

# Act One

Volume 4, Issue 2

Adoption in Child Time, Inc.

May, 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.**

**INDIANA TOLL-FREE:  
1-877-ACT-4KIDS  
OUT OF STATE:  
812-339-7403**

**WEB PAGE:  
WWW.ADOPTIONINCHILDTIME.ORG**

**EMAIL:  
ACT4ADOPTION@HOTMAIL.COM**

**JAMES A KENNY,  
PHD  
PRESIDENT  
PETER A KENNY, ESQ  
EXEC DIRECTOR  
FRANK SLABY, MBA  
SEC/TREASURER  
MARTHA NORD, INTAKE SPECIALIST**

## *DFC, IFCAA and ACT Meet Over Foster Parent Issues*

Meetings between representatives of the Division of Families and Children, the Indiana Foster Care and Adoption Association, and Adoption in Child Time take place on a monthly basis. The object is to bring grass-roots issues to the attention of the DFC and to relay DFC concerns and policies to foster parents who are affected.

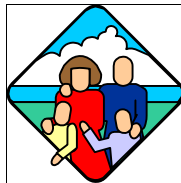
### **RECRUITING NEW FOSTER PARENTS**

The DFC has asked ACT to help in the recruitment of foster parents. The DFC is open to new and non-traditional methods to enlist new foster parents, especially to care for older children. Indiana has a critical need for Spanish-speaking foster parents. One suggestion is to use currently licensed foster parents as recruiters or ambassadors, and ask them to make contacts and give brief programs in their own communities.

### **ALTERNATIVE PLANNING**

The federal government is requiring Indiana to back up its initial plan for reunification with an alternative or "rainy day" plan, should the primary plan

fail. Once a child is removed from an abusive home, all initial efforts must be focused on making that home safe and returning the child. If, however, that cannot be accomplished within six to 12 months, an alternative plan must be implemented. To hasten permanence, federal law mandates that the states have



the alternate permanency plan in place from the beginning.

Initially referred to as "concurrent planning," Indiana will probably refer to this initiative as the "contingency" plan. The DFC is setting up a pilot program to try the new initiative in the fall of 2002, beginning with representative small, medium, and large counties.

Where adoption is the contingent plan, a foster/adopt home will be identified from the start. Families who wish to adopt will initially be required to work toward reunification. Should that effort fail, the child may remain in the same home to be adopted. The major benefit of contingency planning is to stop multiple placements, so harmful to children, and to

## *Bill for Legal Standing Falls Short*

Indiana House Bill 1087, a bill to give legal standing to long-term foster parents, failed in the last legislative session. Sponsored by Reps Mike Smith and Sheila Klinker, the bill passed the House by a vote of 89-1 but failed when the Senate Judiciary committee refused to hear it. ACT hopes to introduce the bill again in the next session.

Foster parents who have had their foster child for one year or more ought to have the right to speak fully in court. They know the most and have the most to offer for the children under their care.

In the absence of our proposed law, foster parents may ask the judge in each case for legal standing by requesting the "right to intervene." If the judge grants it, they then have the right to file motions, to present evidence fully, to call witnesses, and to cross-examine witnesses as they advocate for the best interests of the children they serve.

provide continuity and permanence within a reasonable time.

Reunification first. If that fails within a year, another permanency plan will be ready.

## *Read This Before You Sign Away Your Adopted Child's Subsidy*

*by Peter A. Kenny, Esq. ACT Executive Director*

If you have been the foster parent of a child for a year or more and are planning to adopt the child, here are a few things you should know about adoption subsidy:

1. Federal Subsidy for adopted children (AAP) is available for most children who are wards of the State prior to the adoption petition being filed. If the child is qualified to receive AAP, the limit is 75 percent of the monthly foster care per diem which the child would receive had he/she remained in foster care. Generally, AAP is paid until the child turns 18. Further, the OFC is required by federal law to inform potential adoptive parents about this program and provide them with applications. No potential adoptive parent can be denied the opportunity to apply for AAP under federal law.

2. County Adoption Subsidy is available to all adopted children who were Indiana wards when the adoption petition was filed and who meet the definition of "hard to place." That definition (Indiana Code Section 31-9-2-51) reads: "(a child) who is disadvantaged because of: (1) ethnic background; (2) race; (3) color; (4) language; (5) physical, mental or medical disability; (6) age; or (7) membership in a sibling group which should be placed in the same home."

The limit for County Adoption Subsidy is 100 percent of the child's foster care per diem for the child who does not qualify for AAP. If the child does qualify for AAP, the county may be ordered by the judge to pay the difference between the AAP subsidy and the full 00 percent per diem.

Long-term foster parents who wish to adopt their foster child should understand three important points about County Adoption Subsidy:

1. Whether or not the child receives it, and if so in what amount, is within the SOLE discretion of the judge in the adoption case.

