

Statement of Consideration (SOC)

PPTL 22-04 SOP 4.1, SOP 13.10, SOP 13.13.1, and SOP 13.13.2. The following comments were received in response to SOP drafts sent for field review. Thanks to those who reviewed and commented. Comments about typographical and grammatical errors are excluded; these errors have been corrected as appropriate

1. **Comment:** Staff thinks more guidance is needed on children that are considered refugees and placing them in foster care.

Response: The process is not different for children who are considered refugees. When assessing the need for out-of-home care (OOHC) placement, the worker should focus on safety threats and risk. After the OOHC placement, the worker should consult with an immigration attorney to determine the next steps related to citizenship issues for children who were not born in the US and for those who cannot present a permanent resident card.

2. **Comment:** Staff feels there will be a real delay in TPR and adoption based on citizenship issues and locating parents for TPR when they are not in the country. How will this be addressed? We can't have these children lingering for years

Response: Staff should continue to follow SOP regarding locating absent parents. Absent parent searches, Lexis Nexis searches, etc. should be conducted to locate these parents. A judge may also order a Warning Order Attorney to be appointed in the case. Citizenship issues should not prevent a child from achieving permanency.

The purpose of this SOP is to provide direction to staff for citizenship issues to be resolved as quickly as possible. If a child is ready for adoption and citizenship issues remain, the adoptive parent(s) should be informed of the status. The adoptive parents may choose to move forward with an adoption; however, the decision should be an informed decision with the adoptive parents understanding their role, responsibility, and the future actions that will be required for the child to obtain citizenship.

3. **Comment:** If adoption does not equal them becoming a citizen, how is this citizenship handled with private overseas adoptions? Staff feel that maybe we should follow that.

Response: The Cabinet for Health and Family Services (Cabinet) is not involved in private overseas adoptions. The difference with this type of adoption is that the child(ren) is often adopted in his/her birth country and returns to the United States legally with a Visa for children who have been adopted abroad by a US citizen. The adopted parent may have to file for naturalization for the adopted child, dependent on several factors.

This SOP addresses children who were not born in the US and who do not have a permanent resident card. Unfortunately, the child(ren) was not admitted into the US lawfully and, therefore, the path to citizenship will be different from children who were adopted overseas.