

Act One

Volume 3, Issue 2

Adoption in Child Time, Inc.

July, 2001

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.

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OUT OF STATE:
812-339-7403

WEB PAGE:
[HTTP://BEAM.TO/ACT](http://beam.to/act)

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What's Next for ACT? Your Input Is Welcome

ACT will be meeting in August to determine directions which the organization should take in the future.

ACT was formed in spring, 1998, as a response to the Adoption and Safe Families Act of 1997. This new law, which was a milestone in foster care and adoption, decrees that out-of-home care is to be brief.

If after one year birth parents have made no progress in achieving reunification, other permanent solutions should be pursued. While the new law recognizes guardianship as a permanent solution, adoption is the only other truly permanent solution.

ACT's mission has been to train attorneys in foster care and adoption law and

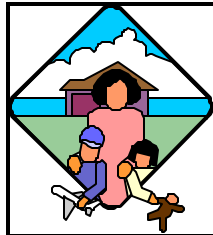
to support and educate foster parents who want to adopt their foster children.

Now ACT wants to determine the most effective ways to carry out its mission.

ACT has pushed legislation to support foster parents. In the past two years ACT has lobbied unsuccessfully for legal standing for long-term foster parents.

Now what? Should ACT continue to promote legislation to get legal standing for foster parents or to expand the qualifications for post-adoption subsidies for special needs adoptees?

There are other possible directions. What new topics should ACT address in brochures and in ACT ONE? Does our hotline



ACT Presents Jasper County Seminar

Adopting the Special Needs Child is the topic of a seminar in Jasper County on July 19 from 7 to 9 p.m. at the Carnegie Center, 310 N. Van Rensselaer St., Rensselaer.

Presenters are James Kenny, clinical psychologist, Peter Kenny, attorney, and Mark Bontrager, social worker for The Villages. For more information call 1-219-866-7869.

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 trains attorneys in federal and state laws pertaining to 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 foster parents' rights, and by supporting them when they confront obstacles or opposition in their desire to adopt their foster children.

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.

Advocating For Your Foster Child

Here's How by James A. Kenny, ACT President

Being an advocate is one of our responsibilities as a foster parent. Nevertheless, even though we have extensive day-to-day knowledge of our children in care, too many of us are afraid to speak up. We fail to represent what we believe is the child's best interests because we fear being black-balled.

Is your child being moved again unwisely? Do you want to adopt and are afraid to say so? Do you believe your child should be in - or out - of a special education class? Does he need some medical treatment? Are there problems with visitation that are being overlooked?

These are just a few examples where foster parents can be effective advocates. If you love your child, you must speak out in his interests.

To be effective use "I" messages. Make it clear that you are voicing your own opinion, and back up that opinion with examples. Do not blame the other party (DFC, other agency, birth parents) for holding a different opinion. Do not whine or complain. Stick to your guns, using those avenues available to you.

1. Say it in writing. Keep a journal with dated entries to document your position. The written word has power over what is merely spoken.

2. Attend all conferences and court hearings. Your voice cannot be heard if you are not there. If you feel afraid, bring another foster parent or the CASA with you. Better still, if the disagreement is serious, bring your attorney along.

3. Use the case conference policy. No important de-

cision can be made concerning your child without your consent. If you disagree with what the agency plans, you can request in writing a case conference. If you continue to disagree, you have two further appeals to higher levels. And after that, you can still make your position known in court where all matters are ultimately decided. A foster child cannot be suddenly removed against your wise judgment.

4. Many foster children have a CASA or guardian-ad-litem appointed to represent the child's best interests. Get to know your child's CASA. By working together you can increase your effectiveness.

5. Try to work matters out within your own county. But if you have made a good effort and you feel your voice is being ignored, if you feel the DFC or agency is not following its own policies, contact James Hmurovich, the director of the Indiana Division of Family and Children. He has said he wants to know when the system is not working as it should. Email him : jhmurovich@fssa.state.in.us

State your position briefly and clearly. Do not blame anyone if possible. Tell what you think should happen and why it is not happening. Ask for a fuller hearing.

Order ACT's brochure, "Advocating for Your Foster Children," from the ACT bookstore.

Bonding As a Legal Argument

Bonded relationships are broken at peril to the parties involved, yet bonded relationships are frequently ignored.

Mental health professionals have been vague, often giving opinion rather than concrete data. As a result, case managers and courts may not be giving bonding the critical consideration it deserves.

To be used as a legal argument, bonding must be defined in a way that the court can accept. The Indiana Foster Parent Regulations give four specific criteria, any one of which is sufficient to demonstrate bonding.

