

290-9-2-.06 Adoption Services.

(1) **Orientation Information For Prospective Applicants.** Prior to the acceptance of an application or fees of any kind, the Agency shall provide information to prospective adoptive parent(s) to assist them in making an informed decision about applying to adopt. The information may be in the form of a written handout. The information shall include at least:

- (a) The Agency's adoption services;
- (b) The Agency's eligibility requirements for adoption;
- (c) A description of the procedures involved with adoption;
- (d) The Agency's fee schedule and refund policies;
- (e) The approximate time the assessment and adoption process will take; and
- (f) The types of children available for adoption.

(2) **Additional Orientation for Applicants.** Once an application has been submitted by prospective adoptive parent(s), and prior to approval of the application, additional orientation information shall be supplied for the applicant(s), including but not limited to:

- (a) The legal procedures involved in adoption;
- (b) The minimum requirements for a prospective adoptive home and the procedures for the home study;
- (c) The selection and placement process;
- (d) The process children use to locate birth parent(s), and the process birth parent(s) use to locate children;
- (e) The Agency's grievance procedures; and
- (f) The Agency's policies and procedures including those on behavior management techniques and emergency safety interventions.

(3) **Home Study of the Prospective Adoptive Family.** 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) This home study of the applicant for adoption services 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.
- (b) Prospective adoptive parent(s) shall be interviewed together as well as separately.
- (c) Dates of these visits and the name of the caseworker making the visits shall be documented in the home study.
- (d) The study shall include at least the following information concerning the prospective adoptive family:
 - 1. The names, home address, and home phone number of the prospective adoptive family, as well as the work phone number of the prospective adoptive parent(s);
 - 2. Motivation to adopt and the family members' attitude(s) toward childlessness;
 - 3. Description of each family member, to include:
 - (i) Date and place of birth;
 - (ii) Physical description;
 - (iii) Family background and history;
 - (iv) Current relationships with immediate and extended family members;
 - (v) Education;

- (vi) Social involvements; and
- (vii) Personal characteristics, such as personality, and interests and hobbies;
- 4. Evaluation of marriages and family life:
 - (i) Date and place of marriages, if applicable;
 - (ii) History and assessment of marital relationship;
 - (iii) Family patterns; and
 - (iv) Previous marriages (verification of divorces, if applicable);
- 5. Evaluation of parenting practices:
 - (i) Description of parenting knowledge, attitudes, and skills;
 - (ii) Behavior management practices;
 - (iii) Child rearing practices; and
 - (iv) Experience with children;
- 6. Evaluation of physical and mental health needs and/or supports that may be required from external sources, such as an MRO:
 - (i) Summary of health history and condition of each family member;
 - (ii) Documentation of a physical examination of the prospective adoptive parent applicants completed by a licensed physician, physician's assistant, or a registered nurse with advanced training working under the direction of a physician, or the public health department, within 12 months prior to the completion of the home study;
 - (iii) A statement from a licensed physician, physician's assistant, or public health department regarding the general health status of other members of the prospective adoptive family, obtained within the 12 months prior to the completion of the home study; and
 - (iv) An informal assessment of the emotional and mental health of each member of the prospective adoptive family;
- 7. Evaluation of the understanding of and adjustment to adoptive parenting:
 - (i) The understanding of adoption and how adoption will be handled with the child;
 - (ii) Attitude toward birth parent(s);
 - (iii) Understanding of how adoptive parenting is different from biological parenting;
 - (iv) Attitude toward rearing a child biologically not their own;
 - (v) Understanding of the possibility of inherited traits and the influence of genetics vs. environment;
 - (vi) Expectations of the adopted child, including intellectual and physical achievement;
 - (vii) Understanding of loss in adoption;
 - (viii) Attitudes of other children residing in the home and extended family members toward adoption; and
 - (ix) The support network in place for the prospective adoptive family, including support systems for single parent families, if applicable;
- 8. Evaluation of the prospective adoptive parent(s)' finances and occupation:
 - (i) Employment history of family members;
 - (ii) Combined annual income;
 - (iii) Ability to provide financially for the family; and
 - (iv) Projected financial impact of the addition of an adopted child to the home;
- 9. A description of the home and community:
 - (i) Description of the neighborhood;

