

PRIVATE ADOPTION

Title .07

Subtitle .05

Chapter .03

Title 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 05 SOCIAL SERVICES ADMINISTRATION— PRIVATE CHILD PLACEMENT AGENCIES

Chapter 03 Private Adoption

Authority: Family Law Article, §§5-101, 5-301—5-414, 5-3A-01 et seq., 5-4A-01 et seq., 5-4B-01 et seq., 5-524, and 5-525, Annotated Code of Maryland. Agency Note ; Federal Regulatory Reference: 42 U.S.C. §670 et seq.; 45 CFR 1355

.01 Purpose.

The purpose of private adoption services is to:

- A. Effect a permanent plan through private legal adoption as quickly as possible for a child in out-of-home placement who cannot, or should not, be reunited with the child's birth parents;
- B. Protect children from unnecessary separation from birth parents;
- C. Provide the child with an adoptive setting which will ensure the child's safety and well-being;
- D. Assure adoption of a child by qualified individuals;
- E. Protect the confidentiality of the adoption process;
- F. Arrange, as appropriate, the exchange of identifying information among an adoptee, birth parents, and birth siblings who register their consent with the Registry;
- G. Assure that a child adopted in a foreign country is protected in Maryland and that the foreign country's laws, customs, expectations, and requests are, as far as is legally and practically possible, honored in Maryland; and
- H. Assure potential adoptive parents that the agency will:
 - (1) Share with them all available appropriate information, and
 - (2) Minimize financial and personal risks.

.02 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - (1) "Adoptee" means an individual:
 - (a) Whose adoption decree was issued by a Maryland court; or
 - (b) Who was placed for adoption by a:
 - (i) Maryland-licensed child placement agency, or
 - (ii) Local department.

- (2) "Adoption" means the legal proceeding:
 - (a) By which an individual becomes the child of the adoptive parent; and
 - (b) Which confers on the adopted child all the legal rights and privileges to which a child born to the adoptive parent is entitled.
- (3) "Adoption placement" means the placement of a legally free child with an approved adoptive parent who has signed a placement agreement with the intent to adopt the child.
- (4) "Domestic adoption" means an adoption which is completed within the United States.
- (5) "Guardianship" means guardianship with the right to consent to adoption or long-term care short of adoption as defined in Family Law Article, §5-301(e), Annotated Code of Maryland, and;
 - (a) Is conferred by the court on the chief administrator of a child placement agency; and
 - (b) Terminates the rights, duties, and obligations of the birth parents.
- (6) "International adoption" means the adoption by a Maryland resident of a child from a country outside the United States.
- (7) "Legal risk placement" means the placement of a child whose permanency plan is adoption, but who is not yet legally free, with potential adoptive parents approved for both foster care and adoption with the intent that the parents will adopt the child if guardianship is granted to the placing agency.
- (8) "Maryland Adoption Resource Exchange (MARE)" means the State registry of Maryland children waiting to be adopted.
- (9) "Open adoption" means an adoption in which it is the explicit intent that the child shall maintain contact, including the possibility of visitation, with the birth parent or relatives.
- (10) "Preadoptive foster care" means out-of-home placement services provided to a child in a certified foster home when the permanency plan is adoption but an adoptive parent is not yet available or the child is not ready for permanent placement.
- (11) "Registry" means the Maryland Mutual Consent Voluntary Adoption Registry.
- (12) "Search, contact, and reunion services (search services)" means services to:
 - (a) Locate adoptees and birth parents of adoptees;
 - (b) Assess the mutual desire for communication or disclosure of information between adoptees and birth parents; and
 - (c) Provide counseling or referral to counseling for adoptees and birth parents of adoptees.
- (13) "Termination of parental rights" means the legal process of obtaining guardianship and ending the rights and responsibilities of the parents.

.03 Regulatory Requirements for Private Adoption Services.

- A. To provide private adoption services, an agency shall:
 - (1) Be licensed as a child placement agency by the Administration in accordance with COMAR 07.05.01; and

- (2) Have a written service plan which meets the requirements of this chapter.
- B. To provide adoption search, contact, and reunion services (search services), the agency shall:
 - (1) Satisfy the requirements in §A of this regulation; and
 - (2) Have a written plan which meets the search services requirements of COMAR 07.02.12.
- C. An agency or individual shall satisfy the requirements of §A of this regulation to:
 - (1) Advertise adoption services through the media;
 - (2) Conduct public meetings for the purpose of soliciting potential clients; or
 - (3) Recruit in any other way potential adoptive parents or locate children for adoption in Maryland.

.04 Services to Birth Parent.

- A. Services shall be accessible and available to a birth or adoptive parent requesting assistance in dealing with parenthood issues.
- B. When an expectant parent considering placement of a child for adoption requests adoption services, the agency child placement worker shall:
 - (1) Provide counseling and other appropriate services to the expectant parent:
 - (a) Before the child's birth,
 - (b) During termination of the parental rights process, and
 - (c) For as long after termination of parental rights as is desired by the parent;
 - (2) Assist the parent as needed to gain access to the services necessary to accomplish the case plan goals;
 - (3) While the child is in care, assist the parent to resolve any emotional or other issues resulting from the adoption process;
 - (4) Inform the parent of the following:
 - (a) Parent's right to visit the child during the period before guardianship is granted,
 - (b) Parent's right to withdraw consent for guardianship as set forth in Family Law Article, Title 5, Subtitles 3A and 4B, Annotated Code of Maryland,
 - (c) Search rights of birth parents and adoptees as set forth in COMAR 07.02.12 and Family Law Article, Title 5, Subtitles 3A and 4B, Annotated Code of Maryland, and
 - (d) Parent's right to file a disclosure veto as set forth in Family Law Article, §5-3A-05(a), Annotated Code of Maryland; and
 - (5) When a parent decides to place a child for adoption, prepare a written placement agreement with:
 - (a) A placement plan, and
 - (b) Any special conditions on the care requested by the birth parent and agreed to by the agency.
- C. To the extent possible, the agency shall include the following information in the parent record:
 - (1) Face sheet which shows at least the parent's:
 - (a) Name,

