

**UTAH DEPARTMENT OF HUMAN SERVICES
OFFICE OF LICENSING
CHILD PLACING ADOPTION AGENCIES
RULES CHECKLIST**

Licensing Staff: _____ Date: _____

Program: _____

Director: _____ Address: _____ City _____ Zip _____

Provider Signature: _____ Fee: _____

This document is a checklist created for use by the Office of Licensing. It is not an interpretation or modification of the Rules. It summarizes the licensor's review at the time of this scheduled on site inspection. Refer to R501-7. for complete Rules.

COMPLIANCE REQUIREMENTS R501-7 CHILD PLACING ADOPTION AGENCIES	Complies	Does not Comply	Not Applicable	Not reviewed On this visit	COMMENTS
R501-7-3. Legal Requirements A. The agency complies with R495-876, R501-1, R501-2-1 through R501-2-5, R501-2-8 through R501-2-14, R501-14, R501-18; Title 58, Chapter 60; Title 62A, Chapters 2 and 4a; Section 76-7-203; Title 78 Chapters 3a, 30, 45a, and 45e and other applicable local, State and Federal laws.					
C. The agency does not delay or deny the placement of a child or the opportunity to become an adoptive parent on the basis of race, color, ethnicity, cultural heritage, or national origin. The agency complies with all laws regarding discrimination.					
D. The agency is legally responsible for the child following relinquishment until the adoption is finalized, unless a court places legal responsibility with another party.					
E. If the agency serves Indian children, they comply with the Indian Child Welfare Act.					
F. If the agency provides foster care, it complies with R501-12.					
G. The agency complies with the Interstate Compact for Placement of Children, in accordance with Section 62A-4a-701 et.seq.					
R501-7-4. Administrative Requirements A. The agency shall have at least one Social Work Supervisor responsible for directly supervising all staff and volunteers who provide adoption services to clients. 1. each social work supervisor is licensed in this state as a Mental Health Therapist, complies with the Utah Mental Health Professional Practice Act, and has at least one year of full time paid professional experience in a licensed child placing adoption agency. 2. a social work supervisor does not supervise more than eight staff and volunteers who provide adoption services to clients. 3. an Executive Director, who is licensed in this state as a mental health therapist, complies with the Utah Mental Health Professional Practice Act, has at least one year of full time, paid, professional experience in a licensed child placing adoption agency, and serves as a social work supervisor, does not supervise more than four staff and volunteers who provide adoption services to clients.					
B. Individuals that provide adoption services to birth parents, children, or adoptive applicants maintain a current professional license as required by the Utah Mental Health Professional Practice Act and comply with the Utah Mental Health Professional Practice Act.					

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C. The agency notifies the Office of Licensing of any changes to policies or procedures and provides a written copy of any changes no later than five business days after the change.					
D. The agency provides at least 30 days prior written notice to the Office of Licensing if it is: <ol style="list-style-type: none"> 1. dissolving or ceasing to provide child placing services, 2. adding or eliminating in-state, out-of State, special needs, or international services or, 3. changing ownership or name. 					
R501-7-5. Ethical Conduct. A. The agency: <ol style="list-style-type: none"> 1. does not give preferential treatment to board members, employees, volunteers, agents, consultants, independent contractors, donors, or their respective families with regard to child placing decisions; 2. does not provide or accept any payment or other considerations for any referral; 3. works only with agencies, entities or individuals that are authorized to provide child placing adoption services by the laws of this state or the jurisdiction in which that agency, entity or individual performs child placing adoption services; 4. does not permit their employees, volunteers, agents, consultants, or independent contractors to provide adoption services to both the birth parents and the adoptive parents unless all parties are made aware of potential conflicts of interest and sign a voluntary consent; 5. does not require clients to use or pay for specified attorneys or other service providers. Agency staff inform clients that they are free to select independent attorneys and other service providers, and does not charge clients fees for services that clients obtain independently; 6. does not refer or steer any individual to any private practice in which the agency's board members, volunteers, employees, agents, consultants, independent contractors, or their respective families are engaged, without first disclosing any potential conflicts of interest and informing said individuals that they are free to select independent service providers. 					
B. The members of the governing body disclose, in writing, to the chairperson of the governing body, any direct or indirect financial interest in the agency.					
C. The agency, its board members, volunteers, employees, or agents do not solicit donations from an adoptive family that is under consideration for placement of a child.					
D. The agency, its board members, volunteers, employees, or agents do not accept donations from an adoptive family that is under consideration for placement of a child.					

