

# Act One

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Adoption in Child Time, Inc.

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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 permanency for foster children
- TRAINS ATTORNEYS IN ADOPTION LAW AND POLICIES;
- PROVIDES INFORMATION AND ATTORNEY REFERRALS TO FOSTER PARENTS INTERESTED IN ADOPTION.

indiana toll-free:  
1-877-ACT-4KIDS  
OUT OF STATE:  
812-339-7403

WEB PAGE:  
HTTP://BEAM.TO/  
ACT

JAMES A KENNY, PHD  
PRESIDENT  
PETER A KENNY, ESQ  
EXEC DIRECTOR  
FRANK SLABY, MBA  
SEC/TREASURER

## Indiana House Kills ACT Bill : No Legal Standing for Long-Term Foster Parents This Year

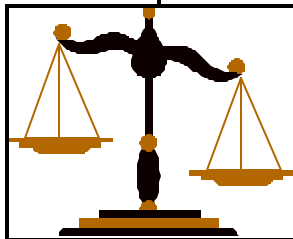
In the current Indiana legislative session Reps. Sheila Klinker (D-District 27) and Cleo Duncan (R-District 67) introduced as HB 2056, an ACT bill to give legal standing to foster parents who have had their children for 12 months

or more and wish to adopt. The purpose was to make certain that those parties who have the most knowledge and the most to offer have a full say as the entire future of the child is being determined by the court.

Last year the legislature passed Senate Bill 330 requiring that foster parents receive notification of all court hearings regarding their foster children. This bill has certain problems and does not achieve the above goal.

First, the law requires the DFC to notify the foster parents ten days in advance of a court hearing. If the DFC fails to notify, foster parents have no recourse. Without legal standing they have no way to bring this oversight to the judge's attention. The

DFC is unlikely to bring their failure to light, especially if they disagree with the foster parents' position. Making notification the responsibility of a potential adversary presents a problem, one which has occurred under the current law.



Second, the current law has introduced increased paperwork and potential court delays. By requiring documented notification for all foster parents, even those who have had the child for a few days, and mandating a continuance if notification does not occur, the law has generated more paperwork and made delay more likely. If the goal is to achieve permanence for homeless children within as short a time as possible, the system should be streamlined.

HB 2056 was supported by the Indiana Foster Care and Adoption Association (IFCAA) and by individual CASA's and private agencies. It was (continued on page 2) vigorously opposed by the Children's Bureau, by the

## Tough Foster Care Problem? Tell the DFC

What do you do when, as a foster parent you are having a problem with the county DFC regarding the child in your care? Your first recourse is local. Contact your case manager and the child's CASA. If you cannot resolve the problem together, request a case conference. If the entire case conference procedure does not resolve the problem to your satisfaction, the director of the DFC wants to hear from you.

For the quickest response, use e-mail. Director, James Hmurovich can be reached at:

[jhmurovich@fssa.state.in.us](mailto:jhmurovich@fssa.state.in.us)

Explain your problem as clearly and concisely as possible. The director will read and respond to you. If you prefer regular mail, his address is: James Hmurovich, Director; Division of Family and Children; 402 W. Washington, W-364; Indianapolis IN 46204-2739.

Use local resources first, then state-level offices. Act on your concern for your foster child to be an effective advocate for his or her well-being.

# How To Hire an Attorney

by Peter Kenny, Esq. ACT Executive Direc-

If you are at a point in your case where you think that you MAY need a lawyer, then you probably DO - or, at the very least, you SHOULD interview a few lawyers to see if your instincts are correct. That's the way it works - YOU are the one conducting the interview and, rest assured, this interview or initial consultation is nearly always free of charge. Ask up front to verify this.

So you are in the lawyer's office or on the phone for this crucial interview. What should you find out? In a nutshell - you want to know if this person can help you with your problem. It's really no different than hiring a contractor or an auto mechanic. How do you find this out?

### **Preparation Is Key**

Preparation is the key and you must spend some time on this BEFORE interviewing anyone.

The first step: explain your problem clearly. Whether it be a licensing issue, a desire to adopt, or something else, be ready to give details. Write out EVERYTHING you know about your problem and have this information in front of you for the interview. The second step is: be able to explain the result you would like to see achieved should you choose to hire a lawyer. If more than one result would be acceptable, list them in order of acceptability.

Once you have explained your problem and your desired result, an experienced lawyer will probably have a few questions concerning timelines, dates, and what written information you have obtained.

Now you are ready to conduct the real interview. Here it is important to remember: it's YOUR case, so you control the interview and ask the questions. You should WRITE OUT a list of questions in advance and make notes of the lawyer's responses as you go. But what should you ask?

### **Ask the Right Questions**

Remember the basic question, "Can this person help me with my problem?" Your list of specific questions should flow from there. You probably want to know how much the lawyer charges, so ask. You should be interested in whether this person has experience and competence in the field of law related to your problem. So ask: "Have you handled any cases in this area?" "How many?" "What results have you achieved?"

### **Foster Child Adoptions**

If you wish to adopt your foster child, do not simply ask if the lawyer has handled any adoptions. Ask whether he or she has completed any FOSTER CARE adoptions. Ask about the various post-adoption subsidies available for "special needs/hard to place" children and how to ensure the assistance will be there for the child once the adoption has been granted.

