

# Act One

Volume 1, Issue 1

Adoption in Child Time, Inc.

April, 1999

## ONE YEAR IS A LONG TIME IN THE LIFE OF A CHILD

adoption in child time (Act, Inc) is a not-for-profit corporation that

- promotes early permanence for foster children;
- trains attorneys in adoption law and policies;
- provides information and attorney referrals to foster parents interested in adoption.

our number is: toll-free in indiana: 1-877-Act-4kids; out of state: 812-339-7403

our address is: p o box 305 rensselaer in 47978-0305

James a Kenny, phd  
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## Case Conference Policy

by Mary Kenny, Act One Editor

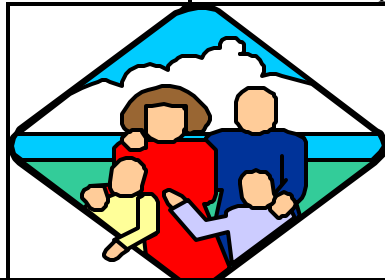
Indiana foster parents now have a voice in what happens to their foster children thanks to a policy which the Division of Family and Children implemented effective January 1, 1998. In effect, the policy is designed to promote consensus among all parties concerned before any major change is made in the life of a foster child.

The policy was developed by the Division of Family and Children and board members of the Indiana Foster Care and Adoption Association working together.

Under the Case Conference policy foster parents are to be included in decisions about placement of their foster children and about developing or changing the case plan. The most important effect of this policy is that when a child is to be removed from your home, your voice must be heard before that action is taken. A serious attempt must be made to reach agreement between the foster parent and

case manager.

Should a case manager plan to remove a child, and you, the foster parent, think this is unwise, here is the procedure under the new policy:



*When a child is to be removed from your home, your voice must be heard before that action is taken.*

- 1) The child is not to be removed from your home while the disagreement is pending. (to p. 2)

## About ACT

Welcome to ACT ONE, the newsletter for attorneys, CASA's, GAL's, foster parents, adoptive parents, and anyone interested in early permanence for children in foster care.

New federal and state legislation requires that children spend no longer than one year in foster care. Case managers are to work promptly and diligently for reunification. Failing that, they are to work to achieve another permanent home for the child. Adoption is the only other alternative for a permanent home.

ACT, INC. trains attorneys in federal and state laws pertaining to (cont on page 3)

## ACT Schedules Three Seminars

ACT has upcoming seminars in three Indiana locations. Currently scheduled are seminars in Batesville on April 9, South Bend on April 30, and Richmond on May 14. Seminars are held from 11:30 am. to 4 p.m.

ACT provides seminars to train attorneys in federal and state adoption law, DFC policies, and the legal implications of bonding. Three Continuing Legal Education credits (CLE'S) are available. Attorneys who have taken the ACT seminar and who wish to serve foster parents who want to

adopt are placed on ACT's attorney referral listing available through our toll-free number.

While primarily for attorneys, CASA's and concerned foster parents are also welcome to the seminars at a reduced fee.

Seminar topics include "Legal Definitions Of Bonding," "Legal Strategies For Getting Into Court," "The Indiana Case Conference Policy," and "Post-Adoption Subsidies." For more information, call or write to ACT.

## ...From the Lawyer's Desk: Adoption Subsidies

by Peter Kenny, Esq., ACT Executive Director

Many foster parents want to adopt their foster children but are fearful of the expense. They fear the legal fees involved with the actual adoption as well as the loss in foster care per diem after the adoption is finalized.

The good news is that for many of these families, financial help is available through four subsidy programs. The following explanation is designed to serve as a basic guide to determine if your child may be eligible for one or more of these programs. More specific questions about individual cases should be directed to

Ann Fuller, State Coordinator of these programs, at (317) 232-4432.

1. The Federal-AAP Subsidy program pays up to 75 percent of the foster care per diem (the amount is negotiated with the County OFC) for eligible children. There is a two-part test for this subsidy. First, the child must be categorically eligible, which means the child must have been eligible for SSI at any time prior to the finalization of the adoption, OR the child must have been AFDC eligible at two specific times: at removal from the birth home AND on the date of the adoption petition filing. The second test for AAP subsidy eligibility is that the child is "special needs." This term is defined as: a minority child 2 years or older or any child 6 years or older or a member of a sibling group being placed together in which at least one child meets this requirement; or a child with a medical condition or emotional handicap documented by an Indiana licensed doctor.

2. The County subsidy generally is used to supplement the AAP subsidy by paying the re-

maining 25 percent of the foster care per diem amount. There is no application process for the County subsidy. The adoption petition should contain a request that the court determine the child is "hard to place" and that the adoptive parents receive from the County an amount which, when combined with the negotiated AAP amount, adds up to 100 percent of the foster care per diem amount.

3. For one-time-only expenses associated with the adoption itself (lawyer fees, court filing fees, etc.) the Non-Recurring Adoption Expenses (NRAE) Program is available. There is no categorical requirement for the program, but the child must be "special needs" as defined above. The program pays the adoptive parents up to \$1500 per child for these one-time-only adoption expenses.

(continued on page 3)

***"The good news is that for many families, financial help is available through four subsidy programs."***

### Case Conference Policy (cont.)

2) At your request the DFC must call a case conference within 10 days to include the case manager, the foster parents, legal parents/legal guardians, CASA or GAL, and the child if appropriate. Additional persons (teachers, counselors, anyone having relevant knowledge or concerns) may be invited by anyone in the core group. The object of the case conference is to bring the group to consensus.