- (b) Address,
- (c) Social Security number;
- (d) Birth date and place,
- (e) Race,
- (f) Religion, and
- (g) Marital status;
- (2) Date of application or initial referral;
- (3) If the parent is pregnant, the expected due date and prenatal care plan;
- (4) If the child has been born, the date of birth and delivery information;
- (5) Names, birth dates, and whereabouts of other children born to the parents;
- (6) Names of parents' parents and background summary;
- (7) Parents' description, including weight, height, coloring of eyes, hair, and skin, personality traits, and special interests with photographs, videotape, or other media representation;
- (8) Multigenerational health history;
- (9) Education and work history;
- (10) Marital, parental, social, and sibling relationships;
- (11) Documentation of discussion of separation and termination of parental rights as applicable;
- (12) Documentation of a discussion of adoption and its meaning, including the potential for open records;
- (13) Signed voluntary relinquishment, consents for release, medical care, and guardianship petition; and
- (14) Information on the guardianship order, including the:
 - (a) Date,
 - (b) Judge,
 - (c) Docket number,
 - (d) Court,
 - (e) Signed voluntary relinquishment, consents for release, medical care, and guardianship petition, and
 - (f) Copy of guardianship decree.

.05 Adoption Services for the Child.

- A. Adoption services are available to any child:
 - (1) Whose parent voluntarily relinquishes the child for adoption;
 - (2) Whose parent is considering separation from a child because of the parent's inability to provide parental responsibilities;
 - (3) For whom the agency considers permanent planning through adoption is in the best interest of the child;
 - (4) For whom another service or agency has referred the child for adoption planning; or
 - (5) Who was adopted or freed for adoption in a foreign country and is now living in Maryland.
- B. Adoption services for a child may be requested by the:

- (1) Parent;
 - (2) Agency having legal authority by court action;
 - (3) Court, agency, or other organization established by a foreign country's law or policy; or
 - (4) Child who is 10 years old or older.
- C. When an agency receives an application for adoption services on behalf of a child, the agency shall:
- (1) Determine the needs of the family and child; and
 - (2) Decide the appropriate service.
- D. During the process of determining or implementing a case plan, a child accepted for adoption service may be placed in:
- (1) Preadoptive foster care;
 - (2) A legal risk placement; or
 - (3) A residential facility licensed or approved by the Administration.
- E. Adoption Service Agency's Responsibilities in Preadoptive Foster Family Care.
- (1) The agency shall have immediately available, through agency certification or formal contract with another Maryland-licensed child placement agency, certified foster parents capable of providing temporary preadoptive certified foster care for a child for whom the plan is adoption, but for whom an adoption placement is not yet available.
 - (2) The agency shall:
 - (a) Provide or arrange for the child's appropriate physical care, emotional security, and intellectual stimulation;
 - (b) Observe and document the child's developmental progress; and
 - (c) Utilize information in the child's record to select a suitable adoptive parent for the child.
- F. Preparation for Adoption Placement.
- (1) The agency shall proceed to terminate parental rights and obtain guardianship of the child by filing the petition according to Maryland Rules of Procedure, Chapter 1100, Subtitle D, and Family Law Article, §§5-301—5-330, Annotated Code of Maryland, within 2 weeks of:
 - (a) Obtaining the voluntary relinquishment of the child; or
 - (b) Completing efforts without success to locate the parents.
 - (2) The agency holding guardianship shall, according to the provisions of Family Law Article, §5-319, Annotated Code of Maryland, notify the court and the parents of the plan to terminate parental rights.
 - (3) A consent to guardianship is valid if it contains written notice of the:
 - (a) Parent's right to withdraw consent as described in Family Law Article, §5-311(c)(1), Annotated Code of Maryland;
 - (b) Parent's and adoptee's search rights as described in Family Law Article, Title 5, Subtitles 3A and 4B, Annotated Code of Maryland; and
 - (c) Parent's right to file a disclosure veto as described in Family Law Article, §5-3A-05(a), Annotated Code of Maryland.
 - (4) When guardianship is obtained, the agency shall immediately proceed with adoptive placement plans in the following manner:

