

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6 FAMILY AND ADULT SERVICES DIVISION

CHAPTER 805

ADOPTION SERVICES

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Historical Note: This chapter is based substantially

§17-805-1

upon Rule 15 §§5009-5009.30 "Governing Social Services to Family and Children's Services," Public Welfare Division, Department of Social Services and Housing. [Eff as Rule 64 §§2009-2009.30 10/21/77; ren to Rule 15 10/31/78; R 7/19/82]

§17-805-1 Goals. (a) Adoption services shall be provided to:

- (1) Locate suitable adoptive homes for children needing adoption; and
- (2) Help children, who can benefit by family life but would not otherwise have a home of their own, become members of a family which can give them the love, care, protection, and opportunities essential for their healthy personality growth and development.

(b) The needs of the child shall be the primary determinant of the total service, with full recognition of the interrelated needs and interests of the natural parents and adoptive parents.

(c) Adoption services provided shall insure that:

- (1) The rights of the legal parents are respected;
- (2) The best interests of the child are protected; and
- (3) The adoptive parents are able to provide suitable care and supervision for the healthy growth and development of the child. [Eff 7/19/82; am and comp JUL 30 1992] (Auth: HRS §346-14) (Imp: HRS §§346-14, 578-8)

§17-805-2 Definitions. For the purpose of this chapter:

"Adoption service" means a social service provided by a licensed social agency for children who cannot be reared by their natural parents and who need and can benefit by new and permanent family ties established through legal adoption.

"Agency adoptive home" means a home which has been studied and approved by the department for the placement of children for the purpose of adoption.

"Agency foster boarding parents" means persons who have a certificate of approval to provide care and maintenance to foster children.

"Applicant" means a person or married couple making application with the department to care for

children for the purpose of adoption.

"Application" means a written request on the department's application for adoption form made by a person or married couple to care for children for the purpose of adoption.

"Child placing organization" means any organization approved by the department to engage in the investigation, placement, and supervision of children in foster care and which has been delegated the authority by the department to approve foster boarding homes and adoptive homes under its supervision.

"Court referred adoption" means the referrals by family court to study an adoption petition for a child who is already in the adoptive home but who was not placed by a child-placing organization. [Eff 7/19/82; am and comp JUL 30 1992] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-805-3 Eligibility. In order to be eligible for adoption services the child shall:

- (1) Be legally free or may be made legally free for adoption; and
- (2) Have the capacity to form a relationship with new parents and develop positively in a family. [Eff 7/19/82; comp JUL 30 1992] (Auth: HRS §346-14) (Imp: HRS §§346-14, 578-2)

SUBCHAPTER 1

ADOPTION PLACEMENT SERVICES

§17-805-4 Placement planning for the child. (a) A social study of the child's needs and potentials shall be conducted to:

- (1) Understand the child and assess the child's physical and personality characteristics, current development, and special needs;
- (2) Determine whether the child's needs may best be met in adoptive placement; and
- (3) Determine what kind of family should be selected for the child.

(b) The child shall be involved in the adoption planning when the child is able to comprehend and have a part in the decision that adoption is the best plan

for the child.

(c) A fictitious name shall be used for a child when there is need to protect the child's identity during the period of interim care if at the time of placement in the foster boarding home:

- (1) There is sufficient assurance that an adoptive home will be found for the child within one year; and
- (2) The child's parent(s) are certain about adoption plans and do not plan to visit in the foster boarding home. [Eff 7/19/82; am and comp JUL 30 1982] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-805-5 Selection of adoptive parents. (a)

When the child is legally available for adoption and suitability for adoption has been determined, selection of a suitable adoptive home shall be made by a team that includes the child's social worker and supervisor, the worker who studied the family and, if possible, the worker who will continue to provide services to the child and family after the placement. The following factors shall be considered in the selection of the adoptive home:

- (1) The suitability of adoptive parents to the child in terms of the parents' capacity to meet the individual needs of the child and whether the child will benefit by the placement and bring to the adoptive parents satisfaction in being parents;
 - (2) The degree of understanding and acceptance of problems by adoptive parents who are willing to accept a child with one or more handicaps including physical, personality, behavioral, or hereditary handicaps;
 - (3) The keeping of a family of children together unless it is determined that this is not beneficial to the children; and
 - (4) The date the applications were filed by adoptive applicants in order to give priority to the earlier applicant when more than one home is found equally suitable for the child.
- (b) Adoption of a child by agency foster boarding parents may be considered by the department.
- (1) Adoption of a child in foster care by the agency foster boarding parents may be permitted when:

- (A) There is no adoptive home immediately available for the specific child; or
 - (B) The child has lived in the agency foster boarding home over a period of time and has developed ties with the family; or
 - (C) The child is hard to place because of age, racial background, physical or mental handicap, questionable health, or social background.
- (2) The agency foster boarding home shall be re-evaluated in terms of adoption and the home study shall include:
- (A) The foster boarding parents' feelings about adopting a child whose whereabouts are known to the natural parents;
 - (B) The foster boarding parents' capacity to give security to the child under the above circumstances; and
 - (C) Supervisor's approval of the adoption of the child by the agency foster boarding parents. [Eff 7/19/82; am and comp
JUL 30 1982] (Auth: HRS §346-14)
(Imp: HRS §§346-14, 578-8)

§17-805-6 Preparation for placement. (a)

Placement of a child in an adoptive home shall be made only after the child and the adoptive parents are prepared for the placement.

(b) In preparation for placement, the department social worker shall:

- (1) Obtain a pre-placement physical of the child if the child has not been to a doctor within six months prior to the adoption placement;
- (2) Arrange face-to-face contacts of the child with the adoptive parents to enable the child to gradually become acquainted with the new parents. The number and place of meetings with the adoptive parents, the duration of the preparation, and timing of placement shall be determined by the child's age and the particular needs of the child and the adoptive family;
- (3) Provide information to the adoptive parents on the child and the natural parents, except the identity of the natural parents, to help the adoptive parents come to a decision about accepting the child for adoption; and

- (4) Give the foster parents who are caring for the child at least two weeks notice on the plans for the child's removal from their home. [Eff 7/19/82; comp JUL 30 1992]
(Auth: HRS §346-14) (Imp: HRS §346-14)

§17-805-7 Post-placement services. (a) After the child is placed in an adoptive home, the department social worker shall assist the adoptive parents and the child with the adjustment and integration into a new family unit.

(b) The department may remove the child from the adoptive home at any time prior to the completion of the adoption whenever such action is necessary to protect the well-being of the child. The worker shall discuss the plan to remove the child and the basis for the action with the adoptive parents prior to actual removal. [Eff 7/19/82; comp JUL 30 1992] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-805-8 Recommendation for adoption. Upon general satisfaction with the progress of the adoptive placement and concurrence by the adoptive parents, the department shall:

- (1) Send written notification to the adoptive parents to proceed with the petition for legal adoption;
- (2) Inform the adoptive parents of the department's responsibility to protect the identity of the child's natural parents in carrying out the legal aspects of the adoption; and
- (3) Furnish the adoptive parents' attorney with information on the child and the natural parents in order to file the petition. The natural parents' identity shall be protected in carrying out the legal aspects of the adoption.
 - (A) The following written information on the child shall be provided the attorney:
 - (i) Name by which the child is known and the name shown on the birth certificate;
 - (ii) Name (adoptive parents' choice) by which the child will be known upon completion of adoption;

- (iii) Date of birth; and
 - (iv) Place of birth.
- (B) The following information on the child's natural parents shall be provided the attorney:
- (i) Statement of whether the child was born out-of-wedlock;
 - (ii) Statement of the parents' surrender of the child for adoption and the date the consent was signed, or a statement of a court's termination of parental rights and the date the termination decree was granted; and
 - (iii) Statement that the department is sending the consent to adoption document, a photostatic copy of the child's birth certificate, and a social summary and recommendation on the adoption to the court.
[Eff 7/19/82; am and comp
JUL 30 1992] (Auth: HRS
§346-14) (Imp: HRS §346-14)

§17-805-9 Completion of adoption. Upon notification from the court of the finalization of a child's adoption, the department shall:

- (1) Advise the adoptive parents to request the attorney to obtain a new birth certificate for the child; and
- (2) Inform the natural parents, whenever possible, about completion of the adoption.
[Eff 7/19/82; comp JUL 30 1992] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-805-10 Court referred adoption. (a) The department shall accept referrals by the family court to study an adoption petition for a child who is already in the adoptive home and who was not placed by a child-placing organization.

(b) The focus of service shall be a social study of the adoptive child, the child's natural parents, and the adoptive petitioners to assure that:

- (1) The rights of the child's parents have been respected;
- (2) The best interests of the child are being served; and

§17-805-10

(3) The petitioners are able to provide suitable care and supervision for the healthy growth and development of the child.

