

5

ADOPTION DISCLOSURE

TABLE OF CONTENTS

5.....	2
5.1 Introduction	2
5.2 Legal Citations.....	2
5.3 Types of information available for disclosure.....	2
5.3.1 Non-identifying information.....	2
5.3.2 Who can request non-identifying information.....	3
5.3.3 Special types of non-identifying information.....	3
5.3.3.1 Critical medical information.....	3
5.3.3.2 Letters	4
5.3.4 Identifying information	4
5.4 Adding information to the closed adoption file.....	6
5.5 Conducting a disclosure search.....	6
5.5.1 Letter of Appointment.....	6
5.5.2 Searching for information	7
5.5.3 Requesting an extension.....	9
5.5.4 Expediting a disclosure search.....	9
5.6 Redacting the adoption file.....	9
5.6.1 Releasing non-identifying information.....	11
5.7 Report of Inquiries.....	12
5.7.1 Waiting for the final disposition.....	14
5.8 Final disposition	14
5.9 Charging a fee.....	15
5.9.1 Fee schedule for adoption searches.....	15
5.9.2 Determination of direct costs.....	16

5

ADOPTION DISCLOSURE

5.1 Introduction

The Virginia Department of Social Services (VDSS) Adoption Unit maintains a permanent record of all adoptions finalized in Virginia since July 1, 1942 and has the primary responsibility for maintaining adoption *files* and administering the release of information from those *files*. Public and private child placing agencies (CPAs) have the responsibility of releasing information from closed adoption *files* upon approval from the Commissioner.

Based on the Code of Virginia, the adult adoptee and various other members of the adoption triad may have access to information in the closed adoption *file* when certain criteria are met and an application for disclosure is submitted to the VDSS Adoption Unit.

5.2 Legal Citations

The Code of Virginia in Chapter 12, §§ [63.2-1245](#) through [63.2-1248](#) provides law on permanent record retentions, disposition of reports, and disclosure of birth family information.

5.3 Types of information available for disclosure

There are two types of information available during the disclosure process: non-identifying and identifying information. The disclosure of information is determined by the party requesting the information as well as when the adoption was finalized.

5.3.1 Non-identifying information

Non-identifying information is generally defined as information *from the preserved adoption file*, which does not identify the birth family. Trace information is any information *that is in the adoption file* that could lead to the identification of the birth family e.g. *the birth parents' date of birth, the name of the hospital where the child was born. When a party requests non-identifying information, all identifying and trace*

information shall be redacted from the file (See [Section 5.6](#) for information on redacting the adoption file).

5.3.2 Who can request non-identifying information

Non-identifying information from the adoption *file* can be released to the:

- Adoptive parents
 - Adoptive parents may have access to non-identifying information from the adoption *file* at any time after the entry of the final order of adoption.
- Adoptee who is 18 years of age or older
 - In the event that the adult adoptee *requests* information on the adoptive parents (e.g., the home study or Report of Investigation), the adult adoptee must have a notarized consent from each adoptive parent on whom the information is requested or *verification of death* for that person.
- The CPA that is providing services to the adoptee or adoptive parents.

5.3.3 Special types of non-identifying information

There are two types of non-identifying information that require special handling: critical medical information and letters.

5.3.3.1 Critical medical information

In any case where a physician or licensed mental health provider submits a written statement, in response to a request from the adult adoptee, adoptive parent, birth parent, or adult birth siblings indicating that it is critical that medical, psychological, or genetic information be conveyed; the statement shall state clearly the reasons why this is necessary ([§ 63.2-1247 C](#)). The CPA that does the investigation shall make an attempt to inform the adult adoptee, adoptive parents, birth parents, or adult birth siblings, whichever is applicable, of the information. It is the responsibility of VDSS to provide information from the adoption *file* if necessary to facilitate the search. Confidentiality of all parties shall be maintained by the agency which means that **identifying information cannot be shared**; only the non-identifying critical medical information can be given.

If an adult adoptee, birth parent, birth sibling, or adoptive parent contacts a CPA with critical medical information to share with other members of the adoption triad, the requirements are as follows:

- *The birth parent, adoptive parent, or adoptee completes the Adoption File Update form and mails it to VDSS and attaches verifications of critical medical information.*
- The physician or licensed mental health provider sends a letter stating that it is critical that medical, psychological, or genetic information be conveyed to the other party. The letter must state the reasons why this is necessary *and be written on the provider's letterhead.*
- Upon receipt of the doctor's letter certifying the necessity to share critical medical information, the CPA should inform VDSS of the request and attempt to locate the other family members.
- The CPA can contact the adult adoptee directly if there is critical medical information from the birth family.
- The CPA can share the medical diagnosis and related information, but cannot release names, locations, or other identifying information to the other party.