- (ii) Physical standards of the home, including space, and water supply and sewage disposal systems which, if other than public systems, have been approved by appropriate authorities;
 - (iii) A statement to verify that any domestic pets owned or residing with the family have been inoculated against rabies as required by law;
 - (iv) A statement verifying that all firearms owned and in the home are locked away from children;
 - (v) A statement verifying that if a swimming pool is present at the home, it is fenced with a locked gate to prevent unsupervised access and that it meets all applicable community ordinances;
 - (vi) A statement that smoke alarms are present and functioning on each level in the home;
 - (vii) Verification that gas heaters are vented to avoid fire and health hazards, with any unvented fuel-fired heaters equipped with oxygen depletion safety shut-off systems;
 - (viii) Assessment of community resources, including accessibility of schools, religious institutions, recreation, and medical facilities;
10. A statement regarding the results of a criminal records check, as required by law, for each prospective adoptive parent(s). Where the individuals in the home have not resided in this state for the five years preceding their application to adopt, the Agency shall require additional documentation available through the state child welfare agency in which the applicant resided that the individuals are not listed on the child abuse and neglect registry.
11. A minimum of three character references:
- (i) At least one reference must be from an extended family member not residing with the prospective adoptive family, and
 - (ii) If a prospective adoptive parent(s) has worked with children in the past five (5) years, a reference must be obtained from the former employer(s) for that work experience;
12. Description of the child the applicant will consider, including age, sex, ethnicity, and any physical, medical, or emotional parameters;
13. Recommendation regarding approval as prospective adoptive parent(s), including description of any identified training or resource needs; and that the prospective adoptive parents possess the capacity to provide room, board and watchful oversight.
14. Date the home study is completed and the name and signature of the person completing the study.
- (e) Home Study Updates. For certain circumstances as described below, 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. Additional information may be required as follows:
- 1. When a family is approved for an adoption placement by a Georgia agency, and a child has not been placed with the family within one year of the date of the approval by that agency, 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;
 - 2. When a family is applying to adopt again after an initial adoption placement has resulted in a disruption, an update shall be completed and include information about the cause(s) of the previous disruption; and

3. An update of a home study from another state or from another Georgia agency shall require at least one home visit with all family members present and shall include additionally an evaluation of the physical standards of the home.

(f) Subsequent Home Studies. When a family is applying to adopt again after an initial placement has been made with that family, a subsequent home study shall be completed, which may contain the original home study for information which has not changed since that study, but must at a minimum include additionally:

1. At least one additional home visit since the time of the previous placement;
2. The applicant's current employment status;
3. Updated medical reports;
4. Changes in family composition;
5. Any changes in types of children requested;
6. An evaluation of the prospective adoptive parent(s)' adjustment to parenthood; and
7. A re-evaluation of parenting skills, knowledge, and techniques.

(g) Decision on Approval. A decision on approval of a prospective adoptive family shall be made within 60 days of the last contact with the applicant or there shall be documentation in the record to explain any delay.

1. Applicants shall be notified in writing within ten (10) working days following the Agency's decision of their approval or disapproval as a prospective adoptive family.
2. A narrative that clearly indicates the reason(s) a family was not accepted or did not have a child placed shall be included in the record of an unapproved applicant.

(4) Services to the Birth Family and Child.

(a) The Agency shall offer and document services to both birth parent(s), including counseling and referral to other agencies when needed, to assist in determining the best plan of care for their child.

(b) The Agency and the birth parent(s) shall enter into a written agreement as early in the working relationship as possible specifying the services to be provided and the responsibilities and expectations of each party.

(c) Once an agreement has been established with the birth parent(s), the Agency's commitment to an appropriate placement of that child shall be irrevocable unless the birth parent(s) fail to abide by the terms of the agreement or it is determined by the Agency in good faith that the child cannot be legally freed for adoption.

(d) An Agency shall not induce the birth parent(s) to surrender the child by any financial aid or other consideration, or use coercion to influence their decision to either make an adoption plan or parent the child. The birth parent(s) shall sign a statement that no financial or in-kind compensation was promised or received except for reasonable living and medical expenses actually incurred.

(e) The Agency shall obtain medical and social background information for each birth parent such as name, age, nationality, religion, education, and occupation. Information to determine whether there are any significant hereditary facts or pathology, including illnesses of the birth parent(s) and their families, that might affect the child's normal development, shall be included in the background information.

(f) When a birth mother refuses to disclose the name of the biological father, the record shall reflect the fact that she was advised of the legal consequence of non-disclosure of the name of the biological father.