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R501-7-6 Fees. A. The agency provides a written disclosure of all fees and expenses prospective adoptive parents may incur before the agency accepts any payments or processes any application form, or enters any agreement with, the prospective adoptive parents. 1. the disclosure identifies the services associated with each fee, and specifies the average cost for that service for the preceding two fiscal years, and the maximum fee that may be charged for each service. 2. the agency does not charge adoptive parents for any fees or expenses that exceed or were not included in the disclosure. 3. the agency identifies which fees may be non-refundable.					
B. The agency may charge adoptive parents an agency fee, which includes all administrative and professional services provided on behalf of the adoptive parents, including pre-adoption evaluations, home studies, personnel, counseling, overhead, and training.					
C. The agency may charge adoptive parents for the actual and reasonable costs of maternity, medical, and necessary pre-natal living expenses of the birth mother. 1. the agency retains receipts documenting the actual cost of goods and services provided which exceed twenty-five dollars. 2. the agency does not charge adoptive parents for the travel expense of any person other than the birth mother. 3. the agency does not charge the adoptive parents for the living expenses of any person other than the birth parents. 4. the agency does not charge the adoptive parents for post-confinement living expenses.					
D. The agency maintains an itemized accounting of the actual expenditures made on behalf of a birth mother. The accounting is verified and signed by the agency and adoptive parents, and filed with the court and the Office of Licensing. 1. the agency utilizes an affidavit form provided by the Office of Licensing or a substantially similar form which includes the same information. 2. the agency requires the birth mother to verify that she received all of the itemized goods and services by signing a file copy of the accounting.					
E. The agency delegates the responsibility for a child's care, maintenance, and support to the adoptive applicant only when the applicant has received the child into the applicant's home.					
F. A birth mother who decides not to place her child is not required to reimburse the costs of any goods or services provided to her by the prospective adoptive parents or the agency during her pregnancy unless she is first convicted of fraud.					
R501-7-7. Documentation A. The agency maintains a policy and procedure manual describing how it will comply with all licensing rules and local, state and federal laws applicable to the type of services offered.					

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B. The agency's policy and procedure manual shall describe how it will: <ol style="list-style-type: none"> 1. train and supervise employees and volunteers; 2. identify a child who may be available for adoption; 3. identify or refer a person who is considering relinquishing a child for adoption; 4. provide services in cases where the agency does not obtain legal custody of a child; 5. verify the credentials of other individuals and agencies it works with to obtain relinquishments and place a child; 6. offer counseling services by a licensed mental health therapist to a person who is considering relinquishing a child for adoption or adopting a child; 7. inform birth parents and adoptive parents of their rights and responsibilities in writing; 8. monitor who has legal and physical responsibility for the child at all times; 9. secure the necessary relinquishments and facilitate the termination of parental rights; 					
<ol style="list-style-type: none"> 10. recruit and assist adoptive families to meet the needs of available children, including but not limited to special needs children; 11. obtain a background study on a child or a home study on a prospective adoptive parent; 12. evaluate prospective adoptive parents; 13. process appeals of home study denials; 14. assess the vest interests of a child and the appropriate adoptive placement for the child; 15. monitor a case post-placement until the adoption is final; 16. ensure the child is receiving all necessary services prior to finalization of adoption; 17. assume custody and provide any needed services for the child when necessary because of disruption; 18. arrange to provide foster care prior to placing the child in an adoptive home; 19. preserve the confidentiality of client files; 20. respond to requests for information from birth families, adoptees, adoptive families, and others; 21. preserve client records when a case is closed and in the event that the agency changes ownership or ceases to provide services, and notify the Office of Licensing and each client where the records shall be stored; 22. enable record retrieval by individuals with a right to access them. 					
C. The agency documents its compliance with each subsection of R501-7-7(B).					