(c) The department social worker shall submit a report of the department's findings and recommendation on the adoption to the family court.

(d) The department shall make other placement arrangement for the child at the court's request when a negative recommendation is made to the court and adoption is denied. [Eff 7/19/82; comp JUL 3 0 1982]
(Auth: HRS §346-14) (Imp: HRS §§346-14, 578-8, 578-10)

§17-805-11 Termination of service. (a)

Department adoption services shall be terminated when:

(1) The child has been adopted and notification has been received from the family court or other participating social agency; or

(2) Earlier adoption plans for the child are no longer in the child's best interest. The department shall continue to plan for the child when this occurs.

(b) In court referred adoptions, services shall be extended should the adoption be denied and the child is referred to the department for planning and care of the child. [Eff 7/19/82; comp JUL 3 0 1982]
(Auth: HRS §346-14) (Imp: HRS §§346-14, 578-8, 578-10)

§17-805-12 Reserved

§17-805-13 Reserved

SUBCHAPTER 2

CENTRAL ADOPTION EXCHANGE

§17-805-14 Central adoption exchange. (a)

Central adoption exchange means a centralized registry maintained by the department to facilitate the exchange of information among branches about children available for adoption for whom the branches have difficulty finding homes and about adoptive families for whom the branches have no suitable children.

(b) The focus of service shall be to facilitate the placement of children who are legally free for adoption and who are awaiting placement in homes. [Eff 7/19/82; am and comp JUL 3 0 1982] (Auth: HRS §346-

14) (Imp: HRS §346-14)

§17-805-15 Registration of adoptive homes. (a) All approved adoptive homes for whom the branch has no suitable adoptive children shall be registered with the central adoption exchange.

(b) A branch having a child who may benefit from the home shall work with the branch in which the home is located to effect the adoption of the child. [Eff 7/19/82; comp JUL 30 1982] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-805-16 Registration of available child. (a) Every available adoptive child shall be registered with the central adoption exchange if there is no approved home or application under study in the branch which appears to be a potential home for the child.

(b) Each branch shall be responsible to review monthly:

- (1) All children needing adoptive homes; and
- (2) All available homes for which there are no suitable children.

(c) The central adoption exchange shall be notified of any change occurring in an adoptive child's or adoptive home's situation in order to keep the registration with the central adoption exchange current.

(d) An adoptive home record borrowed by another branch for consideration of a child in that branch shall be returned within three months unless an extension of time for keeping the record has been arranged between branches. [Eff 7/19/82; comp JUL 30 1982] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-805-17 Reserved

§17-805-18 Reserved

SUBCHAPTER 3

AGENCY ADOPTIVE HOME

§17-805-19 Adoptive placement resource for the child. (a) The department shall carry out on-going

programs and campaigns to recruit homes for children in need of adoption.

(b) Only approved homes shall be used for the placement of children for adoption.

(c) Persons interested in adopting a child shall be interviewed with both the prospective applicant's desire to adopt a child and the department's need for suitable adoptive homes to be considered. The following information shall be provided the adoptive applicant:

- (1) The department's adoption placement program requirements and conditions;
- (2) Types and ages of the children available for adoption;
- (3) The department's preplacement requirements and reasons for the home study; and
- (4) State adoption law requirements.

(d) The social worker shall obtain the following information from the prospective adoptive applicant in order to make a preliminary assessment of the applicant's interest and motivation in adoption:

- (1) Kind of child or children wanted, for example, age, sex, and number;
- (2) Reasons for wanting a child; and
- (3) General information about the family, such as family composition and members' attitudes toward adoption, the applicant's ages, employment, health, and economic situation.

(e) In the preliminary interview, the social worker shall determine if there is any reason why the adoptive applicant may not be able to meet the department's requirements and if the applicant and the department wish to pursue study of the home. [Eff 7/19/82; am and comp JUL 30 1992] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-805-20 Application accepted for study. (a)

An application shall be accepted for study when the completed application form has been received by the department.

