

NORTH CAROLINA DIVISION OF SOCIAL SERVICES  
FAMILY SERVICES MANUAL  
VOLUME I: FAMILY SUPPORT AND CHILD WELFARE SERVICES  
CHAPTER VI: ADOPTION SERVICES

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Change #03-2009

INTRODUCTION

February 2009

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**SECTION 1300 - INTRODUCTION**

**CHANGE #03-2009**

**FEBRUARY 2009**

**I. STATEMENT OF PHILOSOPHY**

The Division of Social Services is committed to providing family centered services to children and families to achieve well being through ensuring self-sufficiency, support, safety and permanency.

The vision of the Division is that all programs administered by the Division will embrace family centered practice principles and provide services that promote security and safety for all.

"Adoption is the method provided by law to establish the legal relationship of parent and child between persons who are not so related by birth, with the same mutual rights and obligations that exist between children and their birth parent."<sup>1</sup> The primary purpose of adoption is to help children whose parents are incapable of assuming or continuing parental responsibilities to legally become part of a new permanent family.

Adoption agencies are charged with establishing permanence for children, therefore, if adoption agencies in the state are to render the best possible services, each staff member must understand Systems Of Care (SOC) principles and have the conviction that an appropriate home can be found for any child who needs to be adopted and that the agency is responsible for enabling this. To accomplish this goal, agencies must provide for the diligent recruitment of potential adoptive families that reflect the ethnic and racial diversity of children in the state for whom adoptive homes are needed. The agencies must provide prospective adoptive parents equitable access to the preparation and assessment process.

The selection of a family must focus on the needs of the child being placed, while recognizing that each child and family will have individual strengths. To be successful placement services must include assistance to the child and the adoptive family in the process of their integration as a new family.

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<sup>1</sup> Child Welfare League of America, Standards for Adoption Services, Revised Edition, page 11.

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## II. GOALS OF ADOPTION SERVICES

Goals of Adoption Services are to:

- Ensure timely permanence for children through legal adoption;
- Ensure that each child, regardless of race, age, ethnicity or handicapping condition, has an opportunity for placement in a permanent family;
- Prepare and assist children in their transition to an adoptive family.
- Support and strengthen the adoptive family;
- Provide services to all members of the adoption triad; and
- Provide post adoption services to optimize family functioning and to prevent dissolution of adoption.

## III. LEGAL BASE

### A. STATE LAWS

1. **N.C.G.S. § Chapter 48**  
Chapter 48 was written to establish a clear judicial process for adoption, to promote the integrity and finality of adoptions, to encourage prompt, conclusive disposition of adoption proceedings, and to structure services to adoptive children, biological parents, and adoptive parents that will provide for the needs and protect the interest of all parties to an adoption, particularly adopted minors.
2. **N.C.G.S. § 108A-14 (6); N.C.G.S. § 131D-10.1 et. seq.**  
N.C.G.S. § 108A-14 (6) and N.C.G.S. § 131D-10.1 et. seq. provide that county departments of social services, or their agents, are authorized to investigate cases for adoption and to supervise adoptive placements.
3. **N.C.G.S. § 131D-10.1 et. seq.**  
N.C.G.S. § 131D-10.1 et. seq. assigns the authority to protect the health, safety and well being of children separated from or being cared for away from their families.
4. **N.C.G.S. § 110-57.1 et. seq. N.C. G.S. § 7B 3800-3806**  
N.C.G.S. § 7B-3800-3806 provides guidelines for the interstate placement of children for adoption governed by the Interstate Compact on the Placement of Children,
5. **N.C.G.S. § 108A-49; and N.C.G.S. § 108A-50**  
N.C.G.S. § 108A-49 and N.C.G.S. § 108A-50 provides guidance for adoption assistance for certain eligible children.

