive parent who has not previously adopted a child, the adoptive parent shall complete the preadoption preparation required under this section. The preparation shall be provided by a licensed child welfare agency, private adoption agency, the State adoption information exchange, the State adoption center, a technical college, or an institution or college campus within the University of Wisconsin system. If the proposed adoptive parent does not reside in this State, he or she may meet this requirement by obtaining equivalent preparation in his or her State of residence.

The department shall promulgate rules establishing the number of hours of preadoption preparation that is required and the topics covered under that preparation. The preparation shall include training on issues that may confront adoptive parents, in general, and that may confront adoptive parents of special needs children or foreign children. In all cases, the training shall cover the topics of attachment, trauma, neglect, and abuse, including sexual abuse.

A proposed adoptive parent shall obtain at least 25 hours of the preadoption preparation, including the following:

- At least 6 hours of training that is provided in person, either individually or in a group
- At least 6 hours of training that is appropriate to the specific needs of the child to be adopted

### **Elements of a Home Study**

**Citation: Ann. Stat. § 48.88**

In determining whether the petitioner's home is suitable for the child, the investigating agency or Tribal child welfare department shall consider whether the petitioner is fit and qualified to care for the child, exercises sound judgment, does not abuse alcohol or drugs, and displays the capacity to successfully nurture the child.

The investigation shall be conducted using an assessment system that is approved by the department. The assessment system shall provide a reliable, comprehensive, and standardized qualitative evaluation of a petitioner's personal characteristics, civil and criminal history, age, health, financial stability, and ability to responsibly meet all requirements of the department.

If the investigating agency has special concern as to the welfare of the child or the suitability of the placement, the investigation may include a clinical assessment of the petitioner's mental health or alcohol or other drug use. A person who provides the assessment shall not be employed by the investigating agency and shall be a licensed psychologist, psychiatrist, advanced practice social worker, independent social worker, clinical social worker, or professional counselor.

If the petitioner was required to obtain an initial license to operate a foster home before placement of the child for adoption, the investigating agency shall do the following:

- Obtain a criminal history search from the records maintained by the Department of Justice and a fingerprint-based check of the national crime information databases
- Obtain information maintained by the department regarding any substantiated reports of child abuse or neglect against the petitioner and any other adult residing in the petitioner's home for any State in which the person has lived within the preceding 5 years

### **Grounds for Withholding Approval**

**Citation: Ann. Stat. § 48.837**

In the case of a child on whose behalf adoption assistance payments will be provided, if the petitioner has been convicted of any of the offenses specified in § 48.685(5)(c), including murder, homicide, battery, sexual assault or exploitation, child abuse or neglect, incest, child prostitution, child pornography, or incest, the agency may not report that the petitioner's home is suitable for the child.

### **When Studies Must Be Completed**

**Citation: Ann. Stat. § 48.837**

When the proposed adoptive parent or parents of a child reside in this State and are not relatives of the child, a parent having custody of a child and the proposed adoptive parent or parents of the child may petition the court for placement of the child for adoption if the home is licensed as a foster home under § 48.62. At the request of a custodial parent and the proposed adoptive parents, the department, a county department, or a child welfare agency may place the child in the home of the proposed adoptive parent or parents prior to the filing of a petition.

After an adoption petition is filed, the court shall order an investigation. The agency making the investigation shall file its report with the court at least 10 days before the hearing on the petition.

### **Postplacement Study Requirements**

**Citation:** Ann. Stat. § 48.84; Admin. Code DCF § 51.10

A person who is providing the required preadoption preparation shall offer to the adoptive parent at least 6 additional hours of training appropriate to the postadoption needs of the family, to be provided after a court issues an order granting the adoption.

*In regulation:* The entity that provides the required preadoption training shall refer adoptive parents with postadoption needs to resources appropriate to the specific needs of the family or offer to provide at least 6 hours of training, if the entity has sufficient expertise with the family's specific needs.

### **Exceptions for Stepparent or Relative Adoptions**

**Citation:** Ann. Stat. §§ 48.835; 48.88

A parent having custody of a child may place the child for adoption in the home of a relative of the child without a court order.

If a stepparent has filed a petition for adoption and no agency has guardianship of the child, the court shall order the department, a county department, or a licensed child welfare agency to conduct a screening consisting of no more than one interview with the petitioner and a check of the petitioner's background through public records, including records maintained by the department or any county department.

### **Requirements for Interjurisdictional Placements**

**Citation:** Ann. Stat. §§ 48.837; 48.988

When the proposed adoptive parent or parents of a child reside outside the State and are not relatives of the child, a custodial parent and the proposed adoptive parent or parents of the child may petition the court for placement of the child for adoption in the proposed adoptive home if the home meets the criteria established by the laws of the other State for a preadoptive placement of a child in the home of a nonrelative. An appropriate agency in the other State must complete an investigation of the home and file a report and recommendation concerning the home with the department, county department, or licensed child welfare agency.

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

### **Foster to Adopt Placements**

**Citation:** Ann. Stat. §§ 48.833; 48.88; Admin. Code DCF § 56.14

The department or a licensed child welfare agency may place a child for adoption in a licensed foster home without a court order if the proposed adoptive parents have completed the preadoption preparation required under § 48.84(1).