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<p>D. The agency maintains a case file for the birth parents, and the prospective adoptive parents and for each child who is more than 90 days old at the time of the placement or who has been in the legal custody of someone other than the birth mother. Each case file cross-references related files. Each case file includes:</p> <ol style="list-style-type: none"> 1. application for service, 2. all studies and evaluations, whether or not finalized, including but not limited to those required by Section 78-30-3.5; 3. needs assessment; 4. case notes describing services provided; 5. the individual's adjustments, interactions and relationships; 6. original or certified copies of government and religious birth records; 7. original or certified copies of relinquishment or transfer of birth mother's and birth father's rights; 8. original or certified copies of decree of termination of birth mother's and birth father's rights; 9. certified copies of marriage certificates, divorce papers, custody and visitation orders, if any; 10. certified copies of death certificates, if any, of birth parents 11. original or certified copy of affidavit that birth mother's husband is not the child's father, if applicable; 12. waiver of confidentiality or release of information authorization, if applicable; 13. statements of birth and adoptive parents regarding any agreements to exchange information or maintain contact; 14. current and historical physical, psychological, genetic and developmental health information; 15. original or certified copy of the order of adoption; and 16. if any records have not been obtained, documentation of the agencies' efforts to obtain those records. 					
<p>E. The agency maintains current health, fire, zoning, business license, and other permits, certificates, or licenses at each facility it operates.</p>					
<p>F. Case files are retained for a minimum of 100 years from the date the case is closed.</p>					
<p>G. Adoption records are maintained in a locked file when not in active use. Adoption records are accessible only by authorized agency employees. No information is shared without appropriate consent forms, except as required by law.</p>					
<p>H. The agency maintains accurate annual statistics describing the number of applications, services provided, number of children, birth parents and adoptive parents served, number of adoptions, disruptions and number of children in agency custody.</p>					
<p>R501-7-8. Services for Birth Parents</p> <p>A. The agency offers counseling prior to consent or relinquishment, and informs birth parents that:</p> <ol style="list-style-type: none"> 1. the decision to sign the consent or relinquishment is voluntary; and 2. their decision is permanent and may not be revoked after it is signed. 					

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B. The agency provides complete and accurate information regarding birth parents' decision concerning consent or relinquishment. The Agency supports the birthparent's decision. 1. the agency does not induce or persuade a birth parent to consent to adoption or to relinquish a child through duress, undue influence, misrepresentation, or deception.					
C. The agency waits at least 24 hours after the birth before taking the birth mother's relinquishment of parental rights or legal consent to the adoption of her child.					
D. The agency assists birth parents in considering whether they want to disclose their identity to the adoptee or the adoptive family, or hear about or from the child.					
E. The agency offers birth parents non-identifying information about potential adoptive parents, such as age, physical characteristics, educational achievement, family members, profession, nationality, health and reason for adopting.					
F. The agency informs birth parents that a detailed, non-identifying health history and a genetic and social history of the child is provided to the adoptive parents, and informs birth parents of Utah's Mutual Consent Voluntary Adoption Registry.					
G. The agency's policies regarding the consideration of religion and marital status in the selection of adoptive families is clearly stated in its initial consultation with birth parents and is on the birth parents' application for services forms.					
H. The agency documents its efforts to place a child within the religious faith the child identifies with.					
I. The agency initiates proceedings to terminate or determine parental rights when required by Utah law.					
J. Agencies that provide housing for expectant birth mothers assure that such housing complies with the following: 1. housing is in compliance with health, fire, zoning, and other applicable laws and regulations; 2. housing is clean, well maintained and adequately furnished; 3. birth mothers have private bedrooms; 4. laundry equipment and supplies are available; 5. adequate nutritious food, or resources to obtain food is available.					
K. Agencies that provide or pay for birth mothers' transportation to Utah also ensure that the birth mothers' return transportation to their home state is provided.					
L. Placement decisions are in writing and signed by the agency and the birth parents, and a copy is in the case record of the birth parents, the adoptive parents, and the child.					
R501-7-9. Services for Children					
A. An assessment is made within 30 days, or within the timeframe ordered by the court, to obtain information to assist in the placement process.					
B. A determination is made regarding what kind of adoptive family should be selected for the child, based on the family's ability to meet the individual needs of the child. The wishes of the birth parents, the adoptive parents, and when applicable, the child, are considered.					
C. The assessment is used to assist prospective adoptive families to make their decision about the child and birth family.					