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**B. NORTH CAROLINA ADMINISTRATIVE CODES**

1. **10A NCAC 70C Interstate Laws**  
Provides guidelines for the placement of children across state lines.
2. **10A NCAC 70H Child-Placing Agencies: Adoption**  
Provides guidelines for the organization and operation of an adoption child-placing agency.
3. **10A NCAC 70M Adoption Standards**  
Establishes adoption standards for county departments of social services in providing mandated adoption services.

**C. FEDERAL LAWS**

1. **PL. 96-272 -- Adoption Assistance and Child Welfare Act of 1980**  
This federal law establishes the Title IV-E adoption assistance program which provides matching funds to States operating a program of adoption assistance benefits for parent(s) who adopt children with special needs who were either eligible for Aid to Families with Dependent Children (AFDC) or Supplemental Security Income (SSI).
2. **PL. 99-514 -- Non Recurring Adoption Act (Tax Reform Act of 1986)**  
This federal law states that States are required to reimburse parents for "reasonable and necessary adoption fees, court costs, attorney fees, and other expenses" which are directly related to the legal adoption of a child with special needs.
3. **PL. 103-382 Part E -- Multiethnic Placement Act (MEPA) of 1994) and the Interethnic Provisions (IEP) of 1996**  
This federal law, as amended by the Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996, attempts to reduce the length of time children wait for adoptive placements and to ensure that no individual is denied the opportunity to become an adoptive or foster parent solely on the basis of race, color or national origin. It also facilitates the identification and recruitment of foster/adoptive families that reflect the racial and ethnic diversity of waiting children.

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4. **PL. 95-608 -- Indian Child Welfare Act**  
This federal law sets requirements that apply to state child custody proceedings involving an Indian child who is a member of or eligible for membership in a federally recognized tribe.
5. **PL. 104-188 Adoption Promotion and Stability Act**  
This federal law provides a non-refundable tax credit for people who adopt children and a non-refundable credit to those who adopt children with special needs.
6. **PL 106-395 Child Citizenship Act of 2000**  
This federal law amends the Immigration and Nationality Act to permit foreign-born citizens (including adopted children) to acquire citizenship automatically if they meet certain requirements.
7. **P.L. 105-89 Adoption and Safe Families Act**  
This federal law provides that Title IV-E adoption assistance eligible children retain their eligibility for such assistance in a subsequent adoption if the adoptive parent(s) die or the adoption dissolves with a termination of parental rights and the child remains a child with special needs. It also requires the States to conduct a criminal record check on prospective adoptive parents(s) of children who would receive Title IV-E adoption assistance
8. **P.L. 106-169 The Foster Care Independence Act of 1999**  
This federal law increases the AFDC resource limit from \$1,000 to \$10,000 for Title IV-E foster care and Title IV-E adoption assistance eligibility purposes.
9. **P.L. 109-171 The Deficit Reduction Act of 2005**  
This federal law clarifies that for Title IV-E adoption assistance, a child must meet the July 16, 1996 State AFDC eligibility criteria in the specified relative's home from which s/he is removed. This legislation also eliminates the requirements that a child had to be AFDC eligible at the time of the initiation of the adoption proceedings.
10. **P.L. 109-248 The Adam Walsh Child Protection and Safety Act of 2006**  
This federal law requires fingerprint-based background checks for prospective adoptive parent(s) and, in all cases, prohibits the State from claiming Title IV-E adoption assistance if the prospective adoptive parent(s) have certain felony convictions.

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This legislation further requires child abuse and neglect registry check in each State where each of the adults in the prospective adoptive home has lived in the past five years.

11. **P.L. 104-193 The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)**

This law limits Federal public benefits to qualified aliens. PRWORA requires a qualified alien entering the United States on or after the date of enactment of PRWORA (August 22, 1996), unless excepted, to live in the United States for five years before becoming eligible for certain Federal public benefits. In accordance with section 403(c)(2)(F) of PRWORA, however, Federal payments for adoption assistance are excluded from this five-year residency requirement if the child and the foster or adoptive parent(s) with whom s/he is placed are qualified aliens.