- (a) If an adoptive parent is selected for the child:
 - (i) Place the child with the adoptive parent,
 - (ii) Provide post-placement services, and
 - (iii) Proceed to petition the court to finalize the adoption;
 - (b) If the child was in a legal risk placement for 6 months or longer and the adoptive parent is still the parent of choice, petition the court to finalize the adoption;
 - (c) If the child is bonded to foster parents who have applied to adopt the child, met the requirements of this regulation, and determined by the agency that the foster parents' adoption of the child is in the child's best interest, petition the court to finalize the adoption; or
 - (d) If an adoptive parent is not available:
 - (i) Attempt to recruit a home for the child, and
 - (ii) Within 30 days register the child with MARE and other appropriate exchanges.
- G. The agency shall maintain the following records to document services to the child:
- (1) A face sheet with information needed in an emergency, including the child's:
 - (a) Name;
 - (b) Birth date and place;
 - (c) Names of parents;
 - (d) Guardianship status;
 - (e) Pertinent medical information;
 - (f) Placement address; and
 - (g) Social Security number; and
 - (2) To the extent possible, the following information on the child:
 - (a) Intake study and recommendation;
 - (b) Birth records;
 - (c) Medical records, including:
 - (i) Financial responsibility for medical care,
 - (ii) Medical record at birth,
 - (iii) Development history,
 - (iv) Pre-placement physical,
 - (v) Medical recommendations,
 - (vi) Immunizations and inoculations,
 - (vii) Continuing medical and developmental history, and
 - (viii) Dental records;
 - (d) Race, religion, and pertinent ethnic or cultural information;
 - (e) If the child is 10 years old or older, child's written consent;
 - (f) Guardianship information, including:
 - (i) Date of decree,
 - (ii) Docket number, and
 - (iii) Copy of the guardianship decree;
 - (g) If the child was in a foster care placement, the child's foster care record as required by COMAR 07.05.02.18D; and
 - (h) If the child is attending school, the child's educational history.

.06 Subsidized Adoption.

- A. The agency shall notify applicants of available adoption subsidies.
- B. Subsidized adoption may be available to:
 - (1) A child for whom the agency has guardianship and documentation of reasonable efforts to find an adoptive home without subsidy, but has not been successful because the child has one or more of the following special needs:
 - (a) Is 6 years old or older;
 - (b) Has, in combination with other factors, race or ethnic background considerations;
 - (c) Has a severe or demanding physical or mental disability which may occur or recur;
 - (d) Has a diagnosed emotional disorder; or
 - (e) Is in a sibling group of two or more who shall be placed together;
 - (2) An adoptive parent who meets income qualifications and requires a subsidy to permit the parent to adopt a child who has a special need listed in §B(1) of this regulation; and
 - (3) An adopted child who is eligible according to §B(1) of this regulation at the time of adoption, but that fact was not known until after the adoption, for a one time retroactive post-adoption subsidy not to exceed an amount equal to 12 months of the Regular Care or Special Care rate as set forth in COMAR 07.02.11.34, Schedule A.
- C. If appropriate, the adoptive parent shall apply to the local department to request a subsidy.

.07 Reasonable Fee.

- A. Domestic Adoption-Related Child Placement Services. A licensed child placement agency providing domestic adoption services may charge a reasonable fee for reimbursement of services by developing a sliding fee scale based on income. The agency may not:
 - (1) Charge a fee unless it has provided the applicant with:
 - (a) The agency's fee and refund policy,
 - (b) An estimate of the agency's maximum fee for specific services,
 - (c) Information regarding available public and private subsidies, and
 - (d) The agency's sliding income fee scale; and
 - (2) Except for a reasonable nonrefundable administrative fee, keep payment from the adoptive parent unless the agency has provided the services, irrespective of whether:
 - (a) An application and home study are pursued to completion, or
 - (b) A child is adopted.
- B. International Adoption. The agency shall:
 - (1) If a foreign country ceases adoption activity with the United States:

- (a) Keep a designated nonrefundable fee established at the time the fee was collected; or
- (b) Refund the entire collected fee;
- (2) Designate a reasonable refundable fee which shall be:
 - (a) Used for legal and other expenses when the adoption is finalized in a foreign country;
 - (b) Placed in an escrow or reserve account if it is not needed within 60 days of receipt by the agency; and
 - (c) Returned to the applicant if the adoption is not finalized, and:
 - (i) The adoptive parent has not caused the collapse of the adoption by actions or statements, and
 - (ii) Funds are not needed for legal and other documented expenses in the foreign country;
- (3) Inform the applicant in writing of the reasonable fees described in §B(1) and (2) of this regulation; and
- (4) If the adopted child has special needs as defined in Regulation .06B(1) of this chapter, explore the availability of State reimbursement for nonrecurring adoption expenses as described in COMAR 07.02.12.18.

.08 Adoptive Parent Recruitment.

- A. The agency shall have a written plan for continuous recruitment of adoptive homes which includes:
 - (1) The categories of children to be served;
 - (2) Recruitment methods for adoptive homes;
 - (3) Recruitment resources;
 - (4) Time-related goals for applicant recruitment;
 - (5) Designated recruitment staff;
 - (6) Methods of disseminating information about:
 - (a) Individual children available for adoption, and
 - (b) All children available for adoption; and
 - (7) Funding to implement the recruitment plan.
- B. An agency unable to recruit an adoptive home for a child within the agency's resources shall refer the child to MARE, other local and national adoption exchanges, and collaborating agencies until it obtains an appropriate placement for the child.
- C. The agency shall provide information to prospective adoptive parents about the:
 - (1) Adoption process and its approximate length;
 - (2) Agency's policies and practices;
 - (3) Legal procedures;
 - (4) Categories of children available;
 - (5) Fees and the availability of subsidies; and
 - (6) Right to appeal agency decisions.

.09 Criteria for Consideration as an Adoptive Parent.

