



## INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

**Chapter 10:** Guardianship and Adoption      **Effective Date:** July 1, 2021

**Section 01:** Planning for Adoption - Overview      **Version:** 5

### POLICY OVERVIEW

When reunification is not in a child's best interest, developing a permanency plan or second permanency plan (if concurrent planning) of adoption may be an appropriate option to secure legal permanency for the child.

### PROCEDURE

The Indiana Department of Child Services (DCS) will convene a Child and Family Team (CFT) Meeting and/or Case Plan Conference to discuss adoption planning and identify any needed services for a child in out-of-home care with a permanency plan of adoption.

The process of adoption planning for a child in out-of-home care with a permanency plan of adoption may be initiated:

1. When a court rules that reasonable efforts to reunify the family are not required;
2. When a child has been under a dispositional decree for at least six (6) months with no significant progress toward a plan of reunification. See policy 6.12 Involuntary Termination of Parental Rights (TPR); or
3. At the filing of termination of parental rights (TPR). See 10.A Tool: Termination of Parental Rights (TPR)/Adoption Checklist.

**Note:** DCS will not sign the Consent to Adoption until a prospective adoptive parent has been identified and:

- a. The period of appeal for the TPR has passed, or
- b. Any final appellate opinion related to the TPR has been certified and the period for appeal has passed on any issues remanded to the juvenile court, and
- c. The negotiations for adoption subsidy have been negotiated and finalized. See policy 14.08 Negotiations for Adoption Assistance.

In accordance with the Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of 1996 (MEPA-IEP), DCS will not delay or deny the adoptive placement of a child based on the race, color, or national origin of the adoptive resource family or the child involved. DCS will not deny the adoptive placement of a child based solely on a prospective adoptive parent's disability. If a Native American child is involved, refer to the Indian Child Welfare Act (ICWA). See policy 2.12 Administration of the Indian Child Welfare Act.

DCS will conduct a diligent search throughout the life of the case to locate all possible relatives and kin to discuss adoption, followed by searching for a non-relative potential adoptive family.

The Family Case Manager (FCM) will:

1. Update the Case Plan/Prevention Plan to reflect the new court approved permanency plan of adoption;
2. Ensure the following persons are notified of the court's ruling regarding the permanency plan:
  - a. The child (if age and developmentally appropriate),
  - b. Child's parent, guardian, or custodian and attorney of record,
  - c. Resource parent,
  - d. Mental health provider or therapist, if applicable,
  - e. Guardian ad Litem (GAL) or Court Appointed Special Advocate (CASA), if applicable,
  - f. Members of the CFT,
  - g. Any fit and willing relative or person who DCS knows has a significant relationship to the child, and
  - h. Prospective adoptive parent, named in an adoption petition, if consent has been received or TPR has been filed. See policies 6.04 Providing Notice of Hearings and 6.11 Permanency Hearing.
3. Begin the legal process for TPR, if TPR has not already occurred or been filed. See policies 6.12 Involuntary Termination of Parental Rights (TPR) and 6.13 Voluntary Termination of Parental Rights (TPR);
4. Identify the steps necessary to move the child to permanency by adoption. Utilize the 10.A Tool: Termination of Parental Rights (TPR)/Adoption Checklist;
5. Discuss the role of the resource parent in helping to prepare the child for the adoption process. See policy 10.04 Resource Parent's Role in Preparing the Child for Guardianship or Adoption;

**Note:** This discussion should take place whether or not the resource parent is the prospective adoptive family.

6. Prepare the child for adoption. See policy 10.03 Preparing the Child for Adoption;
7. Complete the Child Social Summary within 45 days of changing the permanency plan to adoption. See policy 10.11 Child Social Summary;
8. Contact the Adoption Consultant regarding recruiting, interviewing, and selecting a prospective adoptive family, if a home has not been identified;
9. Start the process for determining eligibility for adoption assistance benefits. See policy 10.14 Indiana Adoption Assistance Program Overview (AAP and SAS);
10. Complete a written Adoption Summary for the court within 60 days of the date the adoption petition is filed, whether or not consents have been signed;

**Note:** The Adoption Summary may not contain information concerning the financial circumstances of the prospective adoptive parent or any recommendation regarding a request for subsidy by the prospective adoptive parent.

11. Ask the prospective adoptive parent if they need a reasonable accommodation due to a disability and assist in planning for any identified reasonable accommodations;
12. Provide the prospective adoptive parent with contact information for the Adoption Consultant to access post-adoption services (PAS);

**Note:** The FCM should provide the prospective adoptive parent with the PAS brochure and Adoption Consultant map. This information is also available on the DCS website.