(b) The department shall begin the home study within thirty days after receipt of the signed application. The home study shall be completed by the department within ninety days from the date the study began. [Eff 7/19/82; comp JUL 30 1992] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-805-21 Adoptive home studies. (a) The home study shall include:

- (1) A series of interviews with the adoptive applicant, separately and together, if a couple, or as a family;
 - (2) The interviews may be in the applicant's home, at the department's office, or at some other place; and
 - (3) At least two interviews with the husband and wife applicant together, one of which shall be in the home of the applicant.
- (b) The department social worker shall:
- (1) Assess the applicant's reasons for wanting a child and the motivation to adopt a child;
 - (2) Determine the kind of child desired with regard to sex, age, description, and potential abilities;
 - (3) Assess personality adjustments and the relationships between husband and wife and among other members of the household;
 - (4) Assess relationships with relatives and attitudes of family and relatives toward adoption;
 - (5) Determine the applicant's:
 - (A) Attitude generally toward children, physical defects, and behavior problems;
 - (B) Ability to understand the child and the phases of development, plan for future, and education;
 - (C) Attitude toward illegitimacy, toward factors of heredity, and environment;
 - (D) Understanding of legal implications of adoption; and
 - (E) Willingness to tell the child that the child is adopted;
 - (6) Verify marriage of husband and wife applicant;
 - (7) Obtain information regarding relatives including names, addresses, education, health, and occupation. Obtain details of any history of unusual illness, physical, mental, or nervous defects;
 - (8) Obtain health information on the applicant including:
 - (A) Health records, any history of unusual illness, and institutional records, if any;
 - (B) A physician's report on the medical

- evaluation of the adoptive applicant;
- (C) A chest x-ray or a tuberculin test reports in accordance with recommended state department of health standards. A chest x-ray or a tuberculin test within six months prior to the approval of the home shall be acceptable;
- (D) A statement by a physician regarding questionable health of other family members when there is indication that a health problem may interfere with the adjustment of the adoptive child; and
- (E) A new medical examination report before a placement is made if a child is not placed within a year after a home is approved. A Wasserman test or test for tuberculosis shall not be required in re-examination unless indicated.
 - (i) When the Wasserman test report is positive the department shall secure a full report from the physician regarding the status of condition, treatment needs, and prognosis.
 - (ii) The department shall seek advice of the state department of health regarding the condition of the patient if an x-ray or a tuberculin skin test is positive or if a previous tuberculosis condition is indicated and the health condition of the applicant is questionable;
- (9) Obtain information regarding religion including:
 - (A) Church affiliation or membership, past or present;
 - (B) Attitude toward religion and church; and
 - (C) Attitude toward religious training of the child;
- (10) Review financial information including:
 - (A) Earnings;
 - (B) Other income;
 - (C) Real property;
 - (D) Savings;
 - (E) Debts;
 - (F) Obligations;
 - (G) Insurance;
 - (H) Previous financial status; and

(11) Verify:

- (A) Income;
- (B) Ownership of real and personal property. Sources for verification shall include income tax returns, deeds, records of loans, tax receipts, bank books, and insurance policies; and
- (C) Debts and obligations. The department shall verify information about debts and obligations only where circumstances indicate a need for the verification.

(c) There shall be at least two references about the adoptive applicant, excluding the physician providing the medical report on the applicant. References may be made by a minister or another church member, a business associate other than the employer, or friends who have knowledge of the applicant's home life and relationships with people.

(d) Upon completion of the home study, the department social worker shall prepare a written summary of the study and the findings and recommendation for disposition.

(e) At any point during the course of the home study, the adoptive applicant may withdraw the application. [Eff 7/19/82; am and comp JUL 30 1992]
 (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-805-22 Disposition of adoptive home study.

(a) The social worker's findings and recommendations for disposition of the adoptive home study shall be reviewed by the supervisor for concurrence or disapproval.

(b) A home shall be approved for care of the children if the findings show that:

- (1) All departmental rules have been met; and
- (2) Applicant has the desire and capacity to care for a child and to make the child a permanent member of the family through legal adoption.

(c) Home studies shall be discontinued when the family decides to discontinue its application for the family's own reasons. It may be necessary for the worker, with approval from the supervisor, to help the family to discontinue the application when the home has problems which would be detrimental to the child.

(d) An adoptive home application shall be denied if any one of the following occurs:

- (1) Any member of the family is suffering from a

chronic illness, instability, or other handicap which would have an adverse effect on the adopted child;

- (2) The parents' ability to care for a child is severely limited;
- (3) There is a foreseeable loss of the parents through death or incapacitating illness;
- (4) There is indication that the family is unable to provide adequate standards of health, education, and opportunities for normal development; or
- (5) The social worker finds that the home has problems which would be detrimental to the child. [Eff 7/19/82; am and comp

JUL 30 1992] (Auth: HRS §346-14) (Imp:
HRS §346-14)