

DCF Policy #90-003
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VOLUNTARY ADOPTION SURRENDER POLICY

It is the mandate of the Department to assist families to remain together. Parents must be made aware of the services available which would assist them in maintaining responsibility for their child.

If, after every effort is made to help the family remain together, a parent is still unable or unwilling to maintain responsibility for a child, she/he may voluntarily act to relinquish her/ his legal parental rights and responsibilities by signing an Adoption Surrender, in accordance with **MGL c. 210, § 2**. By signing a surrender, the custody of the child is transferred to the Department for the purpose of adoption.

POLICY

Prior to accepting a voluntary Adoption Surrender from the parent, the Department will work closely with the parents (and, as appropriate, with the child) to provide information, support, offer services and explore alternatives. If parents are unable/unwilling to provide the necessary care for a child, an adoption surrender may be taken after an assessment is completed and a clinical conference is convened. It is the Social Worker's responsibility to ensure that the decision to surrender is made without duress to the parent.

An Adoption Surrender cannot be taken until at least 4 days after the birth of the child in question.

Surrender of children of American Indian heritage must be accomplished in accordance with the Department's Regulation and Policy which implement the Indian Child Welfare Act. (See **Regulation 110 CMR 1.07**, and **Policy #88-001, Indian Child Welfare Act Policy**)

PROCEDURES PRIOR TO TAKING A SURRENDER

1. **Assessment/Update.** An Assessment (see *Policy # 85-011, Assessment Policy*) should be completed and a copy of the child's birth certificate should be obtained prior to taking a voluntary Adoption Surrender. If an Assessment has already been completed on the family, the Social Worker updates the Assessment to include additional medical, psychological and social information regarding the family, the parent(s) decision to surrender and the possibility of assistance from extended family members. The Social Worker works closely with the parent(s) to determine the best plan for the child.

The Social Worker follows FamilyNet procedures to initiate a request for a copy of the child's birth certificate. The Social Worker documents the outcome of the request in dictation and the appropriate location in FamilyNet, and arranges for the copy of the birth certificate to be filed in the physical case record.

2. If one of the birth parents is not available, the Social Worker makes every effort to obtain information which will assist in locating the parent so that placement or surrender can be explored.

3. **Information/Services to be Provided.** The Social Worker offers the following services and information and documents that this assistance has been offered in dictation. Types of services include but are not limited to:

- Information and referral for counseling to assist the parent in reaching an informed decision;
- Advising the parent to seek legal advice and assistance before proceeding with surrender;
- Informing the parent that an Adoption Surrender is final and irrevocable from the date of signing;
- Providing and reviewing with the parent a copy of the "Parent's Guide to Adoption Surrender and Alternatives" and the corresponding cover sheet, "Certification of Informed Consent of Birthparents Regarding Adoption";
- Investigating alternative family resources with the parents, including adoption by an extended family member;

- Explaining to the parent the necessary steps in taking a voluntary Adoption Surrender;
- Explaining to the parent the process used to find an adoptive home for a child.

4. **Search Procedures.** The Social Worker informs the parent of the current search procedures and the confidentiality of adoption records.

5. **Missing Child Check.** The Social Worker ensures that the child in question is not registered with the Federal Register for Missing Children and the Massachusetts Central Register for Missing Persons. (Massachusetts law requires the Department to submit verification to the court in any adoption where the parent has not been known prior to the birth of the child.) Prior to the Permanency Planning Conference, the Social Worker contacts the Permanency Planning Technician in the Department's Central Office, with the child's correct name, date of birth, and social security number (if available).

- If the child is not registered, the Social Worker documents that a check has been completed and describes the result in FamilyNet.
- If the child is registered, the Social Worker informs his/her Supervisor and, in conjunction with a Department Attorney, determines the next course of action.

6. **Permanency Planning Conference.** A Permanency Planning Conference should be convened to review the Assessment findings and to determine the best course of action. This conference is conducted in accordance with the procedures outlined in Department policy.

7. **Parents' Rights.** If the decision to proceed with adoption surrender is made, the Social Worker informs the parents of their rights which include:

- Parents may request that an identified person be considered as the adoptive parent for his/her child, but the signing of the Adoption Surrender cannot be conditional based on this request;
- Parents may express a preference for placement of their child in an adoptive home which matches the child's racial or ethnic background. The Department will consider such statement of preference during the decision-making process. However, parents are advised that placement decisions are ultimately determined by the best interests of the child, based upon the child's individual needs including those related to his/her racial, ethnic, linguistic or cultural background and the capacity of the prospective adoptive parent to meet those needs;
- Parents have a right to a description of the Department's criteria used in selecting adoptive homes;
- If the prospective adoptive parents have been selected, the parents may request and are entitled to receive a non-identifying written description of the adoptive parents;
- Parents will be informed that the Department has sole responsibility in approving the adoptive home;
- The parents may request to be notified in cases of adoption dissolution to determine if they desire and are able to care for the child. It is within the Department's discretion to determine the appropriateness of notification. The Social Worker documents parent's requests regarding such future contact.

8. **Preparing the Child.** The Social Worker explains the adoption surrender process to the child in a manner appropriate to the child's age and ability, and works with the child regarding separation and loss issues.

PROCEDURES FOR TAKING A VOLUNTARY SURRENDER

1. The decision to surrender a child for adoption is a difficult decision for any parent. The Social Worker must be very sensitive to the issues which confront the parent(s).
2. **Signing.** When the parent decides to surrender his/her child, the surrender must be taken under the following circumstances:
 - The Adoption Surrender must be signed in front of a Notary Public and 2 witnesses. The parent is encouraged to choose the witnesses. It is preferable that Department employees not be used as witnesses.
 - Three originals of the Adoption Surrender must be signed so that all signatures are original.

3. The date, the names of persons present, the circumstances of the signing and the fact that the parent(s) understands fully the implications of the signing are documented in dictation.
The Social Worker must make every effort to preserve the privacy and confidentiality of all involved parties.
4. A child is not freed for adoption until all parents have their parental rights terminated. When one parent has signed a voluntary Adoption Surrender and the other(s) has not, the Social Worker must complete a referral to the Legal Department.
5. **Follow-Up Services.** Following the transfer of custody, the Social Worker will make available, upon the birth parent's request, the following information and services either directly or through referral:
 - Information about the surrendered child which does not reveal the child's identity or location;
 - Counseling which supports the adoptive placement and deals with other adoption-related issues such as identity, roles and relationships;
 - Referral to a Family Planning Clinic;
 - Referral to a support group designed to assist parents who have released a child for adoption;
 - Encourage the parent to write a letter and provide a family photo, which will be filed in the physical case record;
 - Inform the parent that updates can be added to the case record at any time;
 - If the parent wishes his/her identity to be made available to an adult adopted child or to the adoptive parents of a child under the age of 21, he/she may provide a letter of consent which will be filed in the physical case record. If a request is received for this information, and the parent is living, he/she must be contacted by the Department to reconfirm this permission;
 - Copies of all documents that the birth parent has been asked to sign.