

Act One

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Adoption in Child Time, Inc.

September, 2004

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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ALLEGATIONS AGAINST FOSTER PARENTS

by Mark Bontrager, Esq. Board Member

It's all too familiar when allegations of abuse are levied against foster parents by their foster children. Sadly, some of these allegations are true. When allegations of abuse are found to be true, or "substantiated" by Child Protective Services, the child is typically removed from the foster home. However, there are cases where foster parents are wrongly accused because the foster child made a false allegation. Foster children may make false allegations for a whole host of reasons. They can become angry with their foster parents due to discipline imposed or rules that need to be followed, as does any child, but some foster children realize this is a way they can manipulate the system. Some older foster children are very "system savvy" and know if they make allegations of abuse toward their foster parents it is virtually an automatic move to another placement. Others mistakenly believe they will be sent back home with their birth family when they are removed

Regardless of the reasons, false allegations

are a growing problem for foster parents. Child Protective Services does have guidelines set forth in the Indiana Child Welfare Manual as to conducting investigations. Depending



upon the nature of the allegation or injury, specific interviews with witnesses and the parties involved are supposed to take place. The standard of proof to deem an allegation "substantiated" or "unsubstantiated" is not clear. Unfortunately, procedures are not always followed and standards being a bit fuzzy can result in an allegation incorrectly "substantiated." Remarkably, there is little in the law that allows for a foster parent to combat the substantiation, which can have many negative results: removal of the child, loss of foster parent license, and the foster parent's name being sent to Central Registry. This can preclude the foster parent from fostering or adopting in the future, and it may keep them from obtaining certain employment working with children.

ACT is focusing on ways to support foster parents who have been wrongly accused.

(Continued on page 3)

Foster Parent Journal 2005 A New ACT Book

Have you ever felt a memory lapse? Or felt outnumbered and out-documented at a case conference? Or gone to court for your foster child and felt you had little to say? Keeping a daily journal can help you become an effective advocate for your foster child. Furthermore, the DFC in their directives about foster parent duties says that foster parents are to keep a written record about their foster child. Busy foster parents may well keep such records "on the run" on note pads or the backs of envelopes. No longer..

School Datebooks of Indiana working with ACT has published the "Foster Parent 2005 Daily Journal," which provides space to write brief notes on your foster child each day. The journal is a handy reminder to keep a journal, and it keeps all foster parent notes in one place.

Besides space for note keeping, the journal includes: simple instruction on how to keep a journal, a listing of rights of foster children and foster parents; responsibilities of foster parents and the

(Continued on page 2)

WHY BONDING IS CRITICAL

by James A. Kenny, Board Member

Interrupted bonded relations lead to a significantly higher likelihood of mental disturbances now or later and a higher percentage of homelessness, crime, and poverty in adult life.

Bonding is best defined as a significant reciprocal attachment which both parties want and expect to continue, and which is interrupted or terminated at considerable peril to the parties involved.

Bonding is not a fuzzy concept and its presence or absence can be detected in several quite specific ways. Time is one way. Bonding is likely after three months, probable after six, and almost certain after 12 months. Both the psychological research and federal and Indiana law reflect and support this timeline.

Humans bond by sharing important events over time in daily life, events such as eating, sleeping and playing together.

Why do we interrupt bonded relationships to place a child with a heretofore little known blood relative, a new half-sibling, a distant grandmother, some "kin-come-lately?" Apparently, because we don't know any better.

Another reason bonded relationships are not taken

seriously is that bonding is currently a trendy word which is frequently used inaccurately. Friends socialize for an evening in order to "bond." Team members "bond" with each other. Relationships with friends are vital in our lives. We need to attach. But such attachments are not what is meant by bonding within a family.

When a child is first removed for cause from his birth home, available blood relatives should be given prime consideration. But once bonding has occurred, for the child's sake and safety, bonding must take precedence.

The younger the child, the more dangerous it is to sever bonded relationships. A child of one or two is more apt to generalize separation and loss and to see it as a total rejection of his self-worth. Since this happens non-verbally, it becomes very difficult to remedy.

What about "good bonders," those children who appear to adapt comfortably to repeated changes in family composition? Separation from important people always hurts. So-called good bonders have learned to mask their feelings. They learn to be shallow and grow up with a lessened ability to show compassion and love.