2. The official state policy of the DFC (Child Welfare Manual Section 713) is "...If a child is placed in a relative or foster family home in which the criteria for an adoptive placement are met, continuance in that home in which the child has formed strong positive attachments is in the child's best interests." In other words, no other home should be considered.

3. Money should not be an issue when long-term foster parents wish to adopt their foster child and bonding has occurred. In is WRONG under these circumstances for any representative of OFC or an adoption case manager contracted by OFC to pressure such foster parents into signing away their right to ask the adoption judge for County Adoption Subsidy on behalf of the child. It is WRONG for any OFC representative to tell potential adoptive parents that, if they ask for County Adoption Subsidy, the county will look for another adoptive family. If you feel this is happening to you, do not sign anything, and immediately contact your adoption attorney or Stephanie Beasley-Fehrman, DFC Director of Policy by email at [sbeasley-fehrman@fssa.state.in.us](mailto:sbeasley-fehrman@fssa.state.in.us) or by phone at (317) 232-4622.

Our federal and state lawmakers passed these laws be-

cause they intended that qualified adopted children receive these subsidies. Therefore, adoptive parents owe it to the children they are adopting to vigorously pursue these subsidies for them.

### Role of the SNAP Committee Clarified

ACT has received many questions about the SNAP committee from foster parents who wish to adopt their foster child. We posed their concerns to Stephanie Beasley-Fehrman, state Director of Policy and Programs and Jody Pearce, state Adoption Consultant. Here is a summary of their response.

SNAP has no authority but acts rather in an advisory capacity to the local OFC director. The director does not have to refer the child to the SNAP committee if the adopting family is a relative or has been the foster parent, nor is the director obligated to follow the SNAP recommendations. The local director is the one who signs the consent for adoption. The court then will make its own determination and does not have to follow the director's recommendation.

The SNAP specialist, however, can and should be a resource to the pre-adoptive family, providing reading materials, information about post-adoption subsidies and services, and information about the Adoption History Registry.

Beasley-Fehrman on the need for continuity and permanence: "If a foster family has parented a child for some length of time, it is difficult to understand why we would not want them to adopt."

*The SNAP specialist can and should be a resource to the pre-adoptive family.*

# News Notes

## New Director at DFC

John Jay Boyce has been appointed as the new Director of the Division of Family and Children. John comes to this position with years of experience and commitment to social services, including service as the Director of two DFC county offices - Elkhart since 1998 and LaGrange from 1981 to 1986. Boyce's new duties began April 1.

## New Foster Parent Contract

Working together with ACT and IFCAA, the Indiana Division of Family and Children has revised the contract with foster parents. Foster parents and the county must sign the contract each year at the time the license is renewed. The contract applies to foster parents working for agencies as well as foster parents working for county DFC's. The new contract reflects changes in the law. It is more foster-parent-friendly and it recognizes the obligation of both parties to follow state policies.

## New Definition of Special Needs

Any child in Indiana over the age of two is now recognized as a special needs child because of recent changes in the law. Formerly only minority children were considered special needs at the age of two. The federal government made the change so as not to discriminate between minority children and other children. Recently the state of Indiana followed the federal decision.

## Is the Post-Adoption Subsidy Taxable?

ACT has been unable to get a definitive answer. The Indiana DFC did not know. A "tax guru" on a national public radio money show did not know. The IRS has not yet made a definitive ruling.

ACT believes the post-adoption subsidy is NOT taxable for the following reasons:

1. No mention is made of this subsidy as taxable income in the IRS Publication 525 "What Is Taxable Income?"

2. No 1099's are issued for this money. The government as payor would be required to issue a 1099 if this were taxable income.

ACT's brochure, Adoption Subsidies and Tax Issues for Adoptive Parents, is available on our web site, adoption-inchildtime.org. Or see the ACT Bookstore at right.

## Good Reading for Foster Families

The next issue of "Fostering Families TODAY" will feature articles on post-adoption services and whether birth siblings must be kept together. The meaning of kinship, grandparents parenting grandchildren, lifebooks, and personal stories are also included. And much more.

FFT is a good resource for all foster parents, well worth the \$16 annual cost. Send subscription requests to Fostering Families TODAY, 246 S. Cleveland Ave., Loveland, CO 80537.

## 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

*ACT believes that post-adoption subsidies are not taxable.*



P O Box 305  
Rensselaer IN  
47978-0305

**In This Issue...**

ACT and DFC attack problems...New DFC Director....Role of the SNAP committee

*Adoption - Two Views*

I am so unfulfilled.  
I have a home  
    a car  
        a job  
            a loving spouse.

But I have no child.  
I need a child—  
    I need a child so I can grow—  
Maybe I should adopt.

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I am so blessed.  
I have a home  
    a car  
        a job  
            a loving spouse.

But I have no child.  
I have so much to share.  
I need to help a child—  
    Help a child to grow—  
Maybe I should adopt.