- (g) When a birth mother indicates that the identity of the biological father is unknown to her, the record shall reflect the fact that she was advised of the consequences of such a response and shall also reflect the reason why his identity is unknown to her.
- (h) A copy of the executed surrender documents shall be given to the parent(s) at the time of the signing.
- (i) The statutory right of the birth parent(s) to revoke the surrender of the child shall be respected.
- (j) Requirements and procedures for any reimbursement of funds to the agency from the birth parent(s) in the event of a withdrawal or revocation of consent shall be made available in writing to the birth parent(s) and shall be discussed during initial interviews.
1. Requiring reimbursement for Agency operational expenses is prohibited.
 2. If there is no required reimbursement of funds, a statement signed by the birth parent(s) and the Agency representative to that effect shall be in the file.
- (k) The Agency shall accept a surrender of a child for adoption only after a thorough study has been made to determine:
1. That the birth parent(s) signing the surrender understands the meaning and consequences of surrender and of consent to adoption procedures, including time limitations for withdrawal or revocation of consent;
 2. That all facts relative to the biological or legal father are a part of the record; and
 3. That adoption is in the child's best interest.
- (l) A surrender shall not be accepted prior to the birth of the child, nor within 24 hours after the birth of the child.
- (m) The surrender of parental rights of the birth parents shall be executed in the presence of a designated representative of the Agency, a witness and a notary. The Agency representative shall not serve as the witness or the notary.
- (n) A surrender of parental rights of the birth parents shall not be accepted without the benefit of legal representation or action when:
1. In the Agency's opinion the birth parent(s) appear incapable of exercising informed judgment; or
 2. The birth parent(s) refuses to sign a surrender or assume responsibility for the child.
- (o) The Agency shall assure that a surrender of parental rights of the birth parents is executed in accordance with the provisions of the O.C.G.A. Chapter 19-8.
- (p) The Agency shall be responsible for any legal services necessary for the termination of the parental rights of the biological or legal father, if applicable.
- (q) When an Agency accepts surrender of a child from a birth parent, the Agency shall assume primary responsibility for the child, including care and support, until the final decree of adoption.
- (r) Birth parent(s) shall be informed of Georgia's Adoption Reunion Registry and their legal rights to enter either a consent to contact or affidavit of nondisclosure should their child placed for adoption ever request contact with them upon reaching age twenty-one (21) or older.
- (s) Records for the birth parent(s) and child shall contain:
1. Name, address, social security number, telephone number and marital status of the birth parent(s);
 2. Social history of the family;

3. A report of the circumstances precipitating the Agency's involvement with the birth parent(s);
4. Agreement for services to birth parent(s) and child;
5. Plan of care for the child;
6. Health history of the birth parent(s) and child including a health examination of the child within one year prior to date of placement. Such examination shall be done by a medical doctor, physician's assistant, or a registered nurse with advanced training working under the direction of a physician, or public health department;
7. Name, sex, race, birth date and birthplace of the child;
8. Legal documents including verified birth certificate, court order, agreements, surrenders, consents, etc.;
9. Documentation of the surrender or termination of parental rights of the birth parents;
10. Documentation that birth parent(s) were informed of Georgia's Adoption Reunion Registry and of how they could register their wishes on the Registry; and
11. Documentation of contacts with or made on behalf of the birth parent(s) and child.

(5) Services to the Biological Father Who Is Not the Legal Father of the Child.

- (a) The Agency shall offer and document services to the biological father who is not the legal father of the child, if applicable.
- (b) The Agency shall obtain medical and social background information for the biological father who is not the legal father such as name, age, nationality, religion, education, and occupation. Information to determine whether there are any significant hereditary facts or pathology, including illnesses of the biological father who is not the legal father and his families, which might affect the child's normal development, shall be included in the background information.
- (c) A copy of the executed surrender documents shall be given at the signing to the biological father who is not the legal father.
- (d) The statutory right of the biological father who is not the legal father to revoke the surrender of the child shall be respected.
- (e) The Agency shall accept a surrender of a child for adoption only after a thorough study has been made to determine:
 1. That the biological father who is not the legal father signing the surrender understands the meaning and consequences of surrender and of consent to adoption procedures, including time limitations for withdrawal or revocation of consent; and
 2. That all available information relative to the biological father who is not the legal father is a part of the record.
- (f) A surrender from the biological father who is not the legal father shall not be accepted prior to the birth of the child.
- (g) The surrender of rights by the biological father who is not the legal father shall be executed in the presence of a designated representative of the Agency, a witness, and a notary. The Agency representative shall not serve as the witness or notary.
- (h) A surrender of rights shall not be accepted from the biological father who is not the legal father without the benefit of legal representation or action when:
 1. In the Agency's opinion the biological father who is not the legal father appears to be incapable of exercising informed judgment; or
 2. The biological father who is not the legal father refuses to sign a surrender.

(i) The Agency shall assure that a surrender of rights by the biological father who is not the legal father is executed in accordance with the provisions of O.C.G.A. Chapter 19-8.