5.3.3.2 Letters

If the CPA that was involved in the adoption is willing, the CPA can act as an intermediary for the purpose of exchanging non-identifying information, such as letters, with the adoptive parent and birth parent when *they agree in writing at the time of the adoption and the whereabouts of the adoptive parent and birth parent are known or readily accessible* ([§ 63.2-1247 D](#)). The words “readily accessible” eliminate the need for the agency to conduct a search, such as those conducted when an adult adoptee applies for identifying information. A review of generally available resources, as a current or recent location contained in the *file* satisfies the requirement.

Such an arrangement can occur when at least one of the adoptive parents and one of the birth parents agree in writing. *It does not need to include both of the birth parents or both adoptive parents, if married. This agreement may be withdrawn by either party at any time or may be withdrawn by the adult adoptee.*

5.3.4 Identifying information

Identifying information is information that identifies the adoptee or birth family. It includes “trace” information that may lead to the identity of the birth family. Identifying information on birth family members is only granted by the Commissioner or circuit court upon showing good cause. *Good cause, for the purpose of adoption disclosure, is defined as showing a compelling and necessitous need for the identifying information* ([§ 63.2-1246](#)).

An application shall be used when identifying information is requested from the adoption file ([§ 63.2-1246](#)). There are four types of disclosure applications: adoptee, adoptive parent, birth parent, and adult birth sibling.

By using the *Application for Disclosure*, the following people may apply for disclosure of identifying information:

- Adoptees who are 18 or older may apply for disclosure.
 - *The adoptee submits the [Adoptee Application for Disclosure](#).*
- Birth parents and adult birth siblings, if the adoption was finalized on or after July 1, 1994, and the adopted person is at least 21 years of age.
 - *The birth parent submits the *Birth Parent Application for Disclosure*.*
 - *The adult birth sibling submits the *Adult Birth Sibling Application for Disclosure*.*
- Adoptive parents of a **minor child**, if the adoption was finalized on or after July 1, 1994.
 - *The adoptive parent submits the *Adoptive Parent Application for Disclosure*.*
- In a parental placement adoption where consent was executed on or after July 1, 1994, the entire adoption *file* shall be open to the adoptive parents, the adoptee who is 18 years of age or older, and the birth parent who executed the written consent. However, any criminal record checks for the adoptive parents, which show a criminal record conviction cannot be released.

The application for disclosure is forwarded to:

*Virginia Department of Social Services
Adoption Unit, 11th Floor
801 East Main Street
Richmond, Virginia 23219*

If the CPA receives the application directly, the CPA should send the application to VDSS with all attachments and inform the applicant that the application was forwarded to VDSS.

The Commissioner has the responsibility for deciding whether information from the adoption file is released. CPAs provide assistance to the Commissioner by conducting searches to locate birth family members. In cases in which an adult adoptee seeks disclosure about his or her birth parents and consent is not obtainable due to the death or mental incapacity of the birth parents, the Commissioner shall release identifying

information if the adult adoptee shows good cause as to why the information should be made available.

5.4 Adding information to the closed adoption file

Birth parents, birth siblings and birth family members have the right to send letters to be included in the adoption *file using the Adoption File Update form*. Sometimes birth family members will call or write to provide updated information for the adoption *file*. The CPA should explain the rights of the adoptive parents and the adult adoptee for obtaining information from a closed adoption file. This will enable the family to understand the importance of sending letters to update the adoption *file* of current address and telephone number. The worker can update the information in the CPA file and at the state level by advising the Adoption Disclosure Specialist, VDSS Adoption Unit of the updates.

5.5 Conducting a disclosure search

Upon receiving an application for disclosure, *the Commissioner of VDSS shall designate the CPA initially involved in the adoption to attempt to locate and advise the birth family or adoptee of the application using the Letter of Appointment*. If the private CPA is no longer in operation, the LDSS or a private CPA may be asked to conduct the search.