- A. The agency may not deny an individual's application to be an adoptive parent because:
- (1) An individual:
 - (a) Is divorced,
 - (b) Is separated from a spouse,
 - (c) Is not married,
 - (d) Has other children in the family,
 - (e) Does not own a home, or
 - (f) Is unable to pay a reasonable fee for adoption services; or
 - (2) Of the applicant's or adoptive child's race, color, culture, national origin, sexual orientation, or ethnic heritage.
- B. The agency shall deny an application if the agency determines that an individual's:
- (1) Child support account is in substantial arrearage which may affect the applicant's ability to provide for an adopted child;
 - (2) Economic situation is insufficient to provide adequately for a child;
 - (3) Physical or mental health precludes the ability to parent a child;
 - (4) Age is younger than 18 years;
 - (5) Criminal background or record of child abuse or neglect precludes the possibility of being an adoptive parent;
 - (6) Adoption application or home study is active with another child placement agency;
 - (7) Previous home study by a child placement agency reveals the individual was denied for valid reasons;
 - (8) Status is that of:
 - (a) Member of the agency's governing board, or
 - (b) Adoption service employee of the agency;
 - (9) Living space is inadequate for an additional family member; or
 - (10) Application information is known by the applicant to be false.

.10 Application for Adoptive Parent.

- A. Inquiry Process. An applicant shall complete an agency inquiry process before the agency offers an application form for a home study. The process shall be as follows:
- (1) Appropriate agency staff conducts an inquiry interview which:
 - (a) Shall be:
 - (i) A face-to-face interaction, and
 - (ii) Documented in writing; and
 - (b) May be with:
 - (i) One applicant, or
 - (ii) A group of applicants;
 - (2) The agency and the potential applicant exchange sufficient information to enable both parties to determine whether to proceed;
 - (3) The agency documents that it has informed the potential applicant of its policies and procedures, including:
 - (a) Explanation of a waiting list;

- (b) Criminal background check requirements;
 - (c) Child abuse and neglect clearances;
 - (d) Home study process;
 - (e) International adoption requirements;
 - (f) Legal considerations;
 - (g) Post-placement services;
 - (h) Available subsidies and other financial resources;
 - (i) Reimbursement policies and fee scales; and
 - (j) Requirements regarding applications or home studies in process or completed with other child placement agencies; and
- (4) If both agency and potential applicant agree to proceed, the agency shall offer the individual an application form.
- B. General Application for Home Study or Reconsideration.
- (1) A potential adoptive parent shall complete an application before the beginning of a home study or reconsideration.
 - (2) The agency's chief administrator or designee shall make the decision regarding the acceptance or denial of the applicant for home study or reconsideration status based on:
 - (a) The requirements of this chapter;
 - (b) Rules and policies of the agency; and
 - (c) Information obtained from the completed application.
 - (3) If the application is denied, within 10 days of the decision the chief administrator or designee shall inform the denied applicant in writing of the:
 - (a) Reason for the denial; and
 - (b) Agency's appeal process.
- C. Reconsideration.
- (1) The application shall include:
 - (a) Documentation of annual medical evaluations of the adoptive parent and all other individuals living in the home;
 - (b) Documentation of application for sanitation and fire inspections as described in §D(5) of this regulation if the adoptive parent:
 - (i) Moved to a new residence, or
 - (ii) Occupies a residence which was altered significantly during the previous year;
 - (c) State and federal criminal background checks for any additional individual 18 years old or older living in the household;
 - (d) If a couple, dated signatures by both individuals; and
 - (e) Local department protective service clearances for all adults living in the home.
 - (2) If the applicant has a child abuse or neglect investigation pending, the agency may not make a decision regarding the application until the investigation is completed.
- D. Home Study Application.
- (1) If a couple completes the application form, both individuals shall sign and date the application form.

- (2) The applicant may request the adoption of a specific child, but the agency shall consider the child's best interest in selecting an applicant for a child.
- (3) If the applicant has a child abuse or neglect investigation pending, the agency may not make a decision regarding the application until the investigation is completed.
- (4) The applicant shall provide the names, phone numbers, and addresses of at least three individuals as references according to the following:
 - (a) Three reference letters shall be sent directly to the agency, of which:
 - (i) One of the references may be a relative, and
 - (ii) If the applicant has a child or children in the household attending school, one reference shall be a teacher, administrator, or counselor employed by a school which the child or children attend; and
 - (b) Of the three references, the agency shall document a face-to-face contact with at least one reference and phone contact with the two other references.
- (5) A completed home study application shall include:
 - (a) Financial statements with verification of income;
 - (b) Marriage or divorce verifications or both, as applicable;
 - (c) Applicant's plan to provide space in the home for the child;
 - (d) Reports of medical examinations for all individuals living in the applicant's home;
 - (e) Documentation of an application for a home sanitation inspection report by the local health department or a State- licensed sanitarian;
 - (f) Documentation of application for a signed local fire department document which is:
 - (i) A report of a home fire safety inspection, or
 - (ii) A statement indicating the local fire department will not complete the fire safety inspection;
 - (g) References as described in §D(4) of this regulation;
 - (h) If the home is equipped with a swimming pool or hot tub, houses a pet, or contains dangerous household items, documentation of adherence to the requirements of COMAR 07.05.02.10;
 - (i) Documentation of application for State and federal criminal background checks for all household members 18 years old or older;
 - (j) Verification of local department:
 - (i) Child abuse and neglect clearances for all household members 18 years old or older, and
 - (ii) Child support payment clearances on the applicant;
 - (k) Birth certificate verifications for the applicants and all the applicant's children;
 - (l) Documentation of an agency inquiry interview;
 - (m) If the applicant had contacts with other licensed adoption agencies, full disclosure and signed release for information from the identified agencies;
 - (n) If the applicant has a vehicle operator's license, a summary of the applicant's driving record from the State Motor Vehicle Administration; and

