

POST-ADOPTION CONTACT AGREEMENTS CONTEXT FOR POLICY DECISIONS

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Adopting a Child in DCF Custody

1. A child comes into custody as CHINS or delinquent.
2. A case plan goal is identified and approved by the court. In most, but not all cases, that will be reunification. DCF policy makes it clear that “For some children, it may be clear from the beginning that reunification with family is contrary to the child's best interest. Reunification efforts are not required by either state or federal statute.”
3. A case plan to support that goal is reviewed and approved by the court.
4. If the parents are not meeting the goals of the case plan, termination of parents rights (TPR) may be sought.

Best Interests Consideration in TPR

§ 5114. Best interests of the child

(a) . . . The Court shall consider the best interests of the child in accordance with the following:

- (1) the interaction and interrelationship of the child with his or her parents, siblings, foster parents, if any, and any other person who may significantly affect the child's best interests;
- (2) the child's adjustment to his or her home, school, and community;
- (3) the likelihood that the parent will be able to resume or assume parental duties within a reasonable period of time;
- (4) whether the parent has played and continues to play a constructive role, including personal contact and demonstrated emotional support and affection, in the child's welfare.

Family Division vs. Probate Division

- CHINS and TPR proceedings are heard in Family Division (33 VSA Chapters 51-53)
- Adoptions are finalized in Probate Division. (15A VSA)
- DCF is charged with running the Vermont Adoption Registry.
 - We release identifying and non-identifying information from sealed adoption records, in accordance with 15A VSA.
 - We act as an intermediary between former families and adoptive families, facilitating exchange of information and correspondence.
- Unusual matters concerning release of information from sealed adoption records are heard in Probate Division.

2014 Adoption Finalizations

	age at custody		age at adoption	
	#	%	#	%
0 to 5	114	65%	88	50%
6 to 12	54	31%	64	36%
13 to 18	8	5%	24	14%
Total	176	100%	176	100%

Other Relevant Data

- For the 176 children adopted in 2014:
 - 32%, or 52 of the TPRs were appealed.
 - 38%, or 66 of the adoptions were by relatives of the child.
 - 53%, or 93 of the adoptions occurred within 24 months of the child entering custody. This far surpasses the national standard for this measure.

A Short List of Pros and Cons

- Pros

- Many families and adoptive families already have unenforceable agreements for postadoption contact.
- The option for contact may encourage some parents to voluntarily TPR.
- When contact occurs, the child is not forced to “choose” between families.

- Cons

- The number of TPRs affected is likely to be small.
- Families facing TPR have many challenges that they may continue to experience over time.
- Enforceable agreements interfere with adoptive parents’ rights to determine what is in the child’s best interests.