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| **Residential & Placement Licensing** | Adoption Agency Closing Policy |
| **POLICY STATEMENT** | Number: P-ECC-R&P-04 |

A licensed adoption agency must inform EEC prior to acting on any decision to close. 102 CMR 5.00 *et seq.* set forth specific responsibilities of a licensed placement agency. Depending on the agency’s timeline for closing, many of these responsibilities must be transferred to another licensed adoption agency prior to closing. For that reason, it is suggested that an agency develop a plan for termination of services at least 90 days in advance of its intended closing. In any event, 102 CMR 5.13(1)(g) requires that an agency submit to the Department a written plan for the storage and preservation of required records at least 15 days before ceasing operation.

Prior to Closing

When an agency intends to cease operation it must do the following:

1. Submit to the Department a written statement of intent to close, including the anticipated date of closure, and the date it will stop or has stopped accepting referrals of new clients. In making the determination to close, the agency must follow all the requirements set forth in its corporate policies, such as a vote by the agency Board of Directors. In addition, if the non-profit agency holding the placement license is also ceasing operations, it must follow the requirements of the Office of the Attorney General, Division of Public Charities.
2. Submit to the Department at least 15 days prior to closing a written plan for the storage and preservation of records, as required by 5.13(1).
3. Submit to the Department at least 15 days prior to closing a comprehensive plan for the appropriate termination of all services to children, birth parent and adoptive parent clients, or for the transfer of responsibility for such services to another Massachusetts licensed adoption placement agency. The agency may determine that it will remain open to complete pending services such as home studies, plans for adoption placement, adoption finalizations, etc., or it may enter into agreements with one or more Massachusetts licensed adoption agencies to complete such work. The plan for termination of services must include provisions for services to the following:

* parents receiving counseling who have not yet determined whether they will parent or place their children for adoption;
* parents who have chosen adoption, whose children have not yet been placed;
* children who have been referred to the agency for adoption placement, but have not yet been placed in adoptive homes;
* children placed in adoptive homes whose adoptions have not been finalized;
* children and adults whose adoptions have been finalized, and their birthparents and adoptive parents;
* adoptive parent applicants who have not yet been approved for placement;
* adoptive parents applicants who have been approved for and are awaiting a placement;
* adoptive parents with children in placement whose adoptions are not yet finalized.

The plan must include a list of clients (children, birth parents, adoptive parent applicants, adoptive parents) currently receiving services, the status of each client, and the plan for each client. The plan must also include provisions for the storage and preservation of all client records, as provided by 102 CMR 5.13(1)(g). If an agency enters into an agreement with another Massachusetts licensed adoption agency to assume responsibility for required services to any client, or to assume responsibility for the storage and preservation of agency records, a copy of that agreement must be submitted to the Department. The agreement must clearly specify each agency’s responsibilities for services. The closing agency may make such agreements with more than one agency.

**The Department of Early Education and Care reserves the right to approve or disapprove of the plan for the storage and preservation of records and for termination of services.**

Birth parents, adoptive parent applicants and adoptive parents receiving services from the agency at the time of its planned closing may agree to work with the agency selected by the closing agency, or may choose to work with a different agency. If the client chooses a Massachusetts licensed adoption agency other than the one identified by the closing agency, the closing agency must confirm, in writing, that the agency selected by the client has agreed to accept responsibility for services to that client. The closing agency must transfer all current client files to the agencies selected or approved by the clients, and must inform each client in writing where his/her file has been transferred and who his/her contact person is at the receiving agency. The closing agency must maintain a written acknowledgement from each client that he/she has been fully informed regarding the transfer of services and/or client files. Upon request, the closing agency must provide each client with a copy of his/her file.

All unexpended client fees must be refunded to clients who choose to work with another licensed agency, unless the client agrees in writing that those fees will be transferred to the agency accepting responsibility for further services.

At the Time of Closing

When the agency has ceased providing adoption services it must submit to the Department a letter stating the date that the agency ceased providing adoption placement services, and the location of all active and closed client files. The letter must include copies of all final agreements with other Massachusetts licensed adoption placement agencies. In addition, the agency must submit its original *License to Operate an Adoption Placement Agency*. Further, if the closing agency holds a *License to Operate a Foster Care Placement Agency* and its foster care services were provided only in conjunction with its adoption placement services, the closing agency must also return its *License to Operate a Foster Care Placement Agency.*

Failure to Comply

In accordance with 102 CMR 1.07, **Enforcement and Compliance with Regulations,**whenever the Department finds that a program is not in compliance with applicable regulations, the Office may order the licensee to correct any non-compliances specified in a deficiency correction order. **Failure to comply with all or part of a deficiency correction order may result in a civil fine ranging from $50 to $1000.**