- (o) A completed agency application form, signed and dated by the applicant, which includes:
 - (i) Social Security numbers,
 - (ii) Address, and
 - (iii) Home and work telephone numbers.
- (6) The application shall be denied if:
 - (a) An applicant or adult household member:
 - (i) Refuses to consent to the local department child abuse, neglect, and child support clearances,
 - (ii) Refuses to consent to State and federal criminal background checks,
 - (iii) Has an indicated child abuse or neglect finding, or
 - (iv) Refuses to consent to the State Motor Vehicle Administration clearance;
 - (b) A review of child support information reveals substantial child support payment arrearages which may interfere with the applicant's ability to be an effective adoptive parent;
 - (c) A criminal background check reveals that an applicant has a felony conviction for:
 - (i) Child abuse or neglect, spousal abuse, a crime against children, rape, sexual assault, or homicide, or
 - (ii) Physical assault, battery, or a drug-related offense in the 5 years preceding the date of the adoption application date; or
 - (d) The agency determines that any information obtained through the application process warrants denial.

.11 Home Study.

- A. The home study is an educational and evaluative process which takes place between the applicant and the agency and is designed to assess the applicant's ability to:
 - (1) Understand the unique issues and challenges of adoptive parenting; and
 - (2) Meet the needs of an adopted child.
- B. The agency child placement worker shall initiate a home study after:
 - (1) Receipt of the completed application; and
 - (2) Approval by the agency's chief administrator or designee.
- C. Home Study Process.
 - (1) The agency's child placement worker, in consultation with the child placement worker's supervisor, shall conduct, write, sign, and date the home study.
 - (2) The home study shall consist of:
 - (a) At least two interviews with the applicant, both individually and together when two individuals apply together, with at least one of the interviews conducted in the applicant's home; and
 - (b) Additional individually conducted interviews with each:
 - (i) Child 10 years old or older who lives in the home, and
 - (ii) Adult member of the household.

- (3) The agency may use informational or orientation meetings or training sessions to complete the home study process.
 - (4) The agency shall complete the home study within 90 days of receipt of the completed, signed application unless the applicant consented in writing for the agency to extend the completion date no longer than 150 days.
 - (5) If the agency is unable to complete the home study before the agreed-upon time limit, the agency shall inform the Administration and the applicant in writing of the:
 - (a) Reason the agency is unable to complete the home study;
 - (b) Opportunity for the applicant to reapply;
 - (c) Explanation of any additional required fees from the applicant; and
 - (d) Fee reimbursement to the applicant, if applicable.
- D. The home study record shall:
- (1) Be written by the child placement worker;
 - (2) Include the child placement worker's professional judgments based on:
 - (a) Observed behavior of the applicant;
 - (b) Statements of the applicant; and
 - (c) Data gathered from application material;
 - (3) Include documentation of the following:
 - (a) All items described in Regulation .09B of this chapter;
 - (b) The following completed documentation:
 - (i) Verified State and federal criminal background check,
 - (ii) Verified report of sanitation inspection by the local health department or a State-licensed sanitarian, and
 - (iii) Verified local fire department report or statement;
 - (c) Mental health reports and clearances if indicated; and
 - (d) Dates and location of contacts by the agency child placement worker with the applicant;
 - (4) Include the following topics which the child placement worker discussed with the applicant:
 - (a) The applicant's motivation to adopt;
 - (b) The applicant's feelings about:
 - (i) Childhood years,
 - (ii) Parental relationships,
 - (iii) Sibling relationships,
 - (iv) Social relationships, and
 - (v) If applicable, marital and in-law relationships, former marriages, children, and child support obligations;
 - (c) The applicant's reaction to life-changing experiences, and ability to cope with change;
 - (d) The applicant's reaction to emotional stress;
 - (e) The impact of infertility on the applicant, if appropriate;
 - (f) The applicant's special interests and activities, including domesticated pets and use of firearms for sporting purposes;

- (g) The impact of the applicant's religion or life philosophy on the applicant and adopted children;
- (h) The applicant's employment and financial circumstances;
- (i) The applicant's formal educational experiences;
- (j) The applicant's knowledge of and experience in parenting;
- (k) The applicant's attitudes toward:
 - (i) Children,
 - (ii) Discipline,
 - (iii) Child rearing, and
 - (iv) Changed interpersonal dynamics resulting from the adoption;
- (l) The applicant's attitudes toward adoption, including:
 - (i) Expectations of a child,
 - (ii) Dealing with a child already in the household regarding adoption,
 - (iii) The search for a child,
 - (iv) The possibility of the adoptee's future need to search for the birth parents,
 - (v) The possibility of dealing with the adopted child's parent,
 - (vi) The potential impact of adoption search services, and
 - (vii) The impact on the child's physical and mental health if the child was deprived, abused, or neglected before adoption;
- (m) The legal designation of an identified adult to assume responsibility for the care and custody of the child in case of the death or incapacitation of the adoptive parent;
- (n) The type of child the applicant could adopt, including a child's:
 - (i) Age range,
 - (ii) Special needs,
 - (iii) General background, and
 - (iv) Race, national origin, or both;
- (o) The potential availability of financial resources, including:
 - (i) State subsidy,
 - (ii) State reimbursement for nonrecurring adoption expenses, and
 - (iii) Any agency or other private funding; and
- (p) The home and community, including:
 - (i) Physical environment of the home,
 - (ii) Child care plans if needed, and
 - (iii) Attitudes of relatives, friends, and neighbors toward adoption.

.12 Approval or Denial of Applicant.