If the petitioner was required to obtain an initial license to operate a foster home before placement of the child for adoption, the agency making the investigation shall obtain a criminal history search and a child abuse and neglect records check. If the petitioner has been convicted of any of the offenses specified in § 48.685 (5)(bm), 1 to 4, the agency may not report that the petitioner's home is suitable for the child.

*In regulation:* A foster parent who is licensed solely for the purpose of adoption of a domestic infant or a foreign child will not be required to complete the foster parent training if the foster parent completes the preadoption preparation training required under Admin. Code DCF § 51.10.



## Links to Resources

[State regulations on preadoption training](#)

## WYOMING

*Current Through August 2020*

### Who Must Be Studied

**Citation: Ann. Stat. § 1-22-104**

The petitioners for adoption may be ordered by the court to undergo a home study.

### Agency or Person Conducting the Study

**Citation: Code of Rules § 049-0001-1**

The Department of Family Services shall take applications for adoption services for prospective adoptive families only when ordered to do so by a court of competent jurisdiction or through the Interstate Compact on the Placement of Children (ICPC) when a child becomes legally available for adoption, is in the custody of the department, and when adoption is in the case plan. All other individuals and families requesting adoptive home study services are to be referred to child-placing agencies or adoption agencies.

### Qualifications for Adoptive Parents

**Citation: Ann. Stat. § 1-22-103; Code of Rules § 049-0001-1**

Any adult person who has resided in the State during the 60 days immediately preceding the filing of the petition for adoption and who is determined by the court to be fit and competent to be a parent may adopt in accordance with this act.

*In regulation:* The department shall evaluate the applicant, including, but not limited to, the following areas:

- The applicant is an adult.
- The applicant is secure in his or her current status and able to provide for the child.
- The applicant's health, security, income, and social and emotional ability allow for stable parenting.
- The applicant's motivation is centered on the best interests of the child.
- The applicant has handled past concerns, such as divorce, marital conflict, and employment changes, in a constructive manner.
- The applicant and other members of the applicant's family are open and comfortable with the sharing of adoption and biological background information with the child.

### Elements of a Home Study

**Citation: Ann. Stat. § 1-22-104; Code of Rules § 049-0001-1**

Adoption proceedings shall be commenced by a petition filed in district court. An affidavit from each petitioner shall be attached to the petition setting forth the following:

- Any previous or current diagnosed psychiatric disorders of the petitioner
- All felony convictions of the petitioner within the preceding 10 years
- All misdemeanor convictions of the petitioner within the preceding 5 years
- The current parole or probation status of the petitioner, if any

*In regulation:* If the department is conducting the adoptive home study, the applicant must provide the following:

- Names, addresses, age, sex, race and nationality; education, work, and employment records; physical description; verification of marriage(s) and divorce(s); financial statement of assets, liabilities, and income; family members and others living within the home
- Names and addresses of five references who have known the applicant for a minimum of 2 years
- A general physical examination, completed within the year
- Autobiographies of each applicant
- A statement as to the motivation to adopt and the types of children the applicant would consider
- Documentation that they are residents of Wyoming

Following the receipt of the aforementioned information, the caseworker shall conduct interviews both at the department field office and the applicant's home to gather the information needed to complete an adoptive home study and to assist in the evaluation of the suitability of placement of a child for adoption in that home. Central registry and fingerprint-based national criminal history record checks shall be completed. Additional information related to the suitability of the applicant for adoption may be required.

#### **Grounds for Withholding Approval**

**Citation:** Ann. Stat. § 1-22-111; Code of Rules § 049-0001-1

The adoption petition may be denied if the court finds that the best interests and welfare of the child will be served by such denial.

*In regulation:* The adoptive home study shall include a recommendation for or against the adoptive placement.

#### **When Studies Must Be Completed**

**Citation:** Code of Rules § 049-0001-1

The study must be completed within a reasonable timeframe.

#### **Postplacement Study Requirements**

**Citation:** Ann. Stat. § 1-22-111

After the petition to adopt has been filed and a hearing held, the court, acting in the best interests and welfare of the child, may make any of the following orders:

- Enter an interlocutory decree of adoption giving the care and custody of the child to the petitioners pending further order of the court
- Defer entry of an interlocutory decree of adoption and order the department or a private licensed agency to investigate and report to the court the background of the child and of the petitioners and the medical, social, and psychological backgrounds and statuses of the consenting parent and putative father
- Enter a final decree of adoption, if the child has resided in the home of the petitioner for 6 months

After a written report of the investigation is filed, the court shall determine if the adoption by the petitioners is in the best interests and welfare of the child and thereupon enter the appropriate order or decree.

#### **Exceptions for Stepparent or Relative Adoptions**

This issue is not addressed in the statutes and regulations reviewed.

## **Requirements for Interjurisdictional Placements**

**Citation: Ann. Stat. § 14-5-101**

Any out-of-home placement of a child outside the State is subject to the provisions of the ICPC.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

## **Foster to Adopt Placements**

This issue is not addressed in the statutes and regulations reviewed.

## **Links to Resources**

[State regulations](#)