5.5.1 Letter of Appointment

The Adoption Disclosure Specialist at VDSS will act on behalf of the Commissioner by sending the Letter of Appointment to the CPA. The Letter of Appointment will include the following:

- *The applicant's name.*
- *The type of application (adoptee, birth parent, adoptive parent, or adult birth sibling).*
- *The type of information requested (non-identifying and/or identifying information).*
- *Special instructions, such as how to give the applicant his or her non-identifying information if he or she lives out of the area.*
- *The timeframe to complete the search or provide the non-identifying information, which is 90 days from the date of the Letter of Appointment.*
- *The Adoption Disclosure Specialist's name and contact information.*
- *The following will be included with the Letter of Appointment to the CPA:*
 - *A copy of the application for disclosure.*

- A copy of the adoption file.

The Adoption Disclosure Specialist mails a copy of the Letter of Appointment to the adoptee. Once the CPA receives the Letter of Appointment, they are authorized to begin working on the *disclosure* case.

5.5.2 Searching for information

There is no correct sequence of methods that work for every case. A combination of search techniques should be tried and use of a person locator tool is permissible (*such as CLEAR*). *The CPA* should consider multiple avenues to find information for the search and may have to go back a generation or more.

- Review the entire adoption *file*, from start to finish, gathering all information possible, looking for clues about the people being searched for, paying close attention to detail, and noting any piece of information that could be significant.
- Workers should note full names (including variations in spellings), nicknames, addresses, relatives' names, dates of birth, professions or information on employment, locations mentioned (such as another state), a physical description of the birth parents if mentioned, any hobbies they may have had, and handwritten notations in the margins or in the file. Even information that may seem trivial may be significant if it will assist the worker in the search.
- When a birth parent is not named in the adoption *file*, the agency's worker should obtain a copy of the child's original birth certificate. For children born in Virginia, the Adoption Disclosure Specialist may assist the agency in obtaining a copy of the original birth certificate from the Bureau of Vital Statistics.
- *When the adoptee is requesting a birth family search, the CPA should contact the adoptee to assist in gathering information. A questionnaire format will assist the CPA in staying focused and gathering information that may be helpful for the search. The following questions are a guide:*
 - What has prompted you to search? What do you hope to find?
 - Describe your relationship with your family, both your adoptive family and any present family structure.
 - How and when did you find out you were adopted? How was the subject handled by your family? *Do you know the identity of your birth family?*
 - What family members or friends are aware you are doing a search? What was their reaction to the news?
 - What information about you would you share with your birth parents?

- If we are able to locate your birth relatives, but they are unwilling to have their identity disclosed, what information would you like to obtain from them?
 - List specific questions that the adoptee would like to have asked *such as, what is our family medical history?*
- If we are able to locate your birth relatives, and they are willing to have contact with you, how would you prefer your first contact to occur (e.g., via phone, email, letter, face-to-face)?
- If the search is to locate the adult adoptee for the birth parent or birth sibling, contact the birth parent or adult birth sibling using the above questions that are similar in nature *to gather information from the birth family.*
- The CPA should use discretion when contacting relatives or persons who know the birth parent/sibling, even when these relatives can aid in the search. The confidential nature of the inquiry is not revealed unless it is clear from the adoption file or other information that the contacted person knows the circumstances surrounding the child's placement or knowledge of the adoption.
 - *The CPA should complete a general inquiry to the relative by phone or letter without revealing any information, even that the child was adopted, unless the relative states he or she is aware of the adoption.*
- Try to locate and search any in-house files that are related to the adoption *file*. Check to see if there are any other files related to the case. These could be siblings' records or records that are now in agency's archives. Search these records.
- Search any logs or books that your agency may have to track inquiry calls made by birth family, adoptees, or adoptive parents.
- Check in-house databases.
- Initiate search in a person locator tool.
- Additional searchable databases:
 - [PIPL](#)
 - [Ancestry.com](#)
 - [RootsWeb](#)
 - [411.com](#)

- [USGenWeb Project](#)
- [Census Finder](#)
- [Find a Grave](#)

5.5.3 Requesting an extension

*There may be incidents when the search cannot be completed within the timeframe of 90 days. For example, the agency is waiting for consent from the birth family. If the CPA needs additional time to conduct the search, the CPA needs to request consent from the applicant to extend the 90 day timeframe. Once consent is received, the CPA may request a **30, 60, or 90 day** extension from the Adoption Disclosure Specialist. The CPA must submit a written request to the Adoption Disclosure Specialist prior to the search deadline. The request for an extension should include the reason for the request and extension timeframe (30, 60, or 90 day).*

5.5.4 Expediting a disclosure search

There may be an occasion where a search should be expedited. An example of this would be for a medical emergency or other situation of an emergency nature. Such issues should be brought to the attention of the Adoption Disclosure Specialist in the VDSS Adoption Unit, so the search process can be expedited prior to the final disposition.

