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| <h1>ACF</h1> <p>Administration<br/>for Children<br/>and Families</p> | U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES<br>Administration on Children, Youth and Families |                              |
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## INFORMATION MEMORANDUM

**TO:** State Agencies Administering or Supervising the Administration of Titles IV-B and IV-E of the Social Security Act

**SUBJECT:** Re-homing of adopted children: responsibilities for states and opportunities in the provision of post-adoption services.

**PURPOSE:** The purpose of this memorandum is to provide an overview of the practice of re-homing of adopted children, convey the concerns presented by this practice, and to encourage state title IV-B and title IV-E agencies to develop and promote the provision of post-adoption services and resources to adopted children and youth including those adopted internationally. Agencies are further encouraged to promote the availability of post-adoption services and resources through various means of outreach and information sharing to the adoption community.

**LEGAL AND RELATED REFERENCES:** Titles IV-B and IV-E of the Social Security Act (the Act) (42 U.S.C. 621, et. seq. and 670, et. seq.); Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C. 5101, et. seq.)

### Background on Re-homing of Adopted Children

In September 2013, the Reuters News Agency reported<sup>1</sup> on its investigation of an online Yahoo group bulletin board known as “Adopting-from-Disruption.” Although the adoption site highlighted in the article has since been shut down, it and nine other bulletin boards served as a means for adoptive families to “advertise” and facilitate placements of their children with non-relative strangers. The term “re-homing,” a term typically used by pet owners seeking new homes for their pets, became widely used to describe the behavior of these parents who sought to relinquish care of their adopted children outside the purview of the courts or public child welfare agencies.

<sup>1</sup> *Reuters Investigates: The Child Exchange, Inside America's Underground Market For Adopted Children:* <http://www.reuters.com/investigates/adoption/#article/part1>

According to the Reuters article, nearly 70% of the children advertised on the Yahoo bulletin board were born overseas and are presumed to be international adoptees. Many of the stories highlighted in the Reuters' investigative series described parents who were unable to meet the complex emotional and behavioral needs that emerged post-adoption. Some of the parents interviewed reported seeking without success assistance from public child welfare agencies. These parents turned to online forums to advertise and facilitate the placement of their children without the benefit of safety and criminal background checks or a home study to determine the appropriateness of the placement. Instead these parents delegated to strangers the authority to make education and health decisions on behalf of their child through power of attorney documents.

A power of attorney document typically delegates responsibility temporarily for decisions related to health and education, and though time limits vary by jurisdiction, a delegation through a power of attorney is not intended to substitute for long term parental care. In addition, this delegation of responsibility does not remove the legal responsibility parents have for assuring that the plan they have made for their child is a safe one.

### **Prevalence of Rehoming and Adoption Disruption/Dissolutions**

The precise number of disrupted adoptions resulting in re-homing is not known. There are limited formal means by which dissolutions of domestic or international adoptions are reported. Title IV-B of the Act requires only that states provide in their title IV-B Child and Family Services Plan (CFSP) and their Annual Progress and Services Report (APSR) a description of the activities they have undertaken for children adopted from other countries, including the provision of adoption and post-adoption services (section 422(b)(11) of the Act). In addition, section 422(b)(12) of the Act requires that the state collect and report information on children who are adopted from other countries and who enter into state custody as a result of the disruption of a placement for adoption or the dissolution of an adoption, including the number of children, the agencies that handled the placement or adoption, the plans for the child, and the reasons for the disruption or dissolution. These requirements apply to those children/families that become involved with state child welfare agencies.

### **Implications Under Federal and State Child Protection Statutes**

Parents have a legal responsibility to protect and care for their children. Delegating responsibility for a child to an unfit and unsafe individual through a power of attorney does not insulate parents from state laws regarding imminent risk of serious harm. The Reuter's articles suggest that children advertised on these message boards are often placed in unsafe environments and are highly vulnerable to exploitation. And, even if the parent has no reason to believe that the environment is unfit or unsafe, we believe it is fundamentally inappropriate for a parent to seek to shift his or her responsibility for an adopted child to another individual through a power of attorney process.

Many of the key legal requirements relating to child abuse and neglect, guardianship and power of attorney, and adoption are determined by states. Under CAPTA, each state must implement mandatory reporting laws that identify certain individuals who are required to report known or

suspected instances of child abuse or neglect and states must also have provisions and procedures to receive and respond to all reports of child abuse or neglect. CAPTA defines child abuse and neglect as, “at a minimum any recent act or failure to act on the part of a parent or caretaker, which results in the death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm.” State laws then determine what constitutes abuse, neglect, abandonment or exploitation of children. States also establish rules related to guardianship and power of attorney. In addition, states set the rules for domestic adoption and recognition of adoptions finalized in other countries, including criteria for the termination of parental rights and how advertising of an adoption may occur.

