

# Act One

Volume 5, Issue 1

Adoption in Child Time, Inc.

March, 2003

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:

1-317-889-9871

WEB SITE:

WWW.ADOPTIONINCHILD TIME.ORG

E-MAIL:

ACT4ADOPTION@HOTMAIL .COM

JAMES A. KENNY, PH.D

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PETER A. KENNY, ESQ.

...EXECUTIVE DIRECTOR

FRANK SLABY, MBA

...SEC /TREASURER

MARTHA NORD

...INTAKE SPECIALIST

MARK BONTRAGER, MSW, ESQ.

.. ACT BOARD MEMBER

## ACT Offers Training Hours For Foster Parents

Beginning in April foster parents will be able to get training hours by attending seminars offered by ACT attorneys. Seminars will be held on the first and third Thursday of the month from 7 to 9 p.m. at the First Mennonite Church of Indianapolis, 4601 Knollton Road.

Each seminar will consist of a brief presentation on a current topic of interest to foster/adoptive parents followed by an open question and answer forum with two ACT attorneys and psychologist Dr. James Kenny.

Admission is free and refreshments will be served.

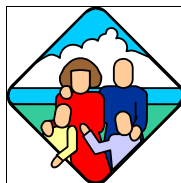
On Thursday, April 3, ACT president James Kenny will speak on "How To Bond With Your Foster Child."

On April 17, Chris Morrison, executive director of the Indiana Foster Care and Adoption Association, will speak on "The Changing Face of Foster Parenting."

To reach the First Mennonite Church, take I-65 to exit 119 (38th street) to Kessler Blvd. Take Kessler 1/2 mile north to 44th Street.

Turn right (east) on 44th Street to Knollton Road. Turn left (north) on Knollton to 46th. Turn on 46th Street to reach the parking lot.

ACT welcomes invitations from agencies or foster parent groups to present similar seminars anywhere in Indiana. E-mail us or call us at our numbers listed at the left.



## FOSTERING FAMILIES TODAY COMES TO INDIANA FOSTER PARENTS

*Fostering Families Today*, a sparkling magazine written by and for foster parents, will be sent to all Indiana foster parents, compliments of the Indiana Division of Families and Children. The purchase was suggested by ACT

representatives at their monthly meetings with the DFC.

Foster parents will be able to get continuing education credits by carefully reading articles in the magazine and completing and returning a

## Update on Bill Giving Long-Term Foster

Foster parents who have had their child for one year or more would be granted legal standing under Senate Bill 227.

Under the sponsorship of Sen. David Long and co-sponsors Sens. Sipes, Dillon and Ford, the bill passed the full Indiana Senate 37-11. The bill now goes to the House, where primary sponsor Rep. Cleo Duncan, and co-sponsors Klinker, Budack, and Mays will advocate for the bill's passage.

This bill grants long-term foster parents the right to a full voice in court giving them the opportunity to advocate for the child in their care. Long-term foster parents have the most day-to-day knowledge in advocating for foster children.

Support this bill by contacting your Indiana representative, giving your name and status (foster parent, CASA, etc.) and saying you support Senate Bill 227 without amendments. Call the House of Representatives at (800) 382-9842 (in Indy at 232-9600). Ask for your representative and give your message. To e-mail, go on line to [www.in.gov/legislative/contact](http://www.in.gov/legislative/contact). Select your representative from the list and e-mail your message.

## *What Senate Bill 227 Means For Foster Parents*

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

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.) The agencies and the courts are still unable to achieve permanence for children within a reasonable time despite a law which makes it possible. Only when there is a way to hold the systems accountable will the systems change and the law be followed.

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 means they can present evidence, call their own witnesses, cross-examine others with contrary opinions, ask for delays, and file motions of their own.

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 percent 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 never have seen the child.

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 in 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.

Critics have charged that giving long-term foster parents legal standing will add yet more attorneys to the mix and will delay permanence still longer. On the contrary, foster parents are generally the persons who are most eager to press for a speedy resolution to the child's temporary situation.

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, the DFC and the courts, 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.

(Partially reprinted from ACT ONE, February, 2002)

## News From ACT's Website

Through the website at [www.adoptioninchildtime.org](http://www.adoptioninchildtime.org), ACT is able to bring you the most up-to-date news and information as it becomes available.

ACT brochures present many topics of interest to foster/adopt parents. Since laws change, policies change, and people change jobs, information frequently requires updating. While ACT attempts to update printed brochures, our first update of information appears on our web site.

Note particularly our brochures about tax credits and tax information which reflects conditions for 2002 and 2003. Our brochure on advocating also updates ways to contact officials.

The child welfare manual of the Division of Family and Children can be a great resource for foster parents and attorneys. A link to this valuable source is available on our web site.

