

Need to Know Series:

Adoption Rights for Foster Care Youth Who Are 14 Years Old and Older



Youth In Progress

New York State Foster Care
Youth Leadership Advisory Team

“The mission of Youth In Progress is to enhance and advance the lives of today’s and tomorrow’s youth by supporting their sense of self and responsibility. To do this, we pledge to educate everyone involved in the various systems Youth In Progress members represent to the realities of this experience.”

www.youthinprogress.org

Permanency

All youth in foster care strive to achieve permanency, which includes maintaining meaningful relationships with family and adults, and requires developing a permanency plan. All youth benefit from having an adult they can turn to for help, guidance, and support. Such a relationship can occur through a number of permanency options that include:

- Return to Parent
- Guardianship/Legal Custody
- APLA (Another planned living arrangement)
- Adoption



Adoption

This pamphlet describes what adoption means for a youth leaving foster care and provides some details on how the adoption process works.

“Adoption to me means the start of a new beginning. You are no longer bound to the mistakes of your parents legally, simply a redo of the life that you could have had.”

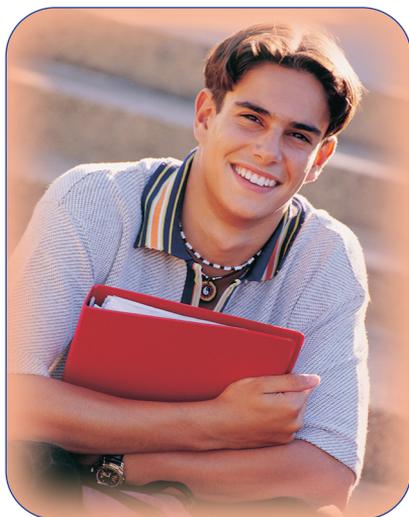


The Adoption Process

A person can be adopted at any age. If you are a youth in care age 14 or older, you will be involved in the decision about whether or not you want to be adopted. You can only be adopted when your birth parents no longer have legal rights regarding you. Your birth parents' legal rights can be ended because of a termination or surrender of parental rights. Both, termination or surrender of parental rights, must be ordered or approved by a court. Once the decision is ordered or approved, you are considered "freed for adoption." If both your parents are deceased, you are also considered freed for adoption. From the time you are placed in care and/or are old enough to have a role in the adoption decision, your caseworker will discuss permanency options with you.

Prior to agreeing to an adoption, you must understand all of the permanent results that will come from this decision, including what it means legally for you.

If you are a youth 14 or older and you decide to say no to adoption by one person or family, you have the right to change your mind and explore adoption by a different person or family. If you are certain you don't want to be adopted by any person or family, your caseworker can help you explore other options.



The majority of youth in foster care who are adopted are adopted by their current or former foster parents. However, you may know someone else who would like to adopt you and vice versa. A family member, such as an aunt or an uncle, may be interested in adopting you.



Once a pre-adoptive family has been identified, your caseworker will meet with the family many times to determine that they have the qualifications to be your adoptive family. New York State is very careful about persons approved to be adoptive parents. You will also meet and visit with the family to assist in the decision whether it is in your best interests to be adopted by this family. Your adoptive parents become legal parents to you, and they have the right to make legal decisions and other important choices involving your life. At this point the decision is permanent.



Important Issues

Home Study and Background Checks:

There is a home study to make sure that pre-adoptive parents would be suitable and qualified adoptive parents.

There are also background checks to find out whether the pre-adoptive parents have been involved in illegal activities, and to see if they have abused or neglected a child. The purpose of doing the home study and background checks are to safeguard and protect you so that you will be living with a person or family who will look out for you, take care of you, keep you safe, meet your emotional and physical needs, and look out for your legal rights.



Visitation:

One issue that is very important to discuss with your pre-adoptive parents and your caseworker is whom you will visit after you are adopted. You need to think ahead about whom you will want to maintain a relationship with, such as friends, family members, and past foster parents. It's important that everyone is in agreement about this before the adoption occurs.

Name Change:

Before you are adopted, you should think about what you want your last name to be and make your feelings known to your pre-adoptive parents and your caseworker. You should think about whether you would like to:

-  take on the last name of your adoptive parents;
-  keep your last name; or
-  add your last name to your adoptive parents' last name and use both with a hyphen in between.

Access to Your Records:

In New York State, adoption records are sealed. This means that you do not have access to identifiable information about your birth parents. However, you may request that your agency provide you with non-identifiable medical information. If available, the agency is permitted to give you information about your own medical history and the medical history of your birth parents.

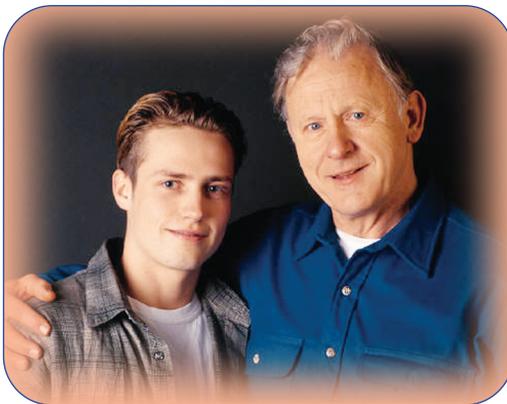


Sometimes you can get information about your birth parents through the New York State Department of Health Adoption Registry. In order for you to access the name of your birth parents, both you and your birth parents would have to be registered with the New York State Department of Health Adoption Registry, which can be accessed on the Internet at: www.health.state.ny.us/vital_records/adoption.htm. You may also obtain non-identifiable information regarding the occupation, education, heritage, religion of your birth parents; and the number, sex, and age of siblings known at the time of adoption.

There is also the ability to unseal adoption records where the court finds good cause, which may include in certain cases where medical information is required.

Adult Adoption:

An adoption that occurs when you are 18 years old or older is considered an adult adoption. Your birth parents' rights do not have to have been terminated and their consent is not required, as long as you are 18 years old or older.



Financial Subsidies:

If you are adopted at age 16 or older, you may be eligible to receive Educational Training Vouchers (ETV). ETV is a benefit from a federally funded program that awards grants to current and former foster care youth to help pay for college or vocational programs. You should request information from your agency if you are interested in the ETV Program.

Post-Adoption Services:

It is important that you and your adoptive family talk with your caseworker about services that will be available to you after the adoption occurs.



References

Casey Family Services: www.caseyfamilyservices.org

New York State Office of Children and Family Services:
www.ocfs.state.ny.us/adopt/



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