We know the danger of

ACT Authors In the News

ACT authors Mark Bontrager and James Kenny recently published two articles in the foster parent magazine *Foster Families TODAY*. The first, appearing in the May/June issue, dealt with appellate court decisions throughout the United States in which the court sided with bonded relationships over newly-arrived blood relatives. The second part, in July/August, 2004, dealt with "Pseudo-bonding and Other Myths" which discussed the nature of a true bonded relationship. Both articles were well received. One California reader wrote that she had made copies of the article for "the family court judge, the Department of Social Services supervisors, my caseworker and anyone else who would take one." The reader tells that they lost their petition to the court to terminate parental rights "of a child they wish to adopt after more than three years in the care of the only parents the child has ever known."

This magazine is furnished free to Indiana foster families through the Indiana Department of Families and Children. If you are an Indiana foster parent and you are not receiving *Fostering Families TODAY*, call your agency or your case manager.

Hotline Update

Call ACT toll-free in Indiana at 1-877-ACT-4KIDS. After six frustrating months dealing with problems between two phone companies, the ACT hotline is again operational.

An attorney knowledgeable about welfare policies and experienced in permanency planning will answer your

Foster Parent Journal

(Continued from page 1)

DFC; information about the case conference policy; information on legal issues such as witnessing in court, using an attorney, and dealing with false allegations; information about adopting a foster child.

The Foster Parent Journal

will be available at the IFCOA conference, Nov 18-20 in Indianapolis. One sample copy will be sent to ACT ONE subscribers. And plans are underway to distribute the journal through selected licensed child placing agencies. For more information call Mary

*New ACT Book, Adopting a Foster Child
Available at Seminars*

**THE ACT
BOOKSTORE**

Attorneys Peter Kenny and Mark Bontrager have written *Adopting A Foster Child*, a new ACT book geared mainly for foster parents who want to adopt their foster child. The book is available as part of the seminars which the attorneys offer statewide.

The booklet enhances the seminar by giving participants a written presentation of some of the material offered in the seminar. The book discusses the importance of a permanent home for every child. It offers help in deciding whether or not to adopt a child. It suggests ways to advocate for your foster child.

The book includes "What Part Do the Birth Parents Play?" This section includes detailed information about Indiana law regarding cooperative adoption and about post-adoption promises. It explains what is involved at a hearing to terminate parental rights.

A section on financial assistance explains the many subsidies available to adopting families and the tax credits available at the federal level. Finally the book discusses the contested adoption and offers some ways to deal with this problem.

**False
Allegations**

(Continued from page 1)

ACT would like to hear from foster parents who have successfully challenged allegations so this information may be shared with other foster parents. Please email ACT with your story at: act4adoption@hotmail.com.

Participants in the seminar have the opportunity to have their questions answered. The seminar deals with such questions as: What subsidies are available and how do I apply? Does asking for a subsidy prejudice the case manager to reject my application? I'm worried about future medical needs and whether we can afford them. How do I make my wishes known to the agency? How can I make my wishes known in court?

The seminar is funded by ACT and offered free to public and private agencies and churches who would like to see children find permanent homes within a reasonable time, either through reunification or adoption.

A group or agency which wants to host the seminar on adoption provides a place to hold the seminar and refreshments if desired. The host group also handles all publicity in the area. Host groups should assure that at least six families will attend. Attendance at the seminar can count as part of foster parent annual training. Two credit training hours can be provided for attending the seminar.

Attorneys Bontrager and Kenny travel throughout Indiana and do not charge for their presentation. Each family attending receives one copy of the book, *Adopting a Foster Child*. The booklet is not for sale but it is free to participants in the seminar.

An agency or group wishing to host the seminar can call the ACT hotline toll-free in Indiana, 1-877-ACT-4KIDS or call Pete at 317-685-0878 or Mark at 317-466-1255. When calling please give the following information: agency; contact person, phone

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.

Bonding and the Right To a Permanent Home. 1999. 16pp. \$4.00 ppd.

The Foster Parent Journal 2005. Available Nov 1.

Adopting a Foster Child. Available only at ACT seminars.

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

**Adopting a Foster
Child
is available at
ACT
seminars**



P O Box 305
Rensselaer IN
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In This Issue...

Allegations against foster parents...Foster Parent Journal for 2005...Why bonding is critical

If a Foster Baby Could Talk

I have a foster mommy and a foster daddy. They are always there for me.
They feed me.

They change my diaper when I wet.

They comfort me when I cry.

They read me stories.

They sing me to sleep.

They tuck me into my car seat and take me for rides.

My brother and sister play with me.

They jump around and giggle and make funny faces.

They make me laugh. I feel safe and happy.

But today a strange person came and took me away.

My Mommy and my Daddy disappeared. My brother and my sister too.

Did I do something wrong? Did they send me away?

Don't they love me anymore?

Now new people are cooing at me. But I don't trust them.

They may leave me too.