### **Corrections Are Costly**

There have been many cases in which a lawyer has failed to obtain these subsidies for adopted children who (continued on page 3) were eligible for them. To obtain subsidies after the adoption is granted, you

## HB 2056

Cont from Page 1

Children's Coalition, a lobbying agency for the private child-placing agencies, and by the Juvenile Judges' Symposium. The DFC took a neutral position, neither opposing nor endorsing. Because of the opposition HB 2056 was withdrawn from the House Human Services Committee after a first hearing.

ACT continues to support legal standing for long-term foster parents. All others involved, the case manager, the CASA, the GAL, the birth parent, and even the county prosecutor are parties to court hearings that concern the child. The only one excluded is the long-term foster parent, the one who knows the most and may well have the most to offer for the child's future. ACT believes that their primary goal, early permanence for children in care, can better be achieved by including long-term foster parents among those having legal standing.

Nevertheless we urge all foster parents to use the tools at their disposal to advocate for their foster child. Foster parents must be notified of every court hearing. They have the right to be heard in court. They can petition the judge for legal party status, and they can submit their written journals and other materials directly to the judge.

### ***New Agreement Pending***

ACT is working with the DFC and others to update the foster parent agreement. Any ideas? Call 1-877-ACT-4KIDS to offer them.

*ACT continues to support legal standing for long-term foster parents.*

## Are You Using Your Foster Parent Rights? by Mary Kenny, ACT Editor

As foster parents you have a voice in both institutions which deal with the well-being of your foster child. In the courts you have the right to be notified of all hearings pertaining to your foster child. You have the right to be heard in court, to ask the judge for legal standing, and to submit your written materials such as letters or journals directly to the judge.

In dealing with the DFC you have the right to be heard whenever a major change is to be made in the life of your foster child. The means is the case conference. Although the case conference has been around since 1998, foster parents are frequently unaware they have the right to be present.

If foster parents disagree with the finding of a case conference, they have the right to two appeals before a final decision is made.

Foster parents might re-

quest a case conference when they are unable to resolve a difference with the child's case manager. Under DFC policy the case manager cannot remove a child from the foster home while a case conference is pending unless there is substantiated abuse or a court order.

Foster parents might request a case conference when a child has been in foster care for a year or more with no progress on the current case plan. Under current law as soon as the child comes into care the agency is to work diligently toward reunification. If after a year no progress has been made, the agency is to propose another permanency plan. Foster parents can assist in this process by monitoring the time the child has spent in care.

For detailed information on the case conference, request our ACT brochure.

## The ACT Bookstore

ACT publishes and offers for sale the following books and pamphlets: See address on page 4.

*The Right To a Permanent Home: Stopping Foster Care Drift.* (2nd edition) 1998. 52 pages. \$21.50 ppd. The meaning of bonding; case law; DFC policy. For everyone involved in foster care.

*The Attorneys' Resource Book.* (regularly updated), 1998, 313 pages. \$53.00 ppd. A how-to book for attorneys: laws, policies, forms..

*Bonding and the Right To a Permanent Home.* 1999. 16pp. \$5.00 ppd.

The following ACT brochures are **free** with a business size SASE. Up to four brochures per envelope. Brochures may be copied and distributed. Please credit ACT on all copies.

ACT Information Brochure.

Questions and Answers About Adoption by Foster Parents

The Importance of Bonding in Legal Decisions.

The Indiana Case Conference Policy.

The Indiana Cooperative Adoption Law.

Adoption Subsidies and Tax Issues For Adoptive Parents.

How To Advocate For Your Foster Child.

When Foster Parents Need An Attorney

*According to DFC policy a case manager cannot remove a child from the foster home while a case conference is pending unless there is substantiated abuse or a court or-*

## How to Hire An Attorney (Cont. from page 2)

have to pay additional legal expenses with no guarantee of success.

Contact a lawyer if you think you should. And don't wait around hoping the situation will improve on its own. Generally speaking, it's much easier and less expensive for an attorney to prevent problems from happening or to keep small problems from becoming big ones than it is to undo problems that have already become complicated.

### **You Are In Charge**

1. YOU are the one con-

ducting the interview.

2. Be PREPARED with a list of good questions related to your problem, and

3. Make sure you get your questions answered.

Only then should you decide whether you need an attorney and, if so, which attorney is most likely to be able to help you with your problem.

For the names of attorneys in your area who have been trained by ACT to do foster child adoptions, call 1-877-ACT-4KIDS.



P O Box 305  
Rensselaer IN  
47978-0305

**In This Issue...**

What happened to ACT's bill in the legislature?...Hiring an attorney...ACT Web Site

## Watch For Changes to the ACT Web Page

The address for ACT's Web Page is <http://beam.to/act>. (Note that there is no www.) Currently you can access our Web page for information on seminars as well as certain articles. Aided by our talented Web-savvy volunteers, we are currently in the process of upgrading and expanding the information on our Web site. Here are some of our plans:

Copies of our brochures. Brochures are currently available by mail and some of the brochures are on our Web Site. Soon all brochures will be posted where users can download them easily at will.

Articles from ACT One. A hard copy will continue to be mailed to those on our mailing list. In addition the articles will be posted on our Web site.

### **Future Plans**

On a more ambitious scale, we plan to post and maintain the Attorneys' Resource Book on our Web site. Legislation, policies and case law pertaining to foster care and adoption changes frequently. Through our Web page users will be able to find timely information and links to other relevant Web sites.

Check out our Web site and watch it grow.