

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



January 22, 2002

ALL-COUNTY LETTER NO. 02-09

REASON FOR TRANSMITTAL

- () State Law Change
() Federal Law or Regulation Change
() Court Order or Settlement Agreement
() Clarification Requested by One or More Counties
(X) Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL PUBLIC ADOPTION AGENCIES
ALL CDSS ADOPTION DISTRICT OFFICES
ALL LICENSED PRIVATE ADOPTION AGENCIES

SUBJECT: ADOPTIVE PLACEMENTS AND FOSTER FAMILY HOME LICENSING REQUIREMENTS

The purpose of this letter is to clarify State policy that dependent children who are legally free for adoption may be placed in an approved adoptive home regardless of whether or not that home is a licensed or approved foster family home or the certified family home of a foster family agency (FFA). The California Department of Social Services has become aware that some county welfare agencies have not approved adoptive placements of foster children freed for adoption because the prospective adoptive home was not a licensed or approved foster family home or the certified family home of a FFA.

The relevant State laws and regulations supporting this policy are as follows:

- Welfare and Institutions Code (WIC) Section 361.2 (e) provides that the out-of-home placement of a child who has been removed from parental custody and adjudged a juvenile court dependent must be in the home of an approved relative or nonrelative extended family member, in a licensed foster family home, or in a certified family home of a FFA. Neither a child welfare agency nor an adoption agency may place a child for foster care in an unlicensed, unapproved or uncertified home.
- Title 22 California Code of Regulations (CCR) Section 80007(a)(13) provides that licensure or approval as a foster family home or certification as a family home of a FFA is not required when the child is legally free for adoption, the prospective adoptive parents have an approved adoption home study, and the agency is supervising the placement.
- WIC Section 366.26(j) and Family Code Section 8704 provide that an adoption agency to whom a child is referred for adoption has exclusive care, custody, and control of the child until the adoption petition is granted.
- Title 22 CCR Section 35197(c) provides that the adoption agency selects suitable adoptive parents for the child from approved applicants.

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Adoptive Placements and Foster Family Home Licensing Requirements

- Title 22 CCR Sections 35180-35184 provide that the process in which adoption applicants are approved is designed to assure that the prospective adoptive family is able to meet the child's long-term needs, including the child's needs for safety and stability. This approval process is considered an acceptable alternative to licensure or approval as a foster family home or certification as a family home of a FFA.

It is important to note that the child's status as a juvenile court dependent continues until the adoption petition is granted. Thus, the county welfare agency must still provide permanency placement services and count the child in its permanency placement caseload for funding and statistical purposes. If the prospective adoptive family does not have foster family home licensure, approval as a foster family home, or certification as a family home of a FFA, the child cannot receive foster care maintenance (AFDC-FC) payments. Once an adoptive placement is made, however, the family may receive Adoption Assistance Program benefits if all eligibility requirements are satisfied.

If you have any questions regarding the adoptive placement approval process, please contact the Permanency Policy Bureau at (916) 322-4228. Questions regarding funding and eligibility should be directed to the Funding and Eligibility Policy Bureau at (916) 324-5809.

Sincerely,

Original document signed by

Sylvia Pizzini on January 22, 2002

SYLVIA PIZZINI
Deputy Director
Children & Family Services Division

c: CWDA