3) If the case conference cannot reach agreement, the DFC director will review the case and try to bring the group to consensus.

4) If the foster parents are still not in agreement, the Communication Enhancement Procedure will be utilized. Previously, this procedure was a grievance procedure which took place after the fact (i.e., after the child was removed from the home.) Under the new policy, the procedure is part of the foster parent voice, and

### Case Conference Policy (cont.)

takes place before the child is removed from the home. The Communication Enhancement Procedure can be found on page 25 of your Foster Parent Handbook.

If you are accused of neglect or abuse, the child can be removed without the above procedure. HOWEVER, neglect or abuse must be investigated and verified by Child Protective Services following the regular procedure in

abuse allegations. The case manager cannot remove the child simply because of unsubstantiated allegations of abuse.

Court orders supersede any and all other agreements made by any other party.

If you feel this policy is not being followed call the DFC Foster Care Consultant at 317-920-2505. If you still have problems, call us at ACT.

## Talking With Martha by Martha Nord, ACT Intake Specialist

(Martha Nord is the friendly, competent voice you hear when you call our ACT phone line.)

I've enjoyed talking with many of you on the phone, and I wish I had the time to follow up with you and your stories. I felt a real connection with you over the phone lines as you began to talk

about your foster children with such love and concern, and often, fear. We are a foster and adoptive family also.

Every child and every story is unique, but I hear common themes from across the state. This is what I hear:

1) You have the ability to look at what is happening from the child's point of view. You are terribly concerned about the emotional well-being of your foster child. Your home is where your foster child feels safe now - it *is* his or her home. If he or she is moved, you fear that he or she will feel abandoned by you, and great emotional damage will be done.

For the most part, the children you call about and hope to

adopt have been in your homes close to a year or, in many cases, over a year. It is time to give these children a permanent home. As a society that claims to care about our children, we cannot sanction children growing up with insecurity.

2) You are afraid that if you are too "pushy," the child will be removed. Tools to combat this fear are the case conference policy (which is discussed in this issue) and documentation. Documentation means keeping a record of what you see happening and the effect it has on your child. Keep a simple journal about your foster child. Discipline yourself to write in it each day that your foster child has some experience which affects him or her significantly. Separations from you, visits with biological parents, school events, and relationships with other children are some of the items you might record. Do not record only negative things and do not be constantly critical. Try to be as objective as you can. This information could be valuable in conferences and court hearings regarding your child.

3) You are afraid that if you do

adopt, you will not receive the financial support you need to raise your special needs child. Adoption subsidies are covered in this newsletter. Two state level people who may be able to help you with subsidy questions are: Ann Fuller, Supervisor, Central Eligibility Consultant: 317-232-4432 and Marty Sparzo, Adoption Assistance Program Consultant: 317-233-1569.

We get support and encouragement from each other. To share your story, write to me at 2220 Fairmount Ct. Bloomington IN 47401.

***"If your foster child is removed, you fear that he or she will feel abandoned by you and great emotional dam-***

### Adoption Subsidies (cont. from p. 2)

4. Finally, the Medicaid Program will continue to pay for a child's medical bills to the extent that the adoptive parents' medical insurance will not. The application process is simple - just check the appropriate box on the application for AAP subsidy.

All subsidies should be applied for at the time of the adoption, and the subsidies should be decided before the adoption is finalized. It can be difficult or even impossible to claim subsidies once the adoption is finalized.

Subsidies are designed to benefit the child. The additional funds permit you the parent to better serve the child's special needs.

All of these application forms with instructions are available from your County OFC. Ask for them! Do not depend on your caseworker to initiate things. Good luck!

### About Act, Inc. (cont. from p. 1)

foster care and adoption, as well as current DFC policies.

ACT supports long-term foster parents who wish to adopt by providing names of attorneys who have taken the ACT seminar, by providing information about their rights, and by supporting them when they confront obstacles or opposition in their desire to adopt their foster children.

Currently foster parents may

or may not not have legal standing in regard to their foster children. Although they know the children better than any other concerned adults, often their voice is not heard.

Foster parents adopt 65 to 80 percent of the foster children who are adopted. ACT supports early permanence, first through reunification, and failing that, through adoption by foster parents.

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**In This Issue...**

The Case Conference Policy...Subsidies for adoptive parents...Bonding

## Why Is Bonding Important?

by James A. Kenny, Clinical Psychologist, ACT President

***Adult crime, mental illness, and homelessness have all been positively correlated with the disruption of***

Why is bonding such a critical matter? Because children rely on adults, not only for their sense of well-being and self-esteem, but for their very survival. They come to trust those who provide love and security. A significant bond is formed. If this relationship is severed, trust is lost. Future relationships come hard if at all.

Adult crime, mental illness, and homelessness have all been positively correlated with the disruption of bonded rela-

tionships. Crimes against the person are often committed by individuals who have no sensitivity, no feeling for others. This is what happens when early attachments are broken. Taking a child away from adults he or she has come to know and trust and love can cause irreparable harm.

For these reasons, the Indiana DFC guidelines stress the importance of honoring bonded relationships. Bonding, once it occurs, comes before kinship. A bonded foster parent who wishes to adopt takes precedence over "kin-come-lately."

Unfortunately, not all case managers understand the importance of bonding or are familiar with their own guidelines. When this occurs, foster/adoptive parents need to know how to use the case conference policy and/or how to get into court before a judge. A bonding evaluation can be very helpful at this point.

For a referral to attorneys who have taken the ACT seminar or for more information on bonding evaluations, write to ACT or call our toll-free number.