

Answer: Yes, placements of foster children, including nonminor dependents (NMD) may be made outside of the United States. However, children and NMDs placed out of the country are not federally eligible for foster care benefits. In addition, Assembly Bill 2209 (Chapter 144, Stats. 2012) amended Sections 361.2, 366, and 16010.6 of the Welfare and Institutions Code to prohibit a placement of a child outside of the United States unless the court finds that the placement is in the best interest of the child(except as required by federal law or treaty). This requirement applies to a placing agency at any time in making or changing placements for a dependent child or NMD. The party or agency requesting placement outside of the United States carries the burden to prove to the court, by clear and convincing evidence that such a placement is in the best interest of the dependent child. The court will consider factors such as relative placement; sibling placement; relationship of the child and potential guardian or caretaker; the physical, medical, psychological, emotional, social, cultural and educational needs of the child; and the specific wishes of a child over 12 years of age.

Children placed out of the country are still subject to all existing requirements with respect to supervision, visits and caregiver approval. Arrangements for such should be made with an appropriate agency in the receiving country.

Nonminor dependents also may choose to exit extended foster care prior to moving out of the country and re-enter at a later date upon return as long as they remain eligible for age and participation requirements.