COMPLIANCE REQUIREMENTS RS01-7 CHILD PLACING ADOPTION AGENCIES	Complies	Does not Comply	Not Applicable	Not reviewed On this visit	COMMENTS
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<p>D. A complete developmental history of the child is obtained from the birth parent. If the child has been in an out-of-home placement prior to being placed in an adoptive home, information obtained from caseworker observation, pediatrician, foster parents, nurses, psychologists and other consultants is included. The developmental history includes:</p> <ol style="list-style-type: none"> 1. birth and health history, and all evaluation; 2. descriptions of fine and gross motor skills, social emotional, and cognitive development. 3. the child's adaptation to previous living experiences and situations; 4. the child's experience prior to adoptive placement, particularly maternal attitudes during the pregnancy and early infancy, continuity of care and affection, foster placements, description of the child's behavior and separation experiences; 5. a description of the child's cultural and ethnic background; and 6. the child's language skills, educational records, talents and interests. 					
<p>E. A medical examination by a qualified physician is conducted to determine the state of the child's health and any known or potentially significant factors that may interfere with normal development or may signal any potential medical problems. The following is documented and shared with parents, potential adoptive parents and the assigned agency caseworker prior to placement:</p> <ol style="list-style-type: none"> 1. evaluation of the child that includes a correlation and interpretation of all available information, including but not limited to generic and laboratory tests results; 2. the medical care and immunizations received to date; 3. the nature and degree of any disability; and 4. treatment and support programs that should be provided to the child and adoptive parents, extra costs of medical care that can be anticipated and plans to subsidize the health care. 					
<p>F. Psychological testing for children is used selectively and as a tool for observation and diagnosis.</p>					
<p>G. The agency obtains information about the birth parents and their family background to:</p> <ol style="list-style-type: none"> 1. provide the adoptive family with the birth family's medical, genetic, social and mental health history; 2. provide the adoptive family with information about the talents, interests, and education of the birth parents; 3. provide the adoptive family with non-identifying information about other children born to either of the birth parents; and 4. identify characteristics that should be given consideration in selecting and preparing a child for an adoptive family. 					
<p>H. The agency uses an interdisciplinary approach based upon the needs of the child in the selection of a placement either by asking other professionals to submit written recommendations or by inviting them to participate as a member of the placement committee. An agency shall attempt to place siblings together.</p>					
<p>I. A child is placed with the adoptive family at the earliest time possible after being freed for adoption.</p>					
<p>J. A child's needs are assessed and a written plan is developed to ensure that the adoptive parents are prepared to meet the child's needs and necessary services are provided.</p>					