- A. If a child abuse or neglect investigation is pending on the applicant, the agency may not make a decision to approve or deny an applicant until the investigation is completed.
- B. After the agency child placement worker completes a home study, the agency's chief administrator or designee shall make the final decision to approve or deny the applicant for adoption based on:
 - (1) Regulations .08—.10 of this chapter; and

- (2) The agency's rules and policies.
- C. Approved Applicant. If the agency approves the applicant:
 - (1) The agency child placement worker shall, within 5 days of the decision, send a written confirmation explaining the:
 - (a) Time frame for finalizing an adoption, and
 - (b) Opportunity to be registered with MARE and other regional, national, or international exchanges; and
 - (2) If the agency has no child available for an approved applicant within 60 days of the approval for a domestic adoption, the agency shall offer the applicant an opportunity to register with MARE and other regional and national exchanges.
- D. Denied Applicant. If the agency decision is to deny the applicant, the agency child placement worker shall offer to meet with the denied applicant within 10 days of the decision, and:
 - (1) If the applicant agrees to a meeting:
 - (a) Explain the reason for the denial including State regulation citations, agency rules, and policy citations,
 - (b) Explain the agency's appeal procedure, and
 - (c) Within 5 days after the meeting with the denied applicant, send a written explanation of the topics listed in §D(1)(a) and (b) of this regulation; or
 - (2) If the applicant does not agree to a meeting, within 10 days of the decision send a written statement to the denied applicant which explains the:
 - (a) Reason for the denial, including State regulation citations, agency rules, and policy citations, and
 - (b) Agency appeal process.

.13 Reconsideration.

- A. Within 30 days after a completed application for reconsideration, in accordance with Regulation .10B and C of this chapter, the agency child placement worker shall complete a reconsideration of the adoptive parent:
 - (1) When a significant change in the circumstances of the adoptive parent occurs;
 - (2) When the adoptive parent adopted a child through the agency and wishes to adopt another child through the agency within 3 years of the previous child's adoption; or
 - (3) At least annually until case termination or selection of a child for adoption.
- B. A reconsideration may not take place:
 - (1) If the adoptive parent is actively working with another adoption agency; or
 - (2) The adoptive parent has not finalized an already pending adoption unless the adoptive parent is in the process of adopting a sibling group, in which case only the sibling group shall be considered.
- C. Content of Reconsideration. The agency's reconsideration of the adoptive parent:
 - (1) Shall include at least one interview with the adoptive parent in the home;
 - (2) Shall include an exploration of the adoptive parent's continued interest in adopting a child;

- (3) Shall include a separate interview with all adults living in the home in addition to adoptive parent;
- (4) Shall include a separate interview with all children in the home who are 10 years old or older;
- (5) Shall include an exploration of the changed situation of the adoptive parent since the last agency interview;
- (6) Shall include completed fire and sanitation inspections if required by the application in accordance with Regulation .10C of this chapter;
- (7) May include a reevaluation with the adoptive parent of a willingness to be more flexible in considering children who need a home;
- (8) May include an update in MARE; and
- (9) May include other requirements which the agency or the Administration deem appropriate.

.14 Preadoptive Foster Care.

- A. The agency shall take action to obtain guardianship within 6 months from the date of a child's placement in preadoptive foster care.
- B. The agency child placement worker shall reevaluate a child in preadoptive foster care:
 - (1) When the birth parent decides to plan for the child's adoption;
 - (2) After 60 days from the date of initial preadoptive home placement;
 - (3) At least every 60 days thereafter for 6 months from the date of initial preadoptive home placement;
 - (4) Every 6 months after the first 6 months of preadoptive foster care with documentation as to why the child is not yet placed for adoption; and
 - (5) When any significant change occurs to affect planning for the child.
- C. A reevaluation of a child in preadoptive foster care shall include:
 - (1) A review of the case plan goals;
 - (2) An assessment of progress in achieving the goals;
 - (3) Future action to implement the appropriate case plans for the child; and
 - (4) An update of MARE or any other exchange registrations.

.15 Placement for Adoption.

- A. The agency shall select an adoptive parent for a child who meets the child's needs.
- B. Religious Considerations. When placing a child, the agency:
 - (1) May not, because of religious considerations, cause undue delay in the placement of a child;
 - (2) Shall, when possible, give preference in the placement of a child to individuals of the same religious belief as that of the child or the child's birth parent, unless the birth parent waives this provision or indicates a different choice; or
 - (3) May recommend placement without regard for religious factors if the agency determines that a child does not have sufficient religious background, training, or beliefs to be a factor in the adoption.
- C. Racial and Cultural Considerations.

- (1) The agency shall screen a potential adoptive parent on attitudes concerning race, acceptance of racial and cultural differences, and ability and willingness to provide support and maximum socialization opportunities for the child.
 - (2) The agency may not delay or deny the placement of a child for adoption on the basis of the prospective adoptive parent's or child's race, color, sexual orientation, or national origin.
 - (3) For a Native American child, the agency shall give preference to adoptive placement as set forth in the federal Indian Child Welfare Act, 25 U.S.C §1915.
- D. Eligibility for Benefits. When an adoptive child is eligible for benefits, such as Social Security, Veterans, SSI, or tribal rights, the agency shall:
- (1) Inform the adoptive parent of the child's eligibility;
 - (2) Provide the child's claim number; and
 - (3) Encourage the parent to apply for the child.
- E. Medical Information.
- (1) When possible, the agency shall document that it makes available to the adoptive parent a complete medical history of the child and the birth parents which may not contain information revealing the original identity of the child and the birth parents.
 - (2) The agency shall retain the medical records indefinitely as part of the child's files and make them available, when requested, for the adoptive parent, the adult adoptee, or the adoptee's offspring.
 - (3) The agency shall update the medical history when verified new information is obtained from adoptees, adoptee's relatives, or other sources.
- F. Identification of Responsible Adult. Before finalization of the adoption, the agency child placement worker shall counsel the adoptive parent regarding:
- (1) The importance of identifying a responsible adult to care for the child in case of the parent's death or incapacitation; and
 - (2) If indicated, executing a legal document that confirms the identification.
- G. Consideration of Certified Foster Parents as Adoptive Parents. After the agency rules out a child's return home with parents and placement with relatives, the agency shall consider the child's certified foster parents as prospective adoptive parents if the child lived with the certified foster parents for at least 1 continuous year before the permanency plan of adoption was developed.

