



CDSS

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DEPARTMENT OF SOCIAL SERVICES

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REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

January 7, 2013

ALL COUNTY LETTER NO. 12-51

TO ALL COUNTY WELFARE DIRECTORS
ALL COUNTY ADOPTION AGENCIES
ALL COUNTY CHIEF PROBATION OFFICERS

SUBJECT: FEDERAL REPORTING REQUIREMENTS ON CHILDREN ENTERING
FOSTER CARE FROM DISRUPTED AND DISSOLVED
INTERCOUNTRY ADOPTIONS

REFERENCE: ALL COUNTY LETTER (ACL) 09-10; TITLE IV-B SOCIAL SECURITY
ACT SECTION 422 (b) (12); ADMINISTRATION ON CHILDREN,
YOUTH, AND FAMILIES (ACYF) CHILD WELFARE POLICY MANUAL
7.3 TITLE IV-B; ACYF CHILDREN'S BUREAU (CB) PROGRAM
INSTRUCTION (PI)-06

The purpose of this letter is to provide information and guidance to county child welfare and probation departments and public and private adoption agencies on federal reporting requirements on children entering foster care from disrupted and dissolved intercountry adoptions. This letter also describes changes made to the Child Welfare Services/Case Management System (CWS/CMS) application and how this data is to be entered for collection into the application by county child welfare and probation departments.

Intercountry Adoption is the process for adopting children from another country. All Intercountry Adoptions must meet the requirements of the Hague Convention. This Convention is an international agreement outlining standards of practices to safeguard Intercountry Adoptions. As you may be aware, from time to time, children entering the United States from other countries for an adoption end up in foster care for various reasons. This may be either before or after the intercountry adoption was completed. Federal law requires reporting of these children.

The California Department of Social Services (CDSS) Annual Progress and Services Report (APSR)¹ requires California to collect and report information to ACYF on the number of children who were adopted through the intercountry adoption process and who subsequently entered into custody as juvenile court dependents. The required information is as follows: (1) the result of the disruption of a placement for adoption or dissolution of an adoption; (2) the agencies who were involved in the intercountry adoption; (3) the plans for the child; and (4) the reasons for the disruption or dissolution.

The ACYF definition of and guidelines for an intercountry adoption disruption²:

- Involves a child who came to the United States for the purpose of adoption through the intercountry adoption process but entered foster care prior to the finalization of the adoption regardless of the reason for the foster care placement.
- Occurs after a child enters the United States under the guardianship of the prospective adoptive parents or an adoption agency with a visa for the purposes of completing the adoption process domestically.
- States must report such disruptions even if the child's plan is reunification with the prospective adoptive parents and the stay in foster care is brief.

The ACYF definition of and guidelines for intercountry adoption dissolution:

- Involves a child who was previously adopted from overseas (whether the full and final adoption occurred in the foreign country or domestically) but entered foster care as a result of a court terminating the parents' rights or the parents' relinquishing their rights to the child. Since the child's legal relationship with his or her parents may not be severed until sometime after the child enters foster care, states must also report to ACYF children adopted from overseas who are already in foster care at the time that the adoption is dissolved.
- A State need not report a child who enters foster care after a finalized adoption if the adoptive parents' legal rights to the child remain intact.

In the past, CDSS has been unable to capture data on children who were adopted through the intercountry adoption process and are later placed in California's foster care system. With the release of this ACL, CWS/CMS has been modified to allow users the ability to indicate whether a child's intercountry adoption has been dissolved or disrupted.

Please see the attached document for data entry instructions along with the appropriate screenshots from CWS/CMS.

¹ Title IV-B of the Social Security Act (the Act). in particular, section 422 (b)(12) of the Act

² The Administration for Children and Families Child Welfare Policy Manual 7.3 Title IV-B

All County Letter No. 12-51
Page Three

Any questions about CWS/CMS data input should be directed to the County Single Point of Contact (SPOC) or the SPOC's System Support Consultant at the CWS/CMS Office. The following CDSS website link can be accessed to help identify each county's SPOC: http://www.hwcws.cahwnet.gov/countyinfo/county_contacts/default.asp

Any policy related questions in regard to intercountry adoptions should be submitted by e-mail to the Concurrent Planning Policy Unit at address: ConcurrentPlanningPolicyUnit@dss.ca.gov.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachment

Attachment

In order to report a Dissolved or Disrupted Adoption, use the following steps in CWS/CMS:

1. In Client Services, click on the Blue Section in the application screen.
2. Click on Open Existing Client Notebook.
3. In the drop down menu, select the appropriate client and click OK.
4. Click the Demog page tab.
5. In the Demog screen, scroll down to the Intercountry Adoption field.
6. There will be two fields represented by two boxes:
 - Legally Dissolved After Finalization
 - Disrupted Before Finalization

Check the box that applies.

The screenshot displays the 'Client Services - Referral' application window. The title bar shows the client ID: '0692-7416-4926-3071647'. The menu bar includes File, Edit, Search, Action, Associated, Attach/Detach, Window, Help, and Toolz. The toolbar contains various icons for document management and client actions. The main window has several tabs: Summary, ID, Demog (selected), Address, Names, Related Clients, ID Num, Juv. Cr. #, Search Log, AFDC-FC, Attorneys, Service Providers, and I,C,W,A. The 'Demog' tab is active, showing a form with the following sections:

- Packet Item**: Fields for Packet Item (dropdown) and Date (dropdown).
- Application Status**: Fields for Application Status (dropdown) and Date (dropdown).
- Client has been Arrested for:** A table with a '+' button and a column for Arrests.
- Client Is/Was Adjudicated Delinquent**: A green header with radio buttons for Yes and No.
- Education Information**: Checkboxes for 'Parental Right to Make Education Decisions for this Child Limited by Court' and 'All Available Education Information On File Plans/Attempts To Acquire Education Information'.
- Health Information**: Checkbox for 'All Available Health Information on File Plans/Attempts To Acquire Health Information'.
- Military Status**: Radio buttons for Dependent, Active, Veteran, No Involvement, and Unknown.
- Unemployed Parent**: Radio buttons for Yes, No, Unknown, and Not Applicable.
- Adoption Status**: Radio buttons for Totally Free, Partially Free, Not Free (selected), and Not Applicable.
- Previously Adopted**: Radio buttons for Yes (with an adjacent text field), No, and Unknown.
- Inter-country Adoption**: Checkboxes for 'Inter-country Adoption Dissolved' and 'Inter-country Adoption Process Disrupted'.
- Comments**: A large text area for notes.

The status bar at the bottom indicates 'Ready' and 'Referral [0692-7416-4926-3071647] -> Client []'.