Adopting a Child

from Foster Care in New York State

2013

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A Guide for Prospective Adoptive Parents

Important Note To Foster Parents:

If you are a foster parent in New York State, you will find information on the adoption process for foster parents in the *New York State Foster Parent Manual*.

The manual (Publication 5011) can be found on the New York State Office of Children and Family Services (OCFS) website at **ocfs.ny.gov**

Every Child Needs a Forever Family

Children of all ages in foster care are waiting to be adopted. New York State welcomes responsible, caring adults who are ready to share their time, their hearts, and their lives with waiting children. When you adopt a waiting child, you will be giving that child a chance to be part of a permanent family. All children deserve a loving, committed, safe, and permanent family.

This booklet outlines the process of adoption in New York State. It is designed to be an informative and useful guide as you make this most important decision to parent a child for life.

Is adoption the option for you?

Adoption is a process that creates a binding, legal relationship between parent and child. If you care deeply about children and want to parent a child, adoption may be the option for you.

The decision to adopt can affect the entire family. Get together with your family to talk about what it would be like to add a new member. Think about the personal resources you and your family can offer a child. Consider the community resources that are available to support your decision: relatives, friends, neighbors, places of worship, support groups, schools, health providers, and neighborhood centers.

Most of the children waiting for adoptive families in New York State are in foster care. Many of these children have experienced emotional or physical trauma prior to entering foster care. To learn about and understand these children, talk to families who have adopted children from foster care. A good source of information and support is a local adoptive or foster parent support group. In addition, staff at New York State-approved voluntary authorized adoption agencies and local departments of social services can answer your questions about adoption; they have information to help you decide if adoption is right for you and your family.

You can obtain information on parent groups and authorized adoption agencies and other helpful adoption resources in your area by contacting the New York State Adoption Services (NYSAS) Parent Connection at 1-800-345-KIDS (5437) or at **ocfs.ny.gov/adopt**.

Who are New York's children awaiting adoption?

Many children in foster care are available for adoption and are waiting for someone like you to offer them a permanent family. They need love and security. They need a permanent home. They need you.

New York's children waiting for adoption are:

- Children who deserve loving, permanent families
- Children who are ethnically diverse, and from backgrounds that include African-American, Caucasian, Hispanic, and others
- Children waiting for adoptive families while in foster care
- Children between the ages of 14 and 17 (nearly one-third)
- Children between the ages of 6 and 13 (nearly one-half)
- Children who may have physical, mental, or emotional challenges
- Children who are part of sibling groups and need to be placed together

Who are the families who adopt?

There is no typical adoptive family. An adoptive family can have a single parent or two parents. The family may have birth children, other adoptive children, or no other children. Adoptive families can vary by age, income, lifestyle, and marital status.

To adopt a child, you do not need to:

- Be married
- Own your own home
- Earn a high income

You do need to be:

- 18 years old or older
- Willing to learn about the unique needs of the child or children you are interested in adopting
- Patient and loving
- Energetic, flexible and giving
- Able to provide a safe environment
- Able to meet the needs of a growing child
- Able to make a lifetime commitment to a child

The Adoption Process

There are many required steps in the adoption process, which can take several months. Here are the basic steps required to adopt a child in New York State. Each step is described in greater detail on the following pages. Adoption agency staff will help you with these steps.

1. Contact an adoption agency. Attend an orientation session and choose an adoption agency.
2. Submit an application to the agency for approval as an adoptive parent.
3. Complete the home study process. You and your family will need to meet with the agency in your home as part of the home study approval process.
4. Attend agency-sponsored training.
5. Work with your caseworker to be matched with a child.
6. Visit with the child prior to placement.
7. After the child is placed in your home, work closely with the child's caseworker for a period of supervision.
8. Work with your agency to complete the necessary steps to apply for an adoption subsidy if the child is eligible.
9. Hire and work with your adoption attorney to submit the adoption petition to finalize the adoption in court.
10. Contact your local department of social services or a voluntary authorized adoption agency to learn how to obtain post-adoption services, if necessary.

STEP ONE

Contact an Adoption Agency

Adoption agencies in New York can be public or private agencies. The *public* agency is the local department of social services (DSS) in the county where you live or the New York City Administration for Children's Services if you live in one of the five boroughs. It also includes the St. Regis Mohawk Tribe, which has a State/Tribal Agreement with New York State. Private adoption agencies in New York are voluntary authorized adoption agencies approved by OCFS.

