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Governor



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Director

# DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES  
*Helping people. It's who we are and what we do.*



Cindy Pitlock, DNP  
Administrator

MTL # 0106 – 3/23/2022  
03/23/2022

TO: Timothy Burch, Administrator – Clark County Department of Family Services  
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FROM: Dr. Domonique Rice, Deputy Administrator, Division of Child and Family Services

## POLICY DISTRIBUTION

Enclosed find the following policy for distribution to all applicable staff within your organization: 0106 Adoption Intercountry Disruption-Dissolutions Policy

This policy is/was effective: 3/18/2022

- This policy is new. Please review the policy in its entirety
- This policy replaces the following policy(s): MTL # \_\_\_\_\_ - \_\_\_\_\_ Policy Name: \_\_\_\_\_
- This policy has been revised. Please see below for the type of revision:
- This is a significant policy revision. Please review this policy in its entirety.
  - This is a minor policy revision: (List page number & summary of change): \_\_\_\_\_
  - A policy form has been revised: (List form, page number and summary of change): \_\_\_\_\_

## NOTE:

- Please read the policy in its entirety and note any areas that are additionally required by your agency to be in compliance with the policy enclosed.
- This is an **ALL STAFF MEMO** and it is the responsibility of the person listed above to disseminate the policy enclosed to appropriate staff within his/her organization and to ensure compliance.
- The most current version of this policy is posted on the DCFS Website at the following address: <http://dcfs.nv.gov/Policies>  
Please check the table of contents on this page for the link to the chapter you are interested in.

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## 0106 Adoption Intercountry Disruption-Dissolution Policy

### Policy Approval Clearance Record

|  |   |
|--|---|
| <input checked="" type="checkbox"/> <b>Statewide Policy</b><br><input type="checkbox"/> <b>Administrative Policy</b><br><input type="checkbox"/> <b>DCFS Rural Region Policy</b> | <input checked="" type="checkbox"/> <b>New Policy</b><br><input type="checkbox"/> <b>Modified Policy</b><br><input type="checkbox"/> <b>This policy supersedes:</b> |
| <b>Date Policy Effective:</b>  | 03/18/2022  |
| <b>Attorney General Representative Review:</b>   | 10/07/2021  |
| <b>DCFS Deputy Administrator Approval</b>  | 03/18/2022  |
| <b>DMG Original Approval</b>   | 03/18/2022  |
| <b>DMG Approved Revisions</b>  |   |

### STATEMENT OF PURPOSE

**Policy Statement and Purpose:** All Nevada Child Welfare Agencies will ensure the appropriate UNITY documentation of children who enter foster care due to the disruption of an adoptive placement or the dissolution of an adoption when a child enters the United States for the purpose of adoption. The purpose of this policy is to identify the specific agency responsible for the adoptive placement and track the reasons for the disruption or dissolution. The documented information will be utilized as part of Annual Progress and Services Report (APSR) and to identify why Intercountry adoptions dissolve or disrupt.

### AUTHORITY

**Federal:** [Intercountry Adoption Act of 2000 \(Public Law 106-279\) – Section 205](#); [Social Security Act Title IV-B – Section 422\(b\)\(12\)](#)

**NRS:** [NRS 127.230](#)

**NAC:** [NAC 127.095](#)

### DEFINITIONS

**ACF:** The Administration of Children and Families is a division of the U.S. Health and Human Services.

**Adoption:** The social, emotional, and legal process through which children who will not be raised by their birth parents become full and permanent legal members of another family while maintaining genetic and psychological connections to their birth family.

**Agency which provides Child Welfare Services:** In a county whose population is less than 100,000, the agency is a local office of the Division of Child and Family Services; or in a county whose population is 100,000 or more, the agency of the county, which provides or arranges for necessary child welfare services. May also be referred to as "Agency" or "Child Welfare Agency".

**Annual Progress and Services Report (APSR):** The report that provides annual updates on the progress made towards accomplishing the goals and objectives in the CFSP.

**Child and Family Services Plan (CFSP):** The five-year strategic plan that sets forth the vision and the goals to be accomplished to strengthen the states' overall child welfare system.

**Child Placing Agency:** A nonprofit corporation organized pursuant to Chapter 82 of NRS 127.230, NRS 127.250, and licensed by the Division of Child and Family Services to place children for adoption.

**Children Bureau (CB):** A federal agency organized under ACF, whose operations directly involve improving child abuse prevention, foster care and adoption.

**Foster Care:** Foster care as defined in 45 CFR 1355.20, is 24-hour substitute care for children placed away from their parents or guardians and for whom the State agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, childcare institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed, and payments are made by the State or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made.

**FPO:** Family Programs Office at the Division of Child and Family Services.

**Intercountry adoption:** Adoption of a child from another country.

**Nevada Initial Assessment (NIA):** The information gathering process necessary to identify family safety, strengths, and risk of maltreatment.

**State:** An alternate word for the Division of Child and Family Services (DCFS) or The Family Programs Office (FPO).

**UNITY:** Unified Nevada Information Technology for Youth is Nevada's electronic Comprehensive Child Welfare Information System (CCWIS). This system is a mandatory tool for collecting data and reporting case management services provided to children and families.