5.6 Redacting the adoption file

Adult adoptees and adoptive parents have the right to request and receive non-identifying background information about the adoptee and the adoptee's birth family from the adoption file. The Application for Disclosure should be used to request non-identifying information. When the adoptee or adoptive parent requests non-identifying information through the application process, the non-identifying information should be provided in paper form.

Once the Adoption Disclosure Specialist receives the application for disclosure, a copy of the preserved file is sent to the CPA. After receiving the copy, the CPA will closely review the documents, checking word for word, to redact any information that would lead to the identity of the birth family. When working with older adoption files, the CPA worker should check the CPA historical or in-house files to be certain that the entire adoption file is reviewed and included in the redacting process.

The following identifying information shall be redacted from the file including any "trace" information that may lead to the identity of the birth family.

- Adoptee's pre-adoptive last name(s) (can leave in first and middle names).

- *Full names and addresses of birth family.*
- *Full names and addresses of foster families.*
- Names of places of employment for birth parents or other relatives (if military, delete branch i.e. navy, army).
- Names of schools or colleges attended by birth parents or other relatives.
- Month, day of birth of birth parents and birth siblings (can leave in year).
- Place of birth parents and birth siblings (delete both city and state).
- *Name of the hospital where the child was born.*
- Social security number of birth parents and other relatives.
- Month and day of graduations, births, deaths, divorces of birth parents and other family members (*can leave in year*).
- Name and location of maternity home.
- Name and address of churches attended by birth family.
- Name and address of doctors (including OBGYN) of birth parents.
- Names and addresses, etc., of any individuals who knew a member of the birth family; this could include the doctor who delivered the child, foster parents with whom the child lived, or any third party involved in the placement.
- Names of agencies involved with the birth parents, except the CPA.
- Any information in the file on other adoptees and foster children (if other adoptees in the same adoptive home as the one requesting information are birth siblings, their *adoptive* names can be left in).
- Locality and state on birth parents consent notarization (if different from location of circuit court where adoption is filed).

When the adult adoptee requests non-identifying information, the CPA shall not give information about the adoptive parents from the home study, unless the adoptive parents are deceased (verification of death is required) or have given written notarized consent for the release of the home study. If one of the adoptive parents consents to the release of the home study or is deceased, but the other parent does not consent, information on the parent who does not give consent must be deleted. The following reports/documents are considered to be part of the home study on the adoptive parents.

- Any report that only contains information on the adoptive family such as the home study and any questionnaire completed on themselves by the adoptive parents.
- Reference letters on the adoptive parents.
- Medical and psychological on the adoptive parents.
- AREVA Family's Registration Form.
- Criminal record checks on the adoptive parents.
- Child protective service checks on the adoptive parents.
- The section of the Report of Investigation or Home Study Report entitled "Suitability of the Petitioners to Adopt."
- Any paragraph in the Report of Visitation that deals solely with the adoptive parents.
- The portion of the Commissioner's Confidential Report form pertaining to the adoptive parents.

5.6.1 Releasing non-identifying information

Non-identifying information cannot be mailed to the *applicant*. The *applicant* may pick up the non-identifying information in person *from the CPA appointed to the case* after showing identification. The CPA worker should make a copy of the identification card and attach it to a receipt for the *applicant* to sign, indicating receipt of the non-identifying information. *Verification that the non-identifying information was received is documented on the Report of Inquiries (See [Section 5.7](#) for more information about the Report of Inquiries).*

If the *applicant* lives out of the area, the *applicant* may request that a child welfare agency or professional (such as a doctor, psychiatrist, psychologist, *clergy*, etc.) closer to his or her location to receive the non-identifying information. The *applicant* should contact the nearby child welfare agency or professional to request this service. After confirming with the child welfare agency or professional that they will receive the information, the *applicant* will provide the CPA in writing the mailing address of the receiving child welfare agency or professional, and a written statement that authorizes the named party to receive the non-identifying information. Additionally, the receiving child welfare agency or professional must send a written statement to the CPA that they are willing to receive the information on behalf of the *applicant*. The CPA will verify the identity of the *applicant* before the release of non-identifying information.

