

Act One

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Adoption in Child Time, Inc.

February, 2002

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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Take a Look At ACT's Web Page

With the help of knowledgeable computer people who assist our organization, ACT has expanded the web site to provide more information to foster parents, adoption attorneys and child advocates.

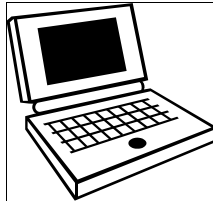
ACT has acquired a domain name, a web address that now "belongs" to us, which makes it easier to access our site. Our address is adoptioninchildtime.org, more representative of us and easier to remember.

What Is Available?

ACT has published seven short brochures on specific topics of interest to foster parents and foster child advocates. All are now available on the web site, and they can be easily downloaded as needed, saving you the trouble of requesting them by mail. This material is not copyrighted, so you are free to reproduce and distribute it. We ask that you credit ACT with its publication. The ACT information appears on each brochure.

ACT ONE has been archived so that all back issues are available on the web site. Each issue will

be added to the web site as it becomes available. Henceforth, you can receive your issue electronically, thus saving yourself paper and us postage. Just e-mail us at



act4adoption@hotmail.com. if you would like to be taken off the paper mailing list.

Finally, the Attorney Resource Book is being added to the web site. This book which deals with the legal arguments of bonding, the federal and state laws pertaining to adoption, and the policies of the DFC, requires ongoing updates. We can accomplish this task much more easily through the

Legal Standing for Foster Parents Again in Legislature

House Bill 1087, a bill to give long-term foster parents legal standing in Indiana courts, passed the Indiana House of Representatives 89-1. The bill was introduced by Reps. Mike Smith (R) and Sheila Klinker (D).

The bill is now being considered by the Senate.

ACT and the Indiana Foster Care and Adoption Association strongly supported the bill. The bill was opposed by the Children's Coalition and the Juvenile Judges Symposium who argued that foster parents were merely contract employees and that adding another legal party would only delay things further. IFCAA and ACT find these arguments false and misleading and so argued to the legislators.

See page 2 for our article on legal standing for

COMPLAINTS ABOUT THE DFC

What can you do if you feel that your caseworker is not following DFC policy? First make an attempt to handle it locally. Ask for a case conference and state your position or complaint. If the problem remains, appeal to the county director. You can appeal for a second time to the regional director.

If you have presented your problem locally and are still not satisfied, e-mail Stephanie Beasley-Fehrman, the state director of policy and programs:

sbeasley-fehrman@fssa.state.in.us

Why Legal Standing Is Important For Long-Term Foster Parents

by Peter A. Kenny, JD

The Adoption and Safe Families Act became law in 1997. Its major goal was to cut time in foster care to one year or less. Despite the law, foster children still spend an average of well over two years in foster care nationally. (Indiana foster children currently average 20 months in foster care.) Despite a law which makes it possible, the agencies and the courts are still unable to achieve permanence for children within a reasonable time. The systems will change, the law will be followed, only when there is a way to hold the systems accountable.

Here is where long-term foster parents, those who have had their foster children for 12 months or for 15 of the most recent 22 months, come in. Legal standing would give a voice to long-term foster parents: those who have intimate knowledge of the children in their care, who adopt 70 per cent of foster children who are adopted, who care about these children more personally than institutions, agencies, welfare departments, or courts.

In Indiana as in many states, the birth parents, the DFC, the court appointed special advocate, the guardian-ad-litem, and even the county prosecutor have legal standing. Some of these parties may have never seen the child. Legal standing means they can present evidence, call witnesses, cross-examine, ask for delays, and file motions of their own.

Long-term foster parents make the best advocates for the children in their care.

Long-term foster parents, who have had the child for one year or more, are no longer temporary. They are the best informed on recent developments in the child's life. They are the child's best hope for a permanent home. And they represent the best possibility for holding failed systems accountable.

Foster parents must not only care for their children but also advocate on their behalf. Long-term foster parents must no longer be left in the back seat but must have a full voice in court if the children are to be well served. Legal standing would put them on an equal footing with the other parties and give them the right to file appropriate motions, present evidence, call their own witnesses, and cross-examine others with contrary opinions.

Children who remain in the system for long periods of time can suffer serious psychological damage which manifests itself in childhood and into adulthood. Permanence is essential to the healthy development of children. To delay it through bureaucracy, indifference or the weaknesses of the system is to destroy a child's chance for normal development.