## **STANDARDS/PROCEDURES**

1. The Intercountry Adoption Act (IAA) of 2000 is intended to protect the rights of children and families involved in intercountry adoption and to standardize and regulate the practices of adoption agencies to protect the best interests of children. The IAA requires that an adoption agency's current and past placement practices and records be fully disclosed to prospective adoptive parents. The law, therefore, requires both adoption agencies and States to report certain information on unsuccessful overseas adoptions.
  - a. A "disruption" occurs when a child who is placed with a caregiver for the purpose of adoption but enters foster care prior to the finalization of the adoption regardless of the reason for the foster care placement.
    - i. In intercountry adoptions such disruptions typically occur after a child enters the United States under the guardianship of the prospective adoptive parents or an adoption agency with an "IR-4 visa" for the purposes of completing the adoption process domestically.
    - ii. States must report disruptions even if the child's permanency plan is reunification with the prospective adoptive parents and the stay in foster care is brief.
  - b. A "dissolution" occurs when a child who was previously adopted enters foster care as a result of a court terminating the parents' rights or the parents' relinquishing their rights to the child.
    - i. Since the child's legal relationship with his or her parents may not be severed until after the child enters foster care, States must also report to ACF children adopted from overseas who are already in foster care at the time that the adoption is dissolved.
  - c. A State need not report a child who enters foster care after a finalized adoption if the parents' legal rights to the child remain intact.
2. The IAA requires that States collect and report certain information to ACF on children who enter foster care because the adoptive placement disrupted, or the adoption dissolved. The State must report the specific agency that handled the adoptive placement, the reasons for the disruption or dissolution, and the plans for the child in the Annual Progress and Services Report (APSR).
  - a. In the event an intercountry adoption becomes disrupted or dissolved, the Child Welfare Agency caseworker will be responsible for identifying the reasons for the failed adoptive placement and/or adoption and document the identified information in the NIA during the NIA process, or if there is no NIA, a UNITY case note within five (5) business days of the Agency becoming aware of the disruption or dissolution, or both in UNITY and the NIA. If a report of abuse or neglect is generated as a result of the dissolution or disruption, documentation must be contained in the NIA under section Maltreatment-Abandonment. The information entered in UNITY, the NIA, or both, must identify and include the following per section 422(b)(12) of the IAA:

- i. Identify the reason(s) for adoptive placement disruption or adoption dissolution;
  - ii. The specific agency that initiated the intercountry adoptive placement;
  - iii. Information surrounding the specifics of the intercountry adoption disruption and/or dissolution; and
  - iv. Current and future plans for the child(ren) and current placement.
- b. When each child enters foster care, the child welfare worker must update the person profile and participant detail general and adoption UNITY window. This is to be completed for every child for AFCARS reporting purposes. Locate the “Child Ever Adopted” section and select the yes or no option.
- i. If a child has been previously adopted, in the “Previous Adoption Type” drop-down, the child welfare worker selects the appropriate option. Children adopted from foreign countries, whether the adoption finalized in or out of country, must select out of country.

**Timeline:**

| Requirement  | Starting Date                        | Deadline  | Responsible Party | Actions to be Taken  |
|--|--------------------------------------|---|-------------------|--|
| Documentation of disruption or dissolution of in-country or intercountry adoptions | As soon as it is known to the Agency | Within 5 business days or upon conclusion of the NIA process. | Caseworker/Agency | A child welfare worker will complete the required standard/procedure information during the NIA process under Maltreatment-Abandonment, a UNITY case note, or in both UNITY and the NIA. |

**Documentation:**

**Case File Documentation (paper)**

| File Location  | Data Required  |
|--|--|
| <ul style="list-style-type: none"> <li>• Primary File</li> </ul> | <ul style="list-style-type: none"> <li>• Unity Report</li> </ul> |

**UNITY Documentation (electronic)**

| Applicable UNITY Screen   | Data Required   |
|---|---|
| <ul style="list-style-type: none"> <li>• Person Profile</li> <li>• Participant Detail<br/>In both general and adoption windows</li> </ul> | <ul style="list-style-type: none"> <li>• Child Ever Adopted &gt; Yes or No</li> <li>• Select Previous Adoption Type &gt; Out of Country Adoption</li> </ul> |

**JURISDICTIONAL ACTION**

**Development of Internal Policies:** All jurisdictions are to follow this statewide policy as written and provide information annually to the Family Programs Office for reporting purposes.

**Supervisory Responsibility:** Provide guidance to child welfare workers on accessing the UNITY adoption screens and completing the required intercountry adoption information correctly.

**STATE RESPONSIBILITIES**

The State Family Programs Office will ensure the compliance of this policy by monitoring UNITY reports.

**POLICY CROSS REFERENCE**

N/A

History: This is a new policy for compliance with Intercountry Adoption Act of 2000 (Public Law 106-279) – Section 205; Social Security Act Title IV-B – Section 422(b)(12)

**ATTACHMENTS**

N/A