(j) The biological father who is not the legal father shall be informed of Georgia's Adoption Reunion Registry and his legal rights to enter either a consent to contact or affidavit of nondisclosure should their child placed for adoption ever request contact with them upon reaching age 21 or older.

(k) Records for the biological father who is not the legal father shall contain, if available:

1. His name, address, social security number, telephone number and marital status;
2. A report of the circumstances precipitating the Agency's involvement with him;
3. His health history;
4. Documentation of the surrender or termination of his rights to the child;
5. Documentation that he was informed of Georgia's Adoption Reunion Registry and of how he could register his wishes on the Registry; and
6. Documentation of contacts made with or made on behalf of him.

(6) Services Prior to An Adoption Placement. These services are provided after an applicant has been approved, and prior to the placement of a child for adoption.

(a) The Agency shall consider a child's racial, cultural, ethnic, and religious heritage and preserve them to the extent possible without jeopardizing the child's right for placement and care.

(b) Children of the same family shall be kept together when possible unless it has been determined through casework services that this is not desirable. If not in the best interest of the children involved, the reasons shall be documented in the records.

(c) The Agency shall discuss children for potential adoption with the approved prospective adoptive family and shall prepare the prospective adoptive family for the placement of a particular child or children, by anticipating the adjustments and problems that may arise during and after placement.

1. All available information about the child's development and background shall be shared in writing with the prospective adoptive parent(s).
2. A copy of the written health history shall be given to the prospective adoptive parent(s) for their use with the child's physician.
3. Documentation of these disclosures shall be included in the case record.

(d) The child shall be seen by the prospective adoptive parent(s) prior to the signing of the placement agreement, and this event shall be documented in the case record. For intercountry adoptions, this rule shall not apply if the Agency does not have custody of the child.

(7) Services Following An Adoption Placement.

(a) 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.

1. The first home visit may be made at any time after the placement of the child.
2. There shall be a minimum of two weeks between the required home visits for a child age twelve (12) months or younger.
3. There shall be a minimum of 30 days between the required home visits for a child over the age of twelve (12) months.

(b) 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.

(c) 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.

(d) 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.

(e) Documentation of home visits will be maintained in both the prospective adoptive family's and the child's file. 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.

(f) The Agency shall explain to the prospective adoptive family the requirement that the prospective adoptive family engage an attorney of its choice for finalization of the adoption.

(g) The Agency shall help complete the adoption as required by the Superior Court through preparation and presentation of the written court report. A copy of the court report shall be filed with the state Office of Adoptions. Copies of the state birth verification and the court report shall be retained by the Agency in the adoption record.

(h) 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.

(8) **Inter-country Adoptions.** When an Agency is participating in inter-country adoptions, the following requirements must be met in addition to other requirements contained in these rules:

(a) An Agency participating in prospective inter-country adoptions, whether as a sponsoring agency or by the provision of home studies, shall abide by all applicable federal and state laws and regulations, including immigration laws and those relating to inter-country agreements concerning adoptions.

(b) Where written agreements exist, an Agency shall retain copies of all agreements with foreign countries and English translations of those agreements.

(c) A sponsoring agency for a prospective inter-country adoption shall retain documentation that:

1. The child is legally freed for adoption in the country of origin; and
2. All information about supervision after placement required by the country of origin has been provided prior to the finalization of the adoption.

(d) An Agency participating in prospective inter-country adoption placements where the United States is the country of origin shall document that the following processes have occurred before the child leaves Georgia:

1. There has been termination of parental rights as required by the receiving country;
2. There has been termination of rights by the biological father who is not the legal father, if applicable;
3. There has been a determination of legal responsibility for the child in the new country; and
4. There has been validation that all the requirements for the adoption to occur in the foreign country can be satisfied.

(e) A sponsoring agency shall provide and document orientation for prospective adoptive parent(s) in issues related to inter-country adoptions, including but not limited to:

1. Adoption requirements of the country of origin;
2. Health issues of the country of origin;
3. Institutional disorders; and
4. Developmental delay.

(f) A sponsoring agency shall document the provision of the following information to prospective adoptive parent(s):

1. Which countries finalize adoptions abroad, and which require that the adoption be finalized in the United States;
2. Information about the physical and mental health of the child;
3. Information regarding domestication of the foreign adoption decree; and
4. Information regarding obtaining U.S. citizenship for the child.

(g) The Agency shall apply the same standards for home study for prospective inter-country placements as for other placements in Georgia and shall meet any federal requirements for the home study.