We encourage states to review their laws that govern these areas to ensure that the issues that arise through the practice of re-homing are adequately addressed. Some states are beginning to amend their statutes in response to re-homing. For example, Wisconsin recently enacted a law that expands their existing prohibition of advertising a child for adoption to include electronic media, requires that delegation of parental powers to a non-family member for more than a year be approved by a juvenile court, and prohibits the unauthorized interstate placement of children.

### **Benefits of Providing Post-Adoption Services to all Adopted Children/Youth**

When cases of re-homing come to the attention of public child welfare agencies it is often due to a report of abuse or neglect of the child following the placement of the child in the home of strangers. If these cases come to the public agency attention prior to the child being “re-homed,” the agency should be knowledgeable of state laws and court procedures that apply in transfers of custody from one family to another so the agency can direct the family appropriately. It is optimal for child welfare agencies to be able to provide opportunities for intervention, engagement and support services in an effort to stabilize adoptions before disruption in order to mitigate resulting trauma, loss and separation.

We encourage states to develop and provide a continuum of post-adoption services for adoptive families, both domestic and international. Federal funding is available to all state title IV-B and IV-E agencies to support such services. State agencies may use Child Welfare Services dollars (title IV-B, subpart 1 of the Act) to provide services to keep children safe in their own homes, including pre-and post-adoption services. These services may be provided to any child or family the state title IV-B agency deems is in need of them and this may include families who have adopted internationally.

In addition, the Promoting Safe and Stable Families Program (PSSF) (title IV-B, subpart 2 of the Act) requires that state title IV-B agencies spend approximately 20 percent for each of the four service categories of PSSF: community-based family support; family preservation; time-limited family reunification; and adoption promotion and support services. In addition to specific adoption promotion and support services, families adopting domestically or internationally may qualify for other services funded under PSSF. For example, family preservation funds may be spent on services to ensure children can remain in their own homes, whether that is the home of the biological parents or adoptive parents.

Other federal programs that states may use to help fund post-adoption services include the Adoption Incentives program; the Adoption Opportunities program, which provides competitive discretionary grants for a range of activities, including post-adoption supports; and the savings generated through the gradual delinking of title IV-E Adoption Assistance from the income requirements of the Aid to Families with Dependent Children (AFDC) program. Based on a National Resource Center for Adoption phone survey conducted in November, 2013, 45% of the 45 states that participated in the survey reported that they allowed internationally adopted children to participate in their post-adoption programs. The majority of these programs provide services using a mix of state dollars and title IV-B, subpart 2 funding.

## **Conclusion**

The Children’s Bureau encourages states to review their laws and policies to ensure that the issues that arise through the practice of re-homing are adequately addressed and that supports are put in place to assist families, children and youth impacted by this practice. One key means of accomplishing this is by supporting child welfare agencies in developing post-adoption supports and services for all adopted children/youth and making all post-adoption families aware of the availability of such resources within each state. Engaging adoptive families by making them aware of the resources that are available to them is an important way to assure family stability and well-being for children and youth.

## **Resources**

- [National Resource Center for Adoption, The Roundtable, Volume 18, Issue 1, 2004](#)
- [National Resource Center for Adoption, The Roundtable, Volume 26, Issue 1, 2013](#)
- [Keeping The Promise: The Critical Need for Post-Adoption Services to Enable Children and Families to Succeed”; Policy and Practice Perspective, October 2010; Evan B. Donaldson Adoption Institute](#)

Attachment: Children’s Bureau Regional Program Managers

/s/

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Mark Greenberg  
Acting Commissioner, ACYF

/s/

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JooYeun Chang  
Associate Commissioner, CB

Regional Program Managers

Attachment A

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| <p>IV</p>  | <p><b>Region IV - Atlanta</b><br/>                 Paul Kirisitz, Acting<br/> <a href="mailto:paul.kirisitz@acf.hhs.gov">paul.kirisitz@acf.hhs.gov</a><br/>                 Portals Building<br/>                 8<sup>th</sup> Floor, Suite 8110 West<br/>                 1250 Maryland Avenue<br/>                 Washington, DC 20224<br/>                 (202) 205-6733<br/> <b>States:</b> Alabama, Mississippi, Florida, North Carolina, Georgia, South Carolina, Kentucky, Tennessee</p> | <p>IX</p>   | <p><b>Region IX - San Francisco</b><br/>                 Douglas Southard<br/> <a href="mailto:douglas.southard@acf.hhs.gov">douglas.southard@acf.hhs.gov</a><br/>                 90 7<sup>th</sup> Street - 9<sup>th</sup> Floor<br/>                 San Francisco, CA 94103<br/>                 (415) 437-8425<br/> <b>States and Territories:</b> Arizona, California, Hawaii, Nevada, Outer Pacific—American Samoa Commonwealth of the Northern Marianas, Federated States of Micronesia (Chuuk, Pohnpei, Yap) Guam, Marshall Islands, Palau</p> |
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