

# Act One

Volume 5, Issue 2

Adoption in Child Time, Inc.

July, 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

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ESQ.  
.. ACT BOARD MEMBER

## *ACT Seminars Expand Statewide Foster Parents Earn Training Hours*

Seminars for foster parents about adoption from foster care, originally offered in the Indianapolis area, are now being offered statewide. ACT officers and board members present the seminars at no charge to the sponsoring organization.

Seminar topics already presented in the Indianapolis area include: Everything You Need to Know About Adopting a Foster Child; The Changing Face of Adoption; Concurrent Planning; and Discipline of Tough Kids.

After the presentation of the topic, ACT executive director Attorney Peter Kenny and ACT board member Attorney Mark Bontrager will take questions from the audience.



Seminars will continue to be offered one Thursday evening per month at the First Mennonite Church of Indianapolis, 4601 Knollton Rd. For further information about the Indianapolis seminars, call 317-889-9871 or 317-506-4022.

In addition Attorneys Kenny and Bontrager will travel the state presenting the topic "Everything You Need to Know About Adopting a Foster Child." Information about this seminar has been sent to every county office of the Division of Family and Children and every licensed child placing agency in the state. Urge them to sponsor a free seminar in your area.

## *ACT Hotline Gives Free Legal*

Do you have questions about adopting a foster child in your care? Do you want to know why your foster child's case seems to drag on forever? Do you ever wonder - what your rights are in this whole process? Calling the ACT Hotline toll free at 1-877-ACT-4KIDS can get you answers - and it's free. Here is what you get: A free phone consultation with an ACT trained attorney within 24 hours of your call. During this consultation you can find out exactly what the current law in Indiana says about your particular case, what your rights are, and, possibly, several options about what you CAN do. Here is what not to expect: Representation in court, phone calls or letters made on your behalf, or legal advice about what you SHOULD do.

The ACT Hotline is a way for you to get general legal questions answered about adoption and foster care. If you need detailed advice or legal representation, you should consider hiring an attorney. The ACT Hotline can help you in this area as well by providing you with the names and phone numbers of a few ACT trained attorneys in your geographic area.

## *Not Receiving FOSTERING FAMILIES TODAY? Here's What To Do*

*Fostering Families Today* is now being 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.

If you are not receiving your copy, send your name, address, and county or agency for whom you foster to Director of Policy Stephanie Beasley-Fehrman by email: sbeasley-fehrman@fssa.state.in.us or by regular mail at 402 W Washington St. W-364;

## *New Law Grants Additional Rights To Foster Parents*

by *Mary Kenny, ACT ONE editor*

Once again in 2003 ACT proposed that long-term foster parents, those who have had their foster children for the last 12 or more months or for 15 of the last 22 months, be given legal party status in court hearing affecting their foster child. The legislature granted foster parents some additional rights, but short of those ACT proposed.

Public Law 152-2003 grants all foster parents (not only long-term foster parents), the following rights:

1) The right to present oral testimony in court. Foster parents may take the stand as witnesses to testify about the child's well-being and what the foster parent perceives to be in the child's best interests.

2) The right to cross examine all witnesses at the hearing. Foster parents now have the right to cross examine any witnesses at the review or permanency hearings. This would include the caseworker, therapist, teachers, anyone who gives testimony. Probably foster parents would wish to be represented by an attorney who would perform the cross examination.

These rights are added to the rights granted to foster parents in previous legislative sessions:

3) The right to notification of all periodic case reviews. Ten days before the periodic case review the county office of family and children shall provide notice of the hearing to the child's foster parent. The county office must present proof to the court that the notice was served. If proof of service is not provided, the hearing will be continued.

4) The right to submit a

written statement directly to the court. Foster parents may submit their daily journal about the child's progress or any other documentation or statement directly to the judge. This might include the identification of persons, such as relatives, teachers, therapists and others who know the child and whom the court might wish to hear. Such written material will be made a part of the court record, provided that a copy has been given to the other parties in the proceeding.

5) The right to request intervention as a party. In addition to the above rights, legal party status would give foster parents the right to file motions. Foster parents have always had the right to request party status. The judge may grant such standing if he or she deems it to be in the child's best interests. Judges in Indiana have granted party status in specific cases.

These rights allow foster parents to fulfill one of their important duties: to act as advocate for the children in their care.

The 2003 bill was supported by IFCAA (the Indiana Foster Care and Adoption Association) and by the Indiana Catholic Conference. Senator David Long introduced the bill in the Indiana Senate. He was joined by Senators Connie Sipes, David Ford and Gary Dillon. Our sponsors in the House were Representatives Sheila Klinker, Cleo Duncan, F. Dale Grubb, and Mary Kay Budak. These senators and representatives worked long and hard for foster parents. We urge you to send them a thank you note at the statehouse.

## **Do I Have To Be Rich To Adopt?**

The short answer is an emphatic no. Certainly private and international adoption can be expensive with costs ranging up to \$30,000. However, special needs adoption, adopting children who are in foster care, can cost as little as nothing. With the adoption subsidies and new tax benefits, adoption does not have to be a financial drain on families.