.16 Post-Placement Services.

- A. The agency shall provide post-placement services to all children and adoptive parents before an adoption is finalized.
- B. Home Visits.
- (1) The agency child placement worker shall visit the adoptive parent at least three times and as needed during the first 6 months following placement.
 - (2) The child placement 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.

- (3) The child shall be included in the home visits according to the child's age and capability.
 - (4) Child Abuse and Neglect.
 - (a) Within 1 hour of a home visit, the agency child placement worker shall report any suspicion of child abuse or neglect by the adoptive parent or other individual living in the home to the local department, the Administration, and the agency's chief administrator.
 - (b) The agency's chief administrator or designee shall:
 - (i) Within 48 hours of the report's receipt, decide if the child should be removed from the home; and
 - (ii) If the adoptive parent is indicated, implement the child's immediate removal from the home.
- C. Agency's Post-Placement Responsibilities. The agency shall:
- (1) Provide evaluative, supportive, and educational services for the adoptive parents emphasizing the unique nature of adoption and its continuing impact on the parent-child relationship;
 - (2) Place special emphasis on the integrity and continuity of the child's heritage and genetic histories;
 - (3) Assure that all complaints of child abuse or neglect are reported immediately to the local department and the Administration;
 - (4) Develop and use a written instrument to assess the child's safety in the adoptive home;
 - (5) Remove a child before legal adoption if:
 - (a) In the opinion of the agency, conditions in the home impair the child's security and jeopardize the physical or emotional development of the child,
 - (b) The adoptive parent or an adult living in the home has violated an agency rule or policy and has jeopardized the physical or emotional development of the child, or
 - (c) A local department has investigated either child abuse or child neglect and delivered a finding of "indicated" on the adoptive parent or an adult living in the home; and
 - (6) If indicated, inform the adoptive parent in a face-to-face interview and subsequent written correspondence of the:
 - (a) Reasons for the removal of the child, and
 - (b) Adoptive parent's rights and process to appeal an agency decision to remove the child.
- D. Termination of Continuing Services. The agency shall terminate services to the adoptive parent when:
- (1) The adoption decree is final unless the agency and adoptive parent agree that services will continue beyond the final adoption decree; or
 - (2) When a child is removed from an adoptive home.

.17 Post-Adoption Services.

- A. Adoptive Parent. After an adoption is finalized, the agency shall extend the following services:
 - (1) Counseling or information and referral services when requested by the adoptive parent; and
 - (2) Provision to the adoptive family of any additionally acquired medical, social, psychological, and genetic history of the minor adoptee.
- B. Adoptee's Birth Parent. The agency shall extend service to the adoptee's birth parent by:
 - (1) Providing the birth parent the opportunity to:
 - (a) Update agency records with appropriate birth family history, and
 - (b) Release the agency from the confidentiality requirement relating to identifying information requested at some future date by the adult adoptee;
 - (2) Accepting from the birth parent medical information critical to the adoptee's growth and development, and assuring the communication of the information to the adoptive family or the adult adoptee, as appropriate; and
 - (3) Facilitating search services with the adult adoptee when the birth parent and adult adoptee have voluntarily consented in accordance with COMAR 07.02.12.
- C. Adult Adoptee. At the request of the adult adoptee, the agency shall extend the following services:
 - (1) Initial interview;
 - (2) Information and referral as needed;
 - (3) Provision of full non-identifying information in records available to the agency;
 - (4) Sharing confidential information if the birth parent gives consent;
 - (5) Facilitating search services with birth relatives when all appropriate parties have voluntarily consented in accordance with the provisions of COMAR 07.02.12; and
 - (6) Accepting from the adult adoptee medical information which may be critical to the birth parent and assuring as much as possible the communication of this information to the birth parent.

.18 International Adoption.

- A. If approved by the Administration, the agency may provide services related to an international adoption.
- B. To facilitate placement of a child from a foreign country, the agency shall cooperate with the international agency, whether based in the United States or in the child's country of origin.
- C. Services to legally free the child for adoption may be conducted in the child's country of origin, in accordance with the country's laws, policies, and regulations.
- D. Agency services provided to individuals requesting assistance with an international adoption shall include the following:
 - (1) Consultation with the adoptive parent, either individually or in a group, to:
 - (a) Discuss compliance with United States Immigration and Naturalization Service requirements;
 - (b) Inform about the current international adoption situation;