Children in foster care are in the legal care and custody, or the custody and guardianship*, of the local DSS commissioner. The local DSS may give responsibility for the care of the child to a voluntary authorized agency. In some cases, prospective adoptive families will work with the DSS adoption or home finding unit. In some cases, a voluntary authorized adoption agency will be under contract with the DSS to provide adoption services on behalf of the DSS.

Contact your DSS if you have questions related to the adoption process and to schedule an orientation. You will find contact information for your DSS on the OCFS Adoption Services website at **ocfs.ny.gov/adopt**. For adoption in New York City, contact the Administration for Children's Services (ACS) Office of Parent Recruitment Hotline and Expedited Permanency at (212) 676-WISH (9474).

* When children in foster care are in the legal custody or guardianship of the local DSS commissioner, a fee will not be charged for adoption services.

STEP TWO

Submit an Application

After contacting your local DSS or voluntary authorized adoption agency and attending an orientation session, you will be asked to submit an application for approval as an adoptive parent. This application, provided by the agency, will require that you submit information on your background, family makeup, and the number of people living in your home. You will be asked to describe the type of child(ren) you feel most suited to adopt. This information helps place children with families that are best able to meet the children's needs. The agency will help you with the application.

The agency is required to obtain information on you and any other person over the age of 18 currently living in your home. This will include:

- An FBI and New York State (NYS) criminal history record check (fingerprinting);
- An inquiry of the NYS Statewide Central Register (SCR) of Child Abuse and Maltreatment;
- An inquiry of the out-of-state SCR where the applicant or adult household member resided in that state within five years of the application for approval; and
- An inquiry of the Vulnerable Persons' Central Registry administered by the NYS Justice Center for the Protection of People with Special Needs

This assessment of the criminal history, SCR clearance inquiry, and Vulnerable Persons' clearance inquiry is done to determine safety for the child. Your agency will provide more detailed information on each process.

STEP THREE

Complete a Home Study

The adoption home study is a required step in the adoption process. It includes visits to your home, interviews, a review of your medical history, and adoptive parent training. You will be asked questions about yourself, your family, and your home. This will help the agency learn about you and what you can offer a child. It also will help you decide whether you are ready to adopt.

The home study helps the agency make an appropriate placement, and is done in the best interests of both the family and the child. While most families decide to complete the home study process, some families temporarily withdraw their application and take time to consider whether they are ready to adopt.

In New York State, you can apply to become a foster parent or an adoptive parent or you can apply for concurrent certification/approval as a foster *and* an adoptive parent. This means that you will be studied to become a foster and adoptive parent at the same time. Concurrent certification/approval is helpful if you wish to consider fostering a child before adopting him/her. You must be 21 years old or older to apply for concurrent certification/approval.

If you are applying to adopt a foster child already in your care, you will also be asked about the child. The agency uses the information from the home study to decide whether adoption by the foster parents will be in the child's best interests. The requirements for approving an adoptive parent are generally similar to those for certifying or approving a foster parent. Therefore, when foster parents decide to adopt, the adoption home study focuses on areas that need updating to provide the most current information on family members and their relationships with the child in their home.

When the home study is finished, the caseworker writes a summary about the family, which ends with the decision of whether to approve the family to adopt. If the family is approved, the agency uses the summary in the matching process. Prospective adoptive families are given the opportunity to review and discuss the written summary and add their own comments. The agency will provide you with a dated, written notice of the approval. The applicant has 60 days from receiving the notice to request an administrative hearing.

State law prohibits the denial of an application based solely on the applicant's:

- Race, ethnic group or religion
- Length of marriage
- Fertility status
- Single applicant seeking children of a specific gender
- Employment, education, or volunteer activities
- Sexual orientation

STEP FOUR

Attend Agency-Sponsored Adoptive Parent Training

Each adoption agency must provide parent training to prospective adoptive parents in conjunction with the home study process. Some agencies train their adoptive and foster parents together while others provide separate adoption training. This training – done in individual or group sessions – is designed to:

- Help families understand the differences between adoption and foster care
- Examine the strengths families bring to adoption
- Help families decide if they are ready to adopt
- Provide skills and knowledge families need when adopting
- Help families understand the needs of New York State's waiting children
- Learn how best to match the family's strengths with a waiting child

STEP FIVE

Work With Your Caseworker to Be Matched With