Every family wishing to adopt in the state of Indiana must have a home study completed prior to the placement of a child in their home (this may be waived, but only in extraordinary circumstances). A home study can cost as much as \$2,000. However, foster parents typically have their home study completed as part of their licensing process and it is entirely free. In addition, if you are seeking to adopt a special needs child your local Office of Family and Children should conduct the home study for free. Completing your home study is the very important first step toward adopting.

There are three major subsidy programs and a new adoption tax credit to help adoptive families and provide incentives for adoption. In particular, there is the Adoption Assistance Program (AAP) a federal program that provides up to 75 percent of the foster care per diem that the adoptive parents would receive if the child remained in foster care. There is both a categorical and special needs requirement that must be met in order to determine eligibility. If a child is eligible for this subsidy they will also receive medical insurance as part of the benefit.

Another subsidy program, the Indiana Adoption Subsidy Program (IASP), may be used independent of the federal program or in conjunction with the AAP. This subsidy (cont. on p. 3) may be used to augment the AAP in

## Do I Have To Be Rich To Adopt?

cont. from p. 2

order to reach 100 percent of the foster care per diem or on its own up to the full amount. The IASP uses different eligibility guidelines, but it is broad enough to include almost every foster child. Awarding the IASP is up to the judge hearing the adoption petition.

The Non-Recurring Adoption Expense (NRAE) program allows for one-time reimbursement of adoption expenses incurred by the adoptive parents adopting a special needs child up to \$1500 per child. This program allows for the reimbursement of costs such as attorney fees, court costs and transportation costs for pre-placement visits. This program allows for attorneys to bill the state directly for their fees.

The most dramatic change in tax benefits for adoptive parents takes place beginning this year. Starting in 2003, adoptive parents of special needs children are eligible for a tax credit of up to \$10,160 per child. Any unused credit may be rolled over for up to five years. The credit is subject to income limits and other eligibility requirements.

You don't need to be rich to adopt. There are several programs available to assist adoptive parents with the costs incurred with adoption. For more specific information on any of these programs visit [www.indianaadoptionlaw.org](http://www.indianaadoptionlaw.org) or call ACT at 1-877-ACT-4KIDS or 317-506-4022.

*Adoption does not have to be a financial drain on families.*

## Meet ACT's New Board Members

To expand the brain trust among dedicated people who are committed to the goals of ACT, ACT has recently enlarged its board. The three new ACT board members are Brother Tim Hemm, C.P.P.S. of St. Joseph's College, Rensselaer; Tim Powers of School Datebooks, Lafayette; and Mark Bontrager, attorney in private practice, Indianapolis.

### Brother Tim Hemm

Brother Tim is a member of the Missionaries of the Precious Blood and is currently the local director of the order. He is a long-time worker and resident of St. Joseph's College in Rensselaer. In addition to his duties at the college, Brother Tim has long been active in youth ministry. Through his efforts St. Joseph's College has generously helped ACT with many services.

### Tim Powers

Mr. Tim Powers is president of School Datebooks, Inc. in Lafayette. The firm produces annual planners which schools provide for their students. Mr. Powers is a long-time resident of Lafayette and a graduate of Purdue University. Through Tim School Datebooks has generously supported ACT with services.

### Mark Bontrager

Mark Bontrager is an attorney in private practice in Indianapolis, with a practice in the areas of family law and foster care adoptions. Mark grew up in Goshen, Indiana, and is a graduate of Goshen College. He then earned his M.S.W. from Indiana University and worked for many years as a social worker for The Villages, especially working with pre-adolescent boys.

While continuing to work as a social worker, Mark returned to school and earned his law degree in Indianapolis from Indiana University.

Mark serves ACT and foster parents in many capacities. He is the Indiana representative on subsidy information for the North American Council on Adoptable Children (NACAC.) Mark writes on subsidies for ACT ONE and continues to monitor this changing area for foster parents. Mark also is a presenter at ACT's seminars for foster parents. Finally as an attorney Mark uses his knowledge of both social work and law to serve foster parents who want to adopt

### IMAGINE THIS

When the state runs low on money, we let the highways go, allow congestion and potholes, because we believe that caring for our children is more important than caring for our roads.



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**In This Issue...**

ACT seminars go statewide...New law gives additional rights to all foster parents

*Permanency Is Possible*  
*Read These Recommendations*

The North American Council on Adoptable Children (NACAC) handles thousands of calls and letters from potential adoptive parents. Based on their extensive experience, here are their recommendations to all states:

- Promote the adoption assistance programs as required by federal law and get the word out to the general public and those who apply to adopt, including kinship adopters who are often overlooked;
- Publish the complete foster care rate structure;
- Retract, modify or overturn state laws, hearing regulations, and local policies that conflict with federal adoption assistance law and hearing regulations;
- Routinely offer training on subsidy policies for all public agency adoption workers and supervisors, and invite private agency personnel to attend;
- Reexamine the state administrative hearing system so that it is a family-friendly environment, as opposed to a complicated and adversarial process;
- Work with families, applicants, support groups, and advocates to promote adoption and create policies and practices that provide permanency for children and support for families.

Thank you, NACAC.