(h) Agencies providing inter-country adoption services, whether as a sponsoring agency, through the provision of home studies, or in any other capacity, shall disclose promptly to prospective adoptive parent(s) any information that is or becomes available which may affect their adoption placement, including but not limited to any suspension of the adoption program by the foreign country.

(i) Agencies providing inter-country adoption services shall provide all applicants with policies governing refunds when adoption services that have been promised have not been rendered or when there is a disruption of services that may nullify an adoption.

(9) Maintenance of Adoption Records.

(a) The Agency shall maintain a record for each applicant for adoption services, to contain the application and other information collected by the Agency pertaining to the applicant including but not limited to:

1. The home study and all documents required by the home study, such as criminal records checks;
2. Upon placement of a child in the home, a signed agreement as to the terms of the placement;
3. A copy of the information given to the parent(s) concerning the child;
4. All legal documents pertaining to the adoption; and
5. A summary narrative on the pre-placement and post-placement contacts with the prospective adoptive family and the adopted child. Entries shall be dated and shall identify the caseworker making the contacts.

(b) Adoption records shall be maintained permanently following finalization of the adoption. Immediately upon receipt of the final order or certificate of adoption, each individual record shall be sealed and secured from unauthorized scrutiny in accordance with the provisions of O.C.G.A. Sec. 19-8-23.

(c) For adoptions finalized after the effective date of these rules, the adoption records shall be converted to non-paper format, such as microfilm or computer format, within six months from the date of finalization of the adoption. The format type and date must be clearly labeled on the exterior of the record container.

(d) Records of evaluation of applicants for adoption services which do not result in the finalization of an adoption shall be maintained for at least one year following date of written notification to applicants of their unapproved status.

(e) All adoption records shall be stored in fireproof file cabinets.

(10) Behavior Management and Emergency Safety Interventions.

(a) Child training, behavior management, and emergency safety interventions may be administered by the prospective adoptive parent(s) when appropriate and shall be appropriate for the child's age, intelligence, emotional makeup, and past experience.

(b) The use of positive techniques for child training and behavior management shall be encouraged and supported by the Agency.

(c) Behavior Management.

1. The agency shall make available to prospective adoptive parent(s) information on the kinds of behavioral problems of the children that might arise and appropriate techniques of behavior management for dealing with such behaviors.

2. The following forms of behavior management shall not be used by prospective adoptive parent(s) receiving services through the licensed agency;

(i) Assignment of excessive or unreasonable work tasks;

(ii) Denial of meals and hydration;

(iii) Denial of sleep;

(iv) Denial of shelter, clothing, or essential personal needs;

(v) Denial of essential services;

(vi) Verbal abuse, ridicule, or humiliation;

(vii) Restraint, manual holds, and seclusion used as a means of coercion, discipline, convenience, or retaliation;

(viii) Corporal punishment;

(ix) Seclusion or confinement of a child in a room or area which may reasonably be expected to cause physical or emotional damage to the child; or

(x) Seclusion or confinement of a child to a room or area for periods longer than those appropriate to the child's age, intelligence, emotional makeup and previous experience, or confinement to a room or area without the supervision or monitoring necessary to ensure the child's safety and well-being.

3. Children shall not be permitted to participate in the behavior management of other children.

4. Agencies shall submit to the Department electronically or by facsimile a report within 24 hours, whenever the Agency becomes aware of an incident, which results in any injury to a child requiring medical treatment beyond first aid that is received by a child as a result of or in connection with any behavior management or emergency safety intervention.

5. The Agency shall take appropriate corrective action when it becomes aware of or observes the use of prohibited forms of behavior management, as specified in sections .06(10)(c)2. through (xi) or inappropriate emergency safety interventions. Documentation of the incident and the corrective action taken by the Agency shall be maintained in the case records of the child and family.

6. Prospective adoptive parent(s) shall be made aware of each child's known or apparent medical and psychological conditions and family history, as evidenced by written

acknowledgment of such awareness, to ensure that the prospective adoptive parent(s) have adequate knowledge to deliver safe and healthy care to the child.

7. The Agency shall require the prospective adoptive parent(s) to report to the agency within 24 hours whenever a child receiving services through the Agency requires medical attention as a result of or in connection with the use of a behavior management techniques or emergency safety interventions.

Authority O.C.G.A. Secs. 19-8, 49-5-3, 49-5-12, 49-5-60. **History.** Original Rule entitled "Adoption Services" adopted. F. Mar. 16, 2000; eff. Apr. 5, 2000. **Repealed:** New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006. **Repealed:** New Rule of same title adopted. F. Nov. 20, 2006; eff. Dec. 10, 2006. **Repealed:** New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.