

DSS Policy and Procedure Guide

Division 03: Child Welfare

Chapter 08: Adoptions

Item 005: **Request by the Care Provider for Designation as a Prospective Adoptive Parent**

Suggested changes send to:

[DSS PSOA Mailbox](#)

Issued: **March 1, 2013**

Replaces Issue: **New**

References:

[Senate Bill 218](#)

Preamble

Child Welfare Policy and Procedure Guides are meant to be used as tools to relay best practice and staff expectations. It is understood that specific case scenarios may not always align themselves with the stated practices and that at all times what is of paramount importance is the Safety and Well-being of the children we are charged to protect.

Policy

Department of Social Services (DSS) Adoption social workers (SW) shall follow the procedures outlined in this Policy and Procedure Guide to ensure that care providers are informed of their right to request court designation as a Prospective Adoptive Parent (PAP) after an emergency removal of a minor from the care provider's home and a [JV- 324](#), *Notice of Emergency Removal* is issued or when a [JV-323](#), *Notice of Intent to Remove Child* has been issued to the care provider. The CM SW shall also inform the care provider of their right to keep their phone number and address confidential.

The CM SW shall also inform the care provider of this right when the care provider expresses a desire to be granted the designation of PAP or inquires about the process whether or not the minor's removal from the home of the care provider is at issue.

Purpose

To inform DSS Adoption social work staff of their responsibility to provide notification to care providers of their right to request designation as a Prospective Adoptive Parent.

Definitions:

Prospective Adoptive Parent (PAP): The Juvenile Court may designate a current care provider as a Prospective Adoptive Parent if **the minor has lived with the care provider for at least six months**, the care provider currently **expresses a commitment to adopt the minor**, and the care provider has **taken at least one step to facilitate the adoption process**. If the court grants the care provider PAP status, the foster child cannot be removed from the care provider's home without a Juvenile Court hearing.

Note: The exception is any situation in which the child is in immediate risk and cannot safely remain in the care provider's home. After the child is removed the case managing social worker (CM SW) is responsible for following the process for taking the matter before the court.

- Steps to facilitate the adoption process, include, but are not limited to:
 - Applying for an adoption home study;
 - Cooperating with an adoption home study;
 - Being designated by the court or the licensed adoption agency as the adoptive parent;
 - Requesting de facto parent status;
 - Signing an adoptive placement agreement;
 - Engaging in discussions regarding a post adoption contact agreement;
 - Working to overcome any impediments that have been identified by the State Department of Social Services and the licensed adoption agency;
 - Attending classes required of prospective adoptive parents; or
 - Being identified by the Indian child's tribe as the prospective adoptive parent in a case in which tribal customary adoption is the permanent plan.

Procedure

Request for Prospective Adoptive Parent Designation Procedure

- A dependent minor's care provider has the right to request that the court designate him/her as a Prospective Adoptive Parent. The CM SW shall advise care providers of their right to request court designation as a PAP when:
 - The care provider expresses a desire to be granted the designation of PAP or inquires about the process; or
 - A JV- 323, *Notice of Intent to Remove Child* is issued to the care provider. (See [PPG 3-8-007](#) *Emergency Removals* and [PPG 3-8-006](#), *Notice of Intent to Remove a Child from the Child's Care Provider*, regarding this process)
 - After an emergency removal of a minor from the care provider has occurred and a JV-324, *Notice of Emergency Removal* has been issued to the care provider.
- A request for designation as a Prospective Adoptive Parent may be made at the 366.26 hearing when parental rights are terminated or at a hearing in which a plan of tribal customary adoption is ordered or thereafter, whether or not the minor's removal from the home of the care provider is at issue.
- A request for Prospective Adoptive Parent Designation may be made orally. If a request for prospective adoptive parent designation is made in writing, it must be made on form [JV-321, Request for Prospective Adoptive Parent Designation](#).

NOTE: The court may make the designation on its own motion or on a request by a caregiver, the minor, a social worker, the minor's identified Indian tribe, or the attorney for any of these parties.

Request to Keep Address Confidential

When a request for PAP designation is made, the care provider or other applicant may request that the address and phone number of the care provider be kept confidential. To make this request the applicant must complete and file form [JV-322, Confidential Information- Prospective Adoptive Parent](#) along with the JV-321. Form JV-322 must be kept in the court file under seal, and only the court, the minor's attorney, the DSS, and the minor's CASA volunteer may have access to this information.

Designation Hearing

Once the applicant has filed the JV-321 with the Juvenile Court clerk, the court clerk shall send notice of the designation hearing to DSS; the caregiver; the minor's attorney and the minor, if over 10 years old. Notice shall also be sent to the minor's identified tribe, minor's Indian custodian and the minor's CASA, if applicable.