Time in place is the first way. Bonding is likely after three months, probable after six months, and almost certain after one year.

The behavior of the child is the second way to measure bonding. Some examples:: bonded children have good eye contact, are physical with their parents and seek them out when distressed.

Bonding is reciprocal. Promises expressed by the actual or potential parent which show a desire for a permanent relationship are evidence of bonding.

Family identification is the fourth indication of bonding. The DFC Manual (805.13) states that bonding has occurred if 1) The child identifies as a member of the foster family. 2) The child is perceived by the larger community to be a member of the foster family. 3) The child has developed self-reliance and a trust of the foster family. 4) The child does not significantly attach to another family, including the birth family.

In placing a child for adoption, DFC guidelines require that preference be given to 1) A foster home placement that has continued for

Bonded relationships are broken at great peril to the parties involved

ACT Brochures Tell Foster and Adoptive Parents What They Need To Know - And They're Free

As part of its commitment to promote permanency for foster children in the shortest possible time, ACT publishes a number of brochures on specific topics. These brochures are available by sending a self-addressed business-size envelope to:

ACT, Inc.; 219 W. Harrison St. Suite 4; Rensselaer IN 47978. Up to four brochures can be requested with each envelope.

Here are some details about some ACT brochures.

The Indiana Case Conference Policy. A vital tool for solving differences between foster parents, biological parents, and the Division of Family and Children (DFC), the case conference can be requested by foster parents when they are concerned about a plan for their foster child with which they disagree. If the DFC wants to move the child, the foster parent can request a case conference, and the child is not to be moved (except by order of the court or in substantiated cases of abuse or neglect) until the case conference has been held and the issue is resolved.

The Indiana Cooperative Adoption Law. Adoptive parents and birth parents can agree to certain specific contacts between child and birth parents after the adoption, and this agreement has the sanction of the court. This law makes it possible for birth parents to terminate their parental rights voluntarily without losing all contact with their child. All parties must agree to the

cooperative adoption.

Adoption Subsidies and Tax Issues for Adoptive Parents. Children with special needs are entitled to certain subsidies when they are adopted. These subsidies include one-time payment for adoption expenses, including attorney fees, and in some cases a monthly subsidy until the child reaches adulthood. The guidelines for the subsidies are detailed and specific. Our pamphlet explains them.

When Foster Parents Need An Attorney. Anyone planning to adopt a child needs an attorney. Our ACT brochure explains why hiring an attorney as soon as you decide to adopt is often wise and cost effective, how costs may be covered by subsidies, and why failing to hire an attorney well versed in special needs adoptions could be the costliest mistake you'll ever make.

Books and Booklets

In addition to brochures ACT publishes *The Right To a Permanent Home: Stopping Foster Care Drift*, a book which details 1) the importance of permanency for the mental health and development of the growing child; 2) the importance of bonded relationships and the peril of moving children from home to home; and 3) case law and legal arguments pertaining to adopting the foster child.

The ACT Bookstore, which describes all ACT publications, appears in each issue of ACT ONE.

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

Failing to hire an attorney well versed in special needs adoption could be the costliest mistake adoptive parents will ever make.



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In This Issue...

Setting the course for ACT....Reprints of the best of ACT ONE

Keep a Journal to Document Events in the Life of Your Foster Child

Attorney Peter Kenny, who specializes in adoption of foster children by their foster parents, states that keeping a journal is the single most important thing you can do to advocate for your foster child. Under Indiana law you as a foster parent have the right to present written evidence directly to the judge. Your journal constitutes written evidence. A judge can only make decisions about a child's future based on the information presented in court. Your journal can provide accurate information about the child's day-to-day life. Only you, the foster parent, are in a position to provide that evidence.

Here are some examples of when a journal can become an important document: 1) You may need to defend yourself against a false allegation of abuse or neglect. 2) You may feel that a proposed visitation with a particular person would be harmful to the child. 3) You may be pursuing an adoption which one or both birth parents is contesting. Legal standards can be proven with the help of your journal by which the court can rule that consent of the birth parents is not required.

A journal allows you to record all the important events, good and bad, which occur within your home. Did the child cry, get angry, act out, appear sad? Describe any actions of the child which lead to your conclusion: failing to eat, unexplained sickness or vomiting; fighting with another child in the household; destructive behavior of any kind. Describe the good things as well: school successes, kindnesses, good interactions with peers. Start today to keep a journal. Your attorney and your foster child will thank you.