Finally, ACT is in the process of compiling a directory of the attorneys who have expressed interest in doing adoptions for foster parents who wish to adopt their foster children. Attorneys who have taken the ACT seminar on this complicated topic will soon be listed on our web site.

Visit us today.

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### Attorneys Available on ACT's Toll-free Hotline

To better serve you, ACT's hotline will soon be answered by attorneys specializing in adoption of foster children by their foster parents. The hotline is toll-free in Indiana.

To get answers to your questions about adoption, to find an attorney who has taken ACT's training or to request a free attorney consultation, call our hotline at 877-ACT-4KIDS.

*New Tax Credits a Boon To  
Parents Adopting Special Needs Kids  
by Mark Bontrager, Esq., ACT Board Member*

The adoption tax credit continues to get better for adoptive families. The tax credit, the amount that can be deducted from taxes owed, has increased to \$10,000 (adjusted for inflation this year, likely \$10,160) per adopted child. This credit is available for three types of adoptions: domestic, foreign and special needs. The IRS defines "special needs" as an adoption of a child who is a citizen or resident of the United States and a state determines that the child should not be returned to his biological home and will likely not be adopted without assistance provided to the adoptive parents. Special needs adoption covers the majority of foster children who are adopted.

Beginning in 2003, the full \$10,000 credit may be taken *regardless* of expenses for special needs adoptions only. This means, people who adopt special needs children in 2003 may take a \$10,000 credit against their taxes owed and carryover the unused credit for up to five years or whenever the family reaches the cap, whichever occurs first. For private domestic and foreign adoptions the credit amount is limited to the qualifying adoption

expenses incurred (e.g. attorney fees, filing fees, court costs, travel and lodging) up to the full amount.

As with most credits with the IRS, the adoption tax credit is subject to income limitations. A single taxpayer may take the full credit if income does not exceed \$75,000, and \$150,000 for families. The credit is gradually reduced to a total phase out for families making more than \$190,000 yearly.

In addition to the tax credit, adoptive parents may exclude up to \$10,000 paid for or reimbursed by their employer for qualifying adoption expenses if their employer offers this benefit. This means that a family could potentially exclude up to \$10,000 of income received from their employer for the adoption, and take a \$10,000 tax credit as well.

For more information and specific eligibility requirements regarding the tax credit and other adoption benefits see IRS Publication 968 (go to [www.irs.gov](http://www.irs.gov)).

**ACT FACT**  
700 Indiana children age out of foster care each year with no permanent home. (Source: Indiana DFC)

## *The ACT Bookstore*

ACT publishes and offers for sale the following books and pamphlets. Many are also available on our web site. See address on page 4.

*The Right To a Permanent Home: Stopping Foster Care Drift.* (2nd edition) 1998. 52 pages. \$11.50 ppd. The meaning of bonding; case law; DFC policy. For everyone involved in foster care.

*The Attorneys' Resource Book,* 1998, 313 pages. \$33.00 ppd. A how-to book for attorneys: laws, policies, forms.

*Bonding and the Right To a Permanent Home.* 1999. 16pp. \$4.00 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
- Who Is My Brother? My Sister? When Siblings Should and Should Not Be Separated

*Special needs adoption covers the majority of foster children who are adopted.*



P O Box 305  
Rensselaer IN  
47978-0305

**In This Issue...**

ACT seminars coming to Indiana...Tax advantages for adopting parents...Senate Bill 227

### *Foster Parents Get Bum Rap in Media*

Have you noticed that foster parents really get a bum rap in the media? The latest incident is the inspiring film *Antoine Fisher*, based on the remarkable character of that name. I have no problem with the story or with superstar director Denzell Washington. Who doesn't love Denzell Washington? But in the story, Antoine Fisher has greedy, uncaring foster parents who treat him badly.

Antoine Fisher is certainly not the only story to portray unloving foster parents. Perhaps storytellers know what Tolstoy tells us: All happy families resemble one another, but each unhappy family is unhappy in its own way. Storytellers find unhappy situations more interesting.

Even positive attempts to portray foster families get it wrong. In the novel by Kaye Gibbons, *Ellen Foster*, a young girl has many horrific situations in life until she arrives at a good foster home. She is so happy that she wants to stay there forever, so she changes her name and becomes Ellen Foster. WRONG! However wonderful a foster family might be (and we know dozens and dozens right here in Indiana), fostering is TEMPORARY.

The object for agencies, for the Division of Families and Children, and for foster parents themselves is to work always toward the goal of permanence for every child. If a foster home becomes a foster/adopt home and leads to permanence for a foster child, wonderful. If a foster home represents a brief stay while a permanent home is found, that too is wonderful.

Children in care need and deserve wonderful foster homes. But children do not deserve to live in limbo, never knowing what tomorrow may bring.

The goal of fostering - the goal of ACT - is a permanent home for every child.