

Annual Meeting  
Association of Administrators of the  
Interstate Compact on Adoption and Medical Assistance

**How Not to Get Sued: Social Workers & Liability**

May 7, 2007  
2:00 – 3:00 P.M.

Harvey Schweitzer  
Attorney at Law

- I. Introduction: What is Liability
- II. The Short Life and Tragic Death of Grace Bogey
  - a. Placement and Decision Making
  - b. Supervision
- III. State Tort Claims Acts and Sovereign Immunity
- IV. Federal Civil Rights: Section 1983
- V. Individual Immunity: Qualified and Absolute
- VI. Standard of Care in 1983 Actions
  - a. Deliberate Indifference
  - b. Professional Judgment
- VII. Duty of Care: Negligence
- VIII. Standard of Care: Negligence
  - a. National and other Practice Standards
  - b. Rules & Regulations
  - c. Statutes
  - d. Agency Policies and Procedures
  - e. Custom and Practices

**ETHICAL ISSUES IN ADOPTION & FOSTER CARE**

**June 19, 2006**

**1 p.m. to 4 p.m.**

THE ADOPTION RESOURCE CENTER  
FAMILY AND CHILD SERVICES OF WDC, INC.  
1004 SIXTH STREET, NW  
WASHINGTON, D.C. 20001

*Presenter*

*Harvey Schweitzer*  
*Attorney at Law*

- I. Introduction: Sources of Ethical Considerations
  - a. Codes of Ethics
  - b. Best Practices
  - c. Practice Standards
  - d. Legal Opinions
  - e. Academic and Professional Literature
  
- II. Ethics and Adoption: Autonomy and Adoption
  - a. The Placement Decision and the Biological Parents
  - b. Disclosure & Notice to Biological Fathers
  - c. Minor Birth Parents and Grandparents
  - d. Disclosure of Information to Adopters
  - e. Legal Rights of and Legal Advice to the Biological Parents-Practicing Law as a Social Worker
  - f. Placement Issues & Siblings
  - g. Enforceability and Post Adoption Contact & "Open Adoptions": What Can You/Do You Advocate & to Whom?
  
- III. Ethics and Adoption: Ethnicity
  - a. Transracial Adoptions
  - b. Multi Ethnic Placement Act and state law
  - c. Best Interests of the Child
  - d. Gay People and the Adoption Process

**IV. Ethics and Adoption: Market Forces in Adoption**

- a. How do Financial Issues Affect the Adoption of Children
- b. Who can get “Paid” for What in the Adoption Process
- c. What Regulates the Adoption “Market”
- d. What are “Private Adoptions”
- e. What is the Relationship between Ethical Practices and the “Profit Motive” in Adoptions

**V. Ethics and Foster Care**

- a. What Role do Ethics Play in Foster Care
- b. Ethical Codes and Foster Parents
- c. Rights of the Foster Child and Foster Parenting
- d. Foster Parent Values and the Sexual Orientation of Foster Children
- e. Foster Parent Values and the Religious Orientation of Foster Children
- f. Allegations of Wrongdoing/Child Maltreatment
- g. Serving Different Masters: The Agency, the Child, the Court, the Family
- h. Ethics and Conflicting Goals: Return Home v. Adoption

# **Private Placement Adoption**

**1:20 – 2:20 P.M.**

**Presenter  
Harvey Schweitzer**

**RESOLVE  
2009 Family Building Conference  
Saturday, September 12, 2009**

**I. How do private placement adoptions differ from agency adoptions?**

**II. What is a designated or facilitated adoption?**

**III. The Sequence of Events**

- a. Finding an adoptable infant
  - 1. Spread the word
  - 2. Advertising: Conventional Newspapers
  - 3. Advertising Unconventional
  - 4. Novel Outreach
- b. Pregnancy
- c. Birth
- d. Ending parental rights: Consenting/surrendering/terminating
- e. Travel-ICPC
- d. Legal Process: Petition to Decree

**IV. Essential Information About Local Jurisdictions**

- a. Virginia
- b. Maryland
- c. District of Columbia

**V. Major Legal Issues**

- a. Where will the adoption be finalized
- b. Discharge from the hospital
- c. Temporary legal & physical custody
- d. Who is the father? What are his rights?
- e. Determining paternity
  - 1. Birth father registry
  - 2. Obtaining the father's consent (or denial of paternity)
  - 3. Locating and serving the father

f. What are the costs? What will be paid?

1. Medical
2. Legal
3. Living expenses

g. What are “unlicensed facilitators”?

## **VI. Practical Issues**

- a. Characteristics of the mother
- b. Characteristics of the (unborn) child
- c. Getting reliable information timely
- d. Openness -Sharing names before the adoption
- e. Post adoption contact

## **VII. What Can Go Wrong? (!)**

## **VIII. Questions**

9/12/09