- (c) Provide all available information regarding the child's:
 - (i) Physical attributes,
 - (ii) Health,
 - (iii) Current living conditions,
 - (iv) Emotional health,
 - (v) Birth date,
 - (vi) Sex,
 - (vii) Birth parents, and
 - (viii) Current caretakers;
 - (2) Photographs, videotapes, or other media representations of the child;
 - (3) Information about physical and emotional traumas experienced by the child;
 - (4) Reasons the child is available for adoption; and
 - (5) A home study that shall include:
 - (a) The requirements of Regulation .11 of this chapter;
 - (b) Exploration of the adoptive parent's feelings about:
 - (i) Motivation for international adoption, and
 - (ii) Plans for dealing with the child's transition to a new culture;
 - (c) Exploration of the appropriate cultural support systems existing within the State; and
 - (d) Exploration and documentation of the adoptive parent's attitude regarding the foreign country's legal and social expectations and planned efforts to preserve and protect the child and the child's heritage regarding:
 - (i) Religion or life philosophy,
 - (ii) Lifestyle,
 - (iii) Sexual orientation,
 - (iv) Post-placement visitation, and
 - (v) Other considerations unique to the foreign country;
 - (6) Written instructions specific to the foreign country involved; and
 - (7) While an adoptive parent is in a foreign country to adopt a child, the support, information, and consultation requested by the adoptive parent through phone or other communication.
- E. Provisional Child Placement. To introduce a child living in a foreign country to a potential adoptive parent, the agency may provide a provisional placement service in Maryland for a child in a foreign country:
- (1) Who is 6 years old or older;
 - (2) Whose country of origin has freed the child for adoption;
 - (3) Whose visa allows the child to stay in the United States for at least 30 days;
 - (4) Who is placed provisionally no longer than 120 days; and
 - (5) Who is placed with an individual who:
 - (a) Initially contacted the agency;
 - (b) Successfully completed:
 - (i) An application interview with the agency child placement worker in the applicant's home,
 - (ii) A State and federal criminal background check for all adults living in the home,

- (iii) A local department protective services clearance for all adults living in the home, and
 - (iv) Medical examinations for all adults living in the home;
 - (c) If indicated, provided copies of any required licenses or permits for pets or firearms kept in the home; and
 - (d) Was approved for provisional placement by the agency's chief administrator.
- F. Final Adoption in Country of Origin. If finalization of the adoption occurs in the child's country of origin before the child's arrival in the United States, the agency shall:
- (1) Document its offer to the adoptive parent of three post-placement follow-up visits to the adoptive parent's home in a 6-month period;
 - (2) Encourage the adoptive parent to readopt the child in Maryland;
 - (3) Make a reasonable effort to assure that the adoptive parent meets the expectations of the foreign country in which the child was adopted;
 - (4) Honor all reasonable requests for reports or other documentation by the child service agencies of the foreign country in which the adoption took place; and
 - (5) Encourage adoptive parents to follow the foreign country's requirements for post-placement visits.

.19 Requirements for Open Adoption Placements.

- A. A child may be considered for open adoption when:
- (1) Family reunification efforts are unsuccessful and adoption is the permanent plan;
 - (2) The child's age and level of contact with, or commitment to, the parent make it emotionally difficult for the child to sever all ties with the parent; or
 - (3) A prospective adoptive parent can show, through the home study process, that the prospective adoptive parent:
 - (a) Is willing and able to allow and encourage contact of the child with the parent,
 - (b) Understands the child's dual needs for a permanent home and contact with the parent, and
 - (c) Can anticipate feeling secure in the role as the child's adoptive parent while also facilitating contact with the parent.
- B. In an open adoption, the agency child placement worker shall:
- (1) Document that the adoptive parent, parent, and the child, when age appropriate, were told the legal, emotional, and social ramifications of open adoption;
 - (2) Document before placement of the child, the:
 - (a) Visiting plan,
 - (b) Level of contact, and
 - (c) Expectations of adoptive parent and parent about their roles;
 - (3) Document discussions with the adoptive parent and parent regarding the importance of pre-placement visits with:
 - (a) The child by the adoptive parent, and
 - (b) The adoptive parent by the parent;
 - (4) Extend post-placement services to the child, adoptive parent, and parent;

- (5) Be available for counseling on issues relating to the open adoption;
- (6) Complete and retain records related to the child, adoptive parent, and parent as required in this chapter; and
- (7) Except for any requirement regarding non-identification, assure that the child, adoptive parent, and parent receive the same services and protections offered under this chapter and COMAR 07.05.01.

.20 Records.

- A. All records on birth and adoptive parents and adopted children shall be maintained indefinitely in accordance with COMAR 07.05.01.11.
- B. All records shall include information described in Regulations .04C, .05G, and .11D of this chapter.
- C. The agency shall maintain for at least 5 years a statistical summary which includes the annual number of:
 - (1) Children served by age and sex;
 - (2) Finalized adoptions;
 - (3) Completed home studies;
 - (4) Applications for home studies;
 - (5) Applications denied; and
 - (6) Home studies resulting in denials for adoption.
- D. The confidentiality of all information shall be strictly safeguarded according to COMAR 07.01.02 and 07.01.07.
- E. The agency and approved adoptive parents shall protect confidential information regarding the adoptive children, their parents, and guardians.

.21 Appeals.

- A. The agency shall have a written appeal process for adoption applicants, approved adoptive parents, and any other individuals who believe they are aggrieved as a result of agency actions.
- B. An individual aggrieved by a decision of the agency or the Administration may:
 - (1) First exhaust the appeal process within the agency; and
 - (2) If the grievance is not addressed to the satisfaction of the aggrieved party through the agency process, request a fair hearing as set forth in COMAR 07.01.04.

Administrative History

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