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<p>K. A child awaiting placement with an adoptive family is placed in a licensed foster or residential home or facility.</p> <ol style="list-style-type: none"> 1. the agency contracts with a licensed foster care program or obtains a license to provide foster care services for children in its custody. 2. a child awaiting adoptive placement shall be placed in a licensed group or residential treatment program when the child's needs will be met only in such a setting. 3. the agency obtains a copy of the foster home or facility license prior to placing a child, and retains the license in the child's case file. 					
<p>L. The agency has an individualized written adoptive placement plan for each child, which includes:</p> <ol style="list-style-type: none"> 1. providing the family and child services or service referrals after the adoption is finalized; and 2. the financial and social service responsibilities of each agency and individual. 					
<p>M. A social worker supervises the child's placement until finalization of the adoption to assist with the transition and assist the family in obtaining any needed services. At least one home visit is made prior to finalization of the adoption.</p>					
<p>N. If the agency has a child available for adoption who has not been placed within 60 days after relinquishment or after being determined to be available for adoption by the court documents its efforts to screen the child with other child placing agencies and lists the child with local, regional, and inter-state adoption exchanges.</p>					
<p>O. The needs of the child determine the amount of time taken to prepare the child for placement. The child is counseled regarding the adoptive placement and is protected from emotional disturbances associated with sudden separation from a known situation.</p>					
<p>P. The agency has a written plan with the child's current caregivers, the adoptive parents and the child to facilitate the child's transition into the adoptive family. The child's stated preferences are considered and if possible, honored.</p>					
<p>R501-7-10. Services to Adoptive Parents.</p>					
<p>A. The Agency provides prospective adoptive parents with a written description of their services, policies and procedures.</p>					
<p>B. The agency explains the adoption process and the birth parents' rights, including the status of the putative father, to the prospective adoptive parents.</p>					
<p>C. The agency provides all available non-identifying information on children who may be available for adoptive placement and their birth families, including but not limited to physical descriptions, special abilities, developmental and behavioral history, personality and temperament, medical and genetic history, ethnic and cultural background, and prior placement history.</p>					
<p>D. The agency informs prospective adoptive parents of the availability of non-identifying health genetic and social histories and Utah's Mutual Consent Voluntary Adoption Registry.</p>					
<p>E. The agency provides individual or group counseling to help the prospective adoptive parents evaluate and develop their capacities to meet the ongoing needs of the child.</p>					
<p>F. The agency reviews all available information about the birth parents and child with the prospective adoptive parents and encourages the selection of a child whose needs the adoptive parents will be able to meet.</p>					
<p>G. The agency prepares the child and adoptive family for the placement of the child.</p>					

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<p>H. The agency informs each prospective adoptive parent that information about individual children in the custody of the state who are available for adoption may be obtained by contacting the Division of Child and Family Services or its internet site and provides a pamphlet prepared by the Division of Child and Family Services regarding adoption of children in the State's custody. The agency informs each prospective adoptive parent that assistance may be available when adopting children in the custody of the state including:</p> <ol style="list-style-type: none"> 1. medicaid coverage for medical, dental, and mental health services; 2. tax benefits, adoption subsidies, or other financial assistance to defray the costs of adoption; and 3. training and ongoing support for the adoptive parents. 					
<p>I. The agency informs adoptive parents when a child may be eligible for an adoption subsidy or benefit, including but not limited to SSI, and coordinates with Division of Child and Family Services to apply for the subsidy or benefit.</p>					
<p>J. The agency has written procedures and standards for the evaluation and approval or denial of applications from prospective adoptive parents.</p>					
<p>K. The home study includes:</p> <ol style="list-style-type: none"> 1. interviews with the adoptive applicants, their children, and other individuals living in the home; 2. criminal background and child abuse screening of adoptive applicants and other adults living in the home. 3. written statements from at least two non-related and one related individuals who provide information directly to the agency regarding the applicant's qualifications for parenting an adoptive child; 4. a medical history and a doctor's report, based upon a doctor's physical examination of each applicant, made within six months prior to the date of the application; and 5. inspections of the home, to determine whether sufficient space and facilities to meet the needs of the child exist and whether basic health and safety standards are maintained. 					
<p>L. The adoptive applicants are informed, in writing, and within five business days after the decision is made, as to the acceptance or the reasons for the denial of their home study. The agency provides applicants with a written copy of the agency's appeal process, which includes the right to submit a written appeal and request for reconsideration, and the right to request an additional evaluation, upon order of the court.</p>					
<p>M. The agency shall select applicants who:</p> <ol style="list-style-type: none"> 1. are able to provide the continuity of a caring relationship; 2. are informed with regard to a child's ethnic, religious, cultural, and racial heritage; and 3. understand the needs of a child at various developmental stages. 					
<p>N. The agency's policies regarding the consideration of religion and marital status in the selection of adoptive families are clearly stated in its initial consultation with prospective adoptive parents and on the adoptive parents' application for services forms.</p>					
<p>O. The agency verifies that an applicant's income is sufficient to provide for a child's needs.</p>					