5.7 Report of Inquiries

Once the CPA completes the request from the application for disclosure (e.g. search for birth family or non-identifying information release), the CPA should send a Report of Inquiries to the Adoption Disclosure Specialist in the VDSS Adoption Unit. *The Report of Inquiries is a form that is used to document the results of the attempt to locate and advise the applicant of the search results and for the CPA to make a recommendation about disclosing identifying information to the applicant as well as document if the applicant received non-identifying information from the adoption file.*

The following should be included on the Report of Inquiries:

- No identifying information should be disclosed to the adoptee, birth family parents, or birth family members without proper authorization from the Commissioner.
- The resources used to locate the birth family members should be fully documented, *specifically* in those cases where agency efforts were unsuccessful.
- *When the adoptee wants birth family identifying information and the birth family is located, the report should state the biological parent's wishes regarding disclosure of his or her identify and if the birth family member consents to contact with the adoptee.*
 - *Each person documented on the Report of Inquiries should be contacted. If they were not contacted, a reason should be given as to why they were not contacted.*
- *When the birth family member or adoptee is deceased, the CPA should document the verification of the death (e.g. death certificate, obituary) and attach it to the Report of Inquiries.*
- *The date that non-identifying information was given to the adoptee or adoptive parent. If non-identifying information was not given as requested on the application, the CPA should explain the reason why it was not provided.*
- The CPA's recommendation regarding disclosure based on the findings including the relative effects that disclosure of the identifying information may have on the adopted person, the adoptive parents, and the birth family.
 - *The recommendation is to the grant, deny, or dismiss the application. The CPA should explain the reason for their recommendation (e.g. the application is denied because the birth mother was located and declined disclosure of her identifying information).*
- If there is a fee, the report shall include a statement indicating the amount of the fees assessed and whether or not the fee has been paid. The Commissioner

cannot grant the release of identifying information unless the agency has provided verification that the fee has been paid.

The CPA should use the following recommendations for disposition in the Report of Inquiries:

- **Contact Wanted.** If contact is wanted, the CPA should state in the report that the person was found and wants contact, or consents to the disclosure of their identifying information. The worker should state that the CPA recommends the release of identifying information.
- **Denial.** If contact is not wanted, the report should state that the person was found but does not consent to the disclosure of his *or her* identifying information. The worker should state that the agency recommends that disclosure of information be denied.
- **Birth Father Unknown.** If the worker cannot find the birth father's name in the adoption *file*, then the report should state that the birth father is not named, or not identified. The worker should state that disclosure of information on the birth father will be denied. *If the original birth certificate was requested, the worker should state whether the birth father was named on the birth certificate. See [Section 5.5.2](#) for information about requesting a birth certificate for a Virginia born adoptee when the father's name is not listed in the adoption record.*
- **Birth Siblings.** If birth parents had no other children, the worker should state that there are no adult birth siblings, or no known adult birth siblings. If the birth parents had other children that are currently minors, under the age of 18, they should be mentioned in the report; however, the adoptee is only able to receive information about adult birth siblings.
- The birth parents have the right to decide whether they want to be the ones to tell their other children about the adoptee first, or if they are comfortable with letting the adoptee contact birth siblings directly.
 - If the birth parent is comfortable *allowing* direct contact *with the adult birth siblings and the adoptee*, the CPA should contact the adult birth siblings for consent to release their identifying information. When consent is received, the CPA should recommend that the sibling's information be released to the adoptee.
 - If the birth parent is not comfortable with direct contact but wants to notify the other children first, the worker should state that disclosure of information on the adult birth siblings be denied at this time.
- **Ongoing Search.** If one person is found and wants contact, but another person inquired about in the adoptee's application is not yet found, then the report should

recommend disclosure be granted for one and the search for the other person be continued.

- **Search No Longer Wanted.** When an adoptee who applied to do a search changes his mind and no longer wishes to continue with the search, the worker should make the recommendation that the search case be closed.
- **Consult with the Adoption Unit.** *The CPA should contact the Adoption Disclosure Specialist when there is a special circumstance that may affect the recommendation for disclosure.*

5.7.1 Waiting for the final disposition

If an adoptee, birth parent, or birth sibling has an open case with the CPA, he or she might call to obtain a status on the case. The worker should *inform* the applicant of the *search efforts being made (e.g., phone calls, letters sent out)* and the *current status of these efforts*. If asked, the worker may provide to the party search resources. [International Soundex Reunion Registry](#) is the largest and oldest registry available.

