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**Overview of the Standards for the Licensure or Approval of Agencies Offering Child Placement and Adoption Services (102 CMR 5.00)**

***Presentation to the Board of Early Education and Care***

***June 14, 2016***

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**Overview of Presentation**

* **Introduction/Timeline**
* **Discussion of Adoption Issues**
* **Overview of Current Adoption Regulations**
  + Discussion of Adoption Agencies and Caseload
  + Current Gaps in Adoption Regulations
* **Overview of Foster Care Regulations**
  + Discussion of Foster Care Agencies
  + Current Gaps in Foster Care Regulations
* **Next Steps**
* **Questions**

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**Introduction**

* EEC will propose revisions to the Standards for the Licensure or Approval of Agencies Offering Child Placement and Adoption Services (102 CMR 5.00).
* These regulations were last updated in 1999.
* EEC plans to present the revised regulations to the Board at the September 2016 meeting for discussion and vote.
* The Board will receive a draft of the proposed adoption/placement regulations this summer.
* If approved by the Board, EEC will publish the revised regulations for public comment and hold a public hearing to solicit feedback.

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**Adoption and Placement Regulation Review History**

* EEC began review of Adoption and Placement regulations in 2009
  + EEC used Adoption Provider quarterly meetings to provide input and discuss changes.
* Forum held at Worcester Public Library in October 2010.
* EEC consulted with the Donaldson Adoption Institute from November 22, 2010 through January 21, 2011.
* EEC sent surveys to providers regarding regulatory changes in September 2011.

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**Adoption and Placement Regulation Review History**

* EEC Board voted on Regulations in November 2011
* Lt Governor Murray asked EEC to participate in Task Force on Post Adoption Services
  + Conference was held on June 28, 2012
* Other agency priorities in 2013 and the Administration-wide approach to regulatory changes delayed the finalization of the regulations.
* EEC participated in DCF-led task force on adoption costs in 2014, with recommendations issued on October 30, 2014.
* EEC met with an Adoption Advisory Committee to discuss and propose regulatory changes through 2015 and 2016.

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**Statutory Authority**

* + The Department of Early Education is required to license/approve (G.L. c. 15D, § 2):
  + Family foster care which is not supervised and approved by a placement agency
  + Placement agencies
  + Placement agencies include (G.L. c. 15D, § 1A):
  + Private (non-DCF) foster care agencies
  + Adoption agencies
  + The Board is required to adopt regulations relative to the requirements for licensure and approval of placement agencies (G.L. c. 15D, § 8)

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**Residential and Placement Licensing Unit**

* The Residential and Placement Unit (“R&P Unit”) licenses programs that provide 24-hour care and services to some of the neediest and most at-risk children in the Commonwealth.
* The R&P Unit has two (2) supervisors and nine (9) staff, who oversee a total of 427 residential programs and adoption/foster care placement agencies.
  + Four (4) of the R&P Unit staff are responsible for overseeing:
    - 33 Adoption Agencies
    - 22 Foster Care Agencies
    - 11 Adoption/Foster Care Agencies

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**Adoption and Placement Licensure**

* Adoption and placement licensure encompasses:
  + Public and Private Foster Care Services
  + Public and Private Adoption Services
* Foster Care in the Commonwealth is administered through both DCF and private/contracted agencies.
* Adoption in the Commonwealth is also administered through DCF and private agencies but is inherently more complex.

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**Complexity of Adoption**

* Adoption requires balancing the rights and needs of:
  + adopted children, adult adoptees, prospective adoptive parents, adoptive parents and their families, and the birthparents and their families.
* We recognize all of the above have important requirements and perspectives, which may at times differ.
* While the adopted child’s best interests should be paramount, other people’s rights and needs must also be considered.
* Adoption involves social, psychological, clinical, and legal processes that affect all the parties and their families throughout their lifetimes.
* A careful and ethical approach to key aspects of the process minimizes the prospect for differing/conflicting interests.

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**Complexity of Adoption**

* Adoptions are heavily regulated and subject to the following laws:
  + International Adoption: Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption.
    - The U.S. entered the Convention on April 1, 2008
  + Interstate Adoption: Interstate Compact for the Placement of Children. G.L. c. 119, App 2-1.
    - Ensures that children placed for adoption or foster care across state lines receive proper protections and services
  + Massachusetts Law: G.L. c. 210
    - Sets the legal requirements to execute an adoption

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**Current Adoption/Placement Regulations**

* EEC’s current adoption and placement regulations have not been revised since 1999.
* Particularly for adoption, the regulations are not all encompassing. The current regulations:
  + Were written primarily for adoptions through Department of Children and Families.
  + Were written for the *ideal* situation where all members of the adoption triad are residing within Massachusetts.
* Today, accomplishing permanency is a more complicated process, often requiring cooperation of child welfare agencies and judicial systems in two or more states. Many Massachusetts agencies work with out-of-state agencies.

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**Adoption Agencies - Overview**

* Massachusetts is an “Agency State”, meaning that ALL adoptions must be processed by a licensed adoption agency. G.L. c. 210, § 11A; G.L. c. 15D, § 6.
  + Other states allow an attorney, facilitator, or layperson to complete an adoption
  + It is illegal for an unlicensed person or agency to advertise for adoption services in Massachusetts. G.L. c. 15D, § 6(e)
* Adoption Agencies in Massachusetts are required to be non-profit entities and follow all licensing requirements set forth by EEC.

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**Current Gaps in Adoption Regulations**

* Gaps were determined by way of agency input, licensor observations and experience, and accounting for the changing face of adoption.
* Insufficient requirements for post-adoption services
* Unclear to what extent financial responsibilities lay for each party to the adoption
* Need to clarify qualifications and roles of adoption workers to ensure quality service and reduce conflicts of interest
* Need for increased number of home studies to ensure adoption is in the best interest of the child
* Need for increased orientation and training for prospective adoptive parents
* Unclear at points whether regulations are referring to adoptions or foster care

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**Foster Care Agencies - Overview**

* EEC regulates private foster care agencies
  + DCF oversees the actual foster care placement process
* EEC licenses 61 private foster care agencies
* Through the public approval process, EEC also approved DCF to serve as a placement agency.
* Much of the foster care process is overseen by DCF

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**Current Gaps in Foster Care Regulations**

* Gaps were determined by way of agency input, licensor observations and experience, and accounting for the changing face of adoption.
* Need for second party to review home studies
* Need for increased training for foster parents in preventing SIDS, shaken baby syndrome, and safe bottle warming techniques

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**Questions about Current Practices**

* Questions?