13. Provide the Explanation of Adoption Summary to the prospective adoptive parent and the child's resource parent, review the form, and obtain required signatures;
14. Ensure that any adoption petition, notice that an adoption has been filed, or adoption decree is provided to the DCS Staff Attorney; and

**Note:** If an adoption is granted and DCS did not receive prior notice, the FCM, FCM Supervisor, and DCS Staff Attorney must have a meeting to determine whether the adoption decree will be challenged.

15. Upload all documentation into the case management system.

The FCM Supervisor will:

1. Staff the case with the assigned FCM and make recommendations regarding the permanency plan;
2. Ensure the Case Plan/Prevention Plan has been updated to reflect the new permanency plan;
3. Ensure the Child Social Summary has been completed and forwarded to the Adoption Consultant in a timely manner, if applicable;
4. Ensure the Explanation of Adoption Summary has been explained to the prospective adoptive parent and resource parent and all necessary signatures obtained;
5. Assist the FCM as needed with the adoption process;
6. Review and approve any services needed for the child or the prospective adoptive family;
7. Participate in discussions regarding any notice of an adoption petition or any meeting regarding the challenge of an adoption decree; and
8. Ensure all documentation is uploaded into the case management system.

The Adoption Consultant will:

1. Process the Child Registration and Adoption Recruitment Plan and ensure that adoption recruitment services are initiated when a child does not have an identified adoptive home;
2. Provide permanency consultation for children with an identified adoptive family, but whose permanency plan is stalled; and
3. Participate in CFT meetings to provide subject matter expertise on adoption and/or make recommendations for services.

The DCS Staff Attorney will:

1. Meet with the FCM, FCM Supervisor, Local Office Director (LOD), as appropriate, to determine next steps if or when DCS receives notice of an adoption petition being filed; and
2. If an adoption is granted and DCS did not receive prior notice, participate in a discussion with the FCM and FCM Supervisor regarding whether the adoption decree should be challenged and complete any steps necessary for the challenge (if determined appropriate).

**Note:** Any challenge to an adoption decree in a case where DCS did not have notice of the adoption must be filed within 45 days of the date the decree was issued.

## LEGAL REFERENCES

- [25 USC 1903\(4\): Indian child welfare definitions](#)
- [25 USC 1911: Indian tribe jurisdiction over Indian child custody proceedings](#)
- [25 USC 1913: Parental rights; voluntary termination](#)
- [25 USC 1915: Placement of Indian children](#)
- [42 USC 1996b: Interethnic adoption](#)
- [42 USC Ch. 126 12102: Definition of disability](#)
- [IC 31-9-2-99.2: "Prospective adoptive parent"](#)
- [IC 31-19-11-1.1: Prohibited discrimination and considerations for petitions for adoption filed by persons with a disability](#)
- [IC 31-34-21-4: Notice of case review; testimony in periodic case review](#)
- [IC 31-34-21-5.7: Permanency plan; requirement; approval; reports and orders not required](#)

## RELEVANT INFORMATION

### Definitions

#### Adoption Summary

The Adoption Summary is a written report that is prepared for the court. The Adoption Summary provides the court with recommendations as to the advisability of the adoption.

#### Diligent Search

Efforts made to locate or identify the parents, relatives, non-relative kin, and case participants of a child, initiated at the outset of a case, with updates provided in court reports until the permanency goal is reached or the court excuses further search.

#### Post-Adoption Services (PAS)

PAS are available to Indiana adoptive families and provide services to adopted children and their families. PAS provide a comprehensive system of care that allows families to find support after adoption.

### Forms and Tools

- [10.A Tool: Termination of Parental Rights \(TPR\)/Adoption Checklist](#)
- [10.B Tool: Child Social Summary](#)
- [Adoption Consultant map](#)
- Case Plan/Prevention Plan (SF 2956) - available in the case management system
- [Child Registration and Adoption Recruitment Plan \(SF 11840\)](#)
- [Consent to Adoption \(SF 12582\)](#)
- [Explanation of Adoption Summary \(SF 56527\)](#)
- [Post-Permanency Services brochure](#)

### Related Policies

- [2.12 Administration of the Indian Child Welfare Act](#)
- [5.07 Child and Family Team \(CFT\) Meetings](#)
- [6.04 Providing Notice of Hearings](#)
- [6.11 Permanency Hearing](#)
- [6.12 Involuntary Termination of Parental Rights \(TPR\)](#)
- [6.13 Voluntary Termination of Parental Rights \(TPR\)](#)

- [10.03 Preparing the Child for Adoption](#)
- [10.04 Resource Parent's Role in Preparing the Child for Guardianship or Adoption](#)
- [10.11 Child Social Summary](#)
- [10.14 Indiana Adoption Assistance Program Overview \(AAP and SAS\)](#)
- [14.08 Negotiations for Adoption Assistance](#)