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P. The agency does not reject an applicant solely based on the applicant's choice to work outside the home. Applicants who work outside the home provide a written plan describing how they shall provide security and responsible childcare to meet the individual child's needs.					
Q. The agency does not make a legal risk placement unless the prospective adoptive parents have first given their written consent, indicating that they have been fully informed of the specific risks involved.					
R. Except when authorized by court order the agency shall not place a child in an adoptive home until the home study and each adult's criminal and abuse background screenings have been approved.					
S. The agency provides continuing support to the child and the adoptive family after placement and before finalization of the adoption, including: 1. providing or making referrals to services such as counseling, crisis intervention, respite care, and support groups; 2. monitoring the child's adjustment and development; 3. assisting the family in helping the child, friends, family members, extended family members, neighbors, schools, and others understand the adoption process; and 4. assisting the family in understanding their feelings, understanding the child, and adjusting to the family composition.					
T. The frequency of home visits, office contacts, telephone calls, and other contacts by the agency depends on the needs of the child and the adoptive family and may vary depending whether the child is an infant, or older child, or a child with medical or other difficulties, and whether the adoptive parents are faced with unanticipated problems. 1. the first contact after placement takes place within two weeks of placement. 2. a minimum of one face-to-face supervisory home visit takes place before finalization.					
U. The agency provides assistance in finalizing the adoption, unless the agency removes the child due to circumstances that may impair the child's security in the family or jeopardize the child's physical and emotional development. The agency provides the adoptive parents written notice of their right to appeal and the procedure for appeal.					
R501-7-11. Inter-country Adoptions. A. The agency documents that it has complied with all applicable laws and regulations of the United States and the child's county of origin, and documents that: 1. the child is legally freed for adoption in the country of origin; 2. information was provided to the adopting parents about naturalization proceedings;					

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B. The Agency: <ol style="list-style-type: none"> 1. establishes an official and recorded method of fund transfers to avoid the use of direct cash transactions for adoption services in other countries; 2. identifies in writing and in advance of accepting any payment or signing any agreement, the total cost of providing adoption services in the child's country, including the cost of care for the child, personnel overhead, training, communication, obtaining any necessary documents, translation, the child's passport, notarizations and certifications, with disclosure of whether the prospective adoptive parents pay such costs directly in the child's country or indirectly through the agency; 3. itemize the costs of mandatory payments to child protection or child welfare programs in the child's country of origin, including a description of: <ol style="list-style-type: none"> a. a fixed contribution amount identified in advance and in writing to the prospective adoptive parents; b. the intended use of the payment; and c. the manner in which the transaction will be recorded and accounted for; 4. provides all applicants with written policies governing refunds. 					
C. The agency notifies adoptive applicants within ten business days when information is received that a foreign country is suspending its adoption program.					
D. The agency verifies and maintains documentation regarding the credentials and qualifications of agents working in their behalf in foreign countries.					