



Contacting Former Spouses as Part of the Adoption and Foster Home Study Process

Selecting an adoptive or foster placement for a child is a major decision that has lifelong ramifications. An agency must consider numerous factors before approving the suitability of the placement. A comprehensive assessment of the applicant will include the applicant's strengths, skills, training needs, areas for improvement, and family circumstances. During the home study process personal inquiries are made, many of which may seem intrusive. One possible inquiry is: Should, may, or must the former spouse of a prospective adoptive or foster parent be contacted by the agency as part of the home study process?

Researchers estimate that 40 percent to 50 percent of all first marriages in the United States will end in divorce or permanent separation. The risk of divorce for second marriages is about 60 percent.

Following a divorce, ex-spouses, especially if they were co-parents, redefine their communication patterns and the rules about how they relate to each other. A wide variety of new structural factors may affect the perception of their ex-spouse. If the relationship was abusive or divisive, renegotiating these boundaries, perceptions, and communication patterns will be challenging and ambiguous at best. Along with this ambiguity, ex-spouses report a sense of loss of various dimensions of their parental role. This being the case, how credible is an ex-spouse's opinion of their former partner? Should home study workers ignore an ex-spouse's opinion completely, or seek it out and then temper



this information using their best judgment?

Golda Zimmerman, a retired New York attorney, and an acknowledged expert in the field, says: "The short answer is "no," a former spouse should not be contacted, but a copy of the divorce decree and a number of standard questions should be asked. If any red flags are evident, then further inquiries should be made." As Zimmerman suggests, an agency may have legitimate reasons to make contact with an applicant's partners from previous relationships. Here are some lead-up questions to elicit such information:

- ◆ Have you been previously married?

- ◆ How many times, and for how long were you married?
- ◆ What are the names and present addresses of any former spouses?
- ◆ What are the names and present addresses of any children from all previous marriages?
- ◆ If you have been previously married, why did the marriage end?
- ◆ Are you in touch with your former spouse and children?
- ◆ What is your relationship with your former spouse and children like now?
- ◆ Would you mind if we contact your former spouse and children?
- ◆ Would you please supply us with copies of all divorce decrees?

Applying to become an adoptive or foster parent after divorce is an ambitious undertaking. The effort can be made more difficult if the applicant's ex-spouse conveys incorrect, unflattering information about the applicant. Alison Foster Davis, a California attorney, relates that there is no such regulation directing a home study worker to contact a former spouse in her state. "I don't know of any agencies that routinely contact former spouses. Certainly there would be situations where that would be appropriate or best practice, such as a previous history of domestic violence by the applicant against the former spouse. But given the propensity for negative bias that is founded more upon emotions than facts, contacting former spouses would not generally yield helpful information upon which the agency could confidently rely while assessing the applicant."

The Child Welfare Information Gateway's publications, *The Adoption Home Study Process* (2010)¹ and *Home Study Requirements for Prospective Parents in Domestic Adoption* (2012)² are both silent on this issue. A cursory review of state codes and regulations also yields no evidence of a requirement to contact a former spouse—nor, however, is there any prohibition to do so.

It should be noted that contacting adult children is usually required.³ Some states require teenage children to be contacted as well. For instance, the foster care and pre-adoptive home screening form for Texas provides that "at least one contact must be made with each adult child and each minor child 12 years of age or older of the foster and/or adoptive family who is no longer living in the home."⁴

We all recognize that good information is valuable. The more significant

the decisions we make, the more we value the information that assists us to make the right decisions. Few decisions are more critical than finding the right placement for a child. ■

Reference Notes

1. http://www.childwelfare.gov/pubs/f_homstu.pdf
2. http://www.childwelfare.gov/systemwide/laws_policies/statutes/homestudyreqs_adoption.pdf
3. See e.g., New Mexico Admin. Code § 8.26.4.12; Louisiana Admin. Code Admin. Code § 67:V.7315; Mississippi DHS/DFCS Policy, <http://www.mdhs.state.ms.us/pdfs/fcspolicy/sectionf.pdf>
4. http://www.dfps.state.tx.us/Adoption_and_Foster_Care/About_TARE/Foster_Care/homestudy_guidelines.asp

Daniel Pollack is a professor at the Wurzweiler School of Social Work at Yeshiva University in New York City. He can be reached at dpollack@yu.edu

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