Once the mandated systems have failed to accomplish permanence within the time allotted, give long-term foster parents the right to appear in court as they advocate for the youngsters in their care. Our disadvantaged children deserve no less.

Contingency Planning

Every important plan should have a backup. Most ordinary events pale in importance next to planning for a child's life. The Indiana DFC, in compliance with the Adoption and Safe Families Act (ASFA), wants to build in a contingency plan from the moment a child is placed outside the home.

Reunification is the primary permanency goal. If, however, reunification should fail, an alternative plan offering permanency to the child should already be in place.

ASFA lists three other possible permanency plans which must be considered should reunification not be possible. They are adoption, kin care, and permanent legal guardianship. A good contingency plan should identify the alternative choice and be specific.

If kin care or legal guardianship is the option, the relative or guardian should be known from the start, not sought after reunification has failed. If adoption is the backup plan and the foster parent is open to adoption, this should immediately become the contingency plan.

The benefit to the child of contingency planning is immense. No more starting from scratch should reunification founder. No more late searches for willing kin. No more bypassing a foster parent offering permanency to consider other adoptive situations which may or may not materialize.

Contingency planning will shorten the time in foster care and minimize the number of placements necessary to attain permanence. ACT applauds the efforts of the DFC to initiate contingency planning.

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Emancipation Means Homelessness And Pat O'Brien Is Doing Something About It

In this country tens of thousands of young people between the ages of 18 and 21 are discharged from the foster care system, discharged to no one but themselves. Many of them will become homeless. Half the homeless population is made up of foster care discharges. In a nutshell, emancipation does not work.

Because he worked with this population and realized the problem, Pat O'Brien founded "You Gotta Believe!", an agency devoted exclusively to getting older children into permanent homes.

"Unconditional commitment is the only love that matters to teens," said Pat in speaking at the Indiana Foster Care and Adoption Association meeting in November, 2001, in Indianapolis. "Teens need at least one adult who will unconditionally commit to and claim the teen as their own. Anything less is an artificial relationship. Teenagers need unconditional commitment before anything else constructive can follow."

While potential adoptive parents seek young children, many recoil at the thought of adopting an older child or a teen. For this reason some agencies view children over age 10 as virtually unadoptable. But age 10 is O'Brien's starting point.

Who adopts teenagers? Replies Pat: "any and all kinds of people who, after a good preparation experience, are willing to unconditionally commit themselves to a child no matter what behavior that child might ultimately exhibit."

In foster care, problem behavior often gets the foster teen returned to the department or agency. "I knew a teen who got kicked out of two houses: one house because he flushed the toilet at night and the other house because he did not flush the toilet at night."

Every such deal that does not work out, every return to the agency, says O'Brien, repeats the teens' previous experience. "We are 're-everything' them. We are reabusing, reabandoning, rehurting, retraumatizing, revictimizing, re-rejecting, and re-neglecting the child."

"We have to stop accepting that teenagers in particular are not worthy of permanency. We have to continue to recruit only unconditionally committed permanent families for every teen in our care who will be discharged to no one."

O'Brien does not claim that adopting teens is without problems. He is not naive. He notes that, when a biological child does an "unacceptable" behavior - crime, drugs - the child does not lose his parent because he made a mistake. The same must be true for all children.

As one adoptive mother noted candidly during a particularly stressful time with her teenage daughter, "It's a good thing we adopted her. Otherwise we'd be tempted to give her back."

Pat O'Brien is working to see that no teens are "given back." You can reach Pat at ygbpat@msn.com or call him at 1-800-601-1779.

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, 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

"Unconditional commitment is the only love that matters to teens."



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In This Issue...

Visit ACT's web site....Why legal standing for foster parents...You Gotta Believe!

Who Is My Mother?

She was six when she came to us.
She had been in foster care since she was two; her foster mother became ill.

She was going to be re-unified....someday.

We were snuggled down reading a bedtime story when she suddenly announced,
"When I go back to my mother, I'm never going to visit you again."

How does a six-year-old deal with too-unwieldy emotions?
A mom who bore her wants her love, but sees her only two hours a week.
A foster mom cared for her for two-thirds of her life; we visit her too.
Now a new foster mom; how does she fit in?

Who Is My Mother? asks the children's book.
Who Is My Mother? asks our little foster daughter.

"I'm never going to visit you again," she said.
Forced, she felt, to choose among too many loves.

"I'm never going to visit you again."
And she never did.