The [Child Welfare Information Gateway](#) website has factsheets of information and resources that can be provided to birth parents, adopted persons, and others interested in learning more about the process of searching for birth relatives. *Additional resources during the disclosure process are [Access to Adoption Records by the Child Welfare Information Gateway and State Statutes Search](#). Support group information may assist the adoptee, adoptive parent, or birth parent during the search process. The website [American Adoption Congress Support Group Directory](#) provides a list of support groups that are in the state that he or she may reside.*

5.8 Final disposition

The Commissioner makes the final decision about the release of identifying information after a review of the Report of Inquiries. The Adoption Disclosure Specialist will send the CPA and applicant a letter of Final Disposition. The Final Disposition letter provides the search results and the Commissioner's decision about disclosure. *Identifying information shall not be released unless the Commissioner has granted the disclosure of identifying information.*

If the final disposition indicates that the application for disclosure is granted, the CPA shall share the identifying information with the adoptee, birth parent, adult birth sibling, or adoptive parent.

If the final disposition is to deny the application for disclosure, the adoptee, birth parent, adult birth sibling, or adoptive parent must be told of the right to file a petition with the circuit court.

The petition is filed in the Richmond City Circuit Court (which is the court where VDSS is located) if the adoptee lives out of state or the circuit court in the locality where the adoptee resides if the adoptee lives in Virginia. *Virginia Department of Social Services must be made party to the petition.*

5.9 Charging a fee

Virginia law allows fees to be charged for adoption searches.

Fees are to be determined based on income, family size, and indirect costs to the agency or average costs. The fee schedule is established by the State Board of Social Services.

5.9.1 Fee schedule for adoption searches

The formula is as follows:

For LDSS, the LDSS fiscal manager should calculate an indirect cost factor that covers expenses other than the direct worker's salary and benefits (such as overhead expenses).

The time the worker spends providing the service should be recorded. The time spent is to be multiplied by the combined worker's hourly salary and benefits (or an agency average of the worker's hourly salary and benefits) and the indirect costs.

Determine applicant's family size. Include all persons for whom the applicant and his or her spouse are responsible.

Determine the applicant's gross monthly income. Include all income available to the family. Accept the applicant's declaration of income.

Determine the applicant's percent of median income using the [state median income \(SMI\) chart](#). The SMI chart is available at the VDSS internal website (SPARK) and is updated each year. The updated SMI is issued by a broadcast each year prior to September 1st.

If income falls between two percentages, use the lower figure. Reduce or waive the fee if the LDSS finds circumstances that affect the applicant's ability to pay, such as heavy debt, unusual medical or educational expenses, or heavy financial support of relatives.

The LDSS shall report any fees collected as expenditures refunded on its financial report. The local agency's reimbursement from state and federal funds shall be adjusted to reflect the state and federal share of income collected. Using the percentage of fee scale shown below, determine the fee assessed.

Percentage of
Median Income

Calculated Fee
to be Charged

50% and below	0% (No charge)
60%	10%
70%	25%
80%	50%
90%	75%
100%	100%

5.9.2 Determination of direct costs

In determining direct costs, the CPA providing the service has the option of using the actual salary and benefits of the worker performing the service, an average of the salary and benefits, or the minimum salary and benefits.

If the actual salary and benefits of the worker performing the service is used, and a supervisor has to perform the service due to the worker being absent, the fee would be based on the amount of the salary and benefits of the worker that would have ordinarily performed the service to avoid overcharging the customer.

If some form of averaging is used, the averaging should be based on the budget figures for the previous fiscal year and should be calculated on a yearly basis around May or June when the budget is reviewed. The method of averaging, which appears to conform to the intent of the statute which talks about the actual cost of the service, would be to average the actual salaries and benefits of the workers performing the services.

The agency may use 20 hours as an average, multiply this by the agency hourly costs, factor in family size and income, and charge the applicant that amount in advance. If the search is completed in less than 20 hours, the agency would return the unexpended funds.

If the search is not completed in 20 hours, the agency should ask the applicant if the agency should continue the search at the worker's hourly cost (written permission from the applicant is mandatory) or the agency can continue the search but not charge the applicant more than the initial estimated fee which is based on 20 hours of work (this is an option because guidance allows an agency to recommend waiving all or part of the fee in unusual circumstances).