

ASSESSMENT PROCESS FOR NON-MINOR DEPENDENT (NMD) ADOPTION

At a review hearing pursuant to Welfare and Institutions Code (W&IC) section 366.3(d), the court may order adoption as the permanent plan for a NMD. At that time, the court will set a hearing within 60 days, at which time, the social worker or probation officer shall prepare a report based on the assessment described below per W&IC section 366.31(f)(5).

This assessment may be completed prior to or following the review hearing ordering adoption.

- A. To conduct the adoption assessment, the social worker or probation officer shall interview the NMD and prospective adoptive parent(s) individually and conjointly and any others as deemed appropriate. Interviews shall be face to face when possible but may occur through other means if the proximity of the subjects creates undue travel hardships (i.e. Skype).

- B. The assessment, which is youth focused, shall be completed and address at minimum the following per W&IC section 366.31(f)(5).
 - (1) Information regarding the length and nature of the relationship between the NMD and prospective adoptive parent.
 - a) Has the prospective adoptive parent been established as a permanent connection to the NMD?
 - b) How do the prospective adoptive parent(s) understand their responsibility to provide support (i.e. emotional, financial, etc.) to the NMD?
 - i. How will they provide this support if the NMD resides outside the home?
 - c) What are the NMD's and the prospective adoptive parent(s)' motivation for adoption?
 - d) What are the NMD's and the prospective adoptive parent(s)' expectations resulting from their adoption?
 - e) Have the prospective adoptive parent(s) demonstrated the commitment and ability to provide permanence to the NMD? If so, how? If not, why?

 - (2) A description, if any, of the NMD's developmental disability. The description should include what services and/or resources the NMD needs to assist them in their daily life.
 - a) Indicate if NMD is a regional center client.

- i. If so, contact the regional center caseworker and discuss NMD's needs/services.
 - a. What is regional center caseworker's opinions regarding adoption?
 - ii. Is the prospective adoptive parent part of the regional center case plan? What are the prospective adoptive parent's abilities/experiences in working with the developmentally disabled?
- b) Does the NMD have a conservator or guardian ad litem?
 - c) Are the prospective adoptive parent(s) suitable to meet the needs of the NMD?
- (3) Information regarding the NMD's eligibility for the Adoption Assistance Program (AAP) and if a negotiated adoption assistance agreement has been signed by the prospective adoptive parent(s). The social worker or probation officer shall review the AAP 7 (Adoption Assistance Program Statement of Acknowledgement) with the prospective adoptive family and all parties shall sign the form. If an adoption assistance agreement was signed, it shall be attached to the report. To obtain this information for the court report, the social worker or probation officer shall:
- a) Refer the prospective adoptive parent(s) to the appropriate public adoption agency worker who shall discuss and negotiate an adoption assistance rate with the prospective adoptive parent(s). Once negotiated, the public adoption agency worker, with the prospective adoptive parent(s) shall sign agreement and provide a copy the agreement to the social worker or probation officer to attach to the court report.
 - i. The AAP agreement may be signed prior to the final W&IC section 366.31 hearing; however the AAP payments shall not begin until the day of the hearing where an adoption decree is issued.
- (4) Results of the criminal background clearances for prospective adoptive parent(s) and all adults residing in prospective adoptive parent(s) home. In order to receive AAP payments, the prospective adoptive parent(s) and all adults residing in the home of their home must be criminally cleared per Section 671(a)(2)(A) and (c) of Title 42 of the United States Code (Adam Walsh Child Protection and Safety Act).
- a) If prospective adoptive parent(s) have previously been licensed or certified for foster care or been approved for relative care through child welfare services and the clearances with subsequent arrest notifications are still active, the social worker or probation officer may obtain written verification from the appropriate agency that the prospective adoptive parent(s) license, certification or relative approval is current and active.

If it is active, prospective adoptive parent(s) have met federal requirements for criminal background clearances and will not need to be reprinted.

- (5) If the prospective adoptive parent(s) are still legally married and the spouse is not adopting the NMD, does the spouse consent to the adoption?
 - a) Consent may be signed prior to the hearing. The prospective adoptive parent and spouse should be informed of potential legal ramifications (i.e. inheritance issues) if consent is not obtained. If consent is not obtained, court report should describe efforts made to obtain consent.
 - b) Verification of marriage or dissolution is not required unless local rules state otherwise.
- (6) If the NMD and prospective adoptive parent(s) have mutually consented to the adoption. The signed mutual consent form will be attached to this report unless local rules state otherwise.
- (7) Determination of the social worker or probation officer if they have assessed that adoption is in the best interests of the NMD and the prospective adoptive parent(s).
 - a) In making this determination, the social worker or probation officer should be respectful and mindful of the NMD's legal status of an adult. Reasons to not recommend a NMD adoption may include non-exemptible criminal offenses under the Adam Walsh Safety and Protection Act; the NMD and prospective adoptive parent do not appear ready to assume a legal parent/child relationship; and/or the relationship between the NMD and prospective adoptive parent does not appear to be safe, healthy, or of an appropriate duration.
- (8) A copy of the assessment shall be provided to the social worker or probation officer prior to their preparation of the court report pursuant to W&IC section 366.31(f)(5).
- (9) When completing the court report, the social worker or probation officer shall include what their recommendations regarding the adoption are as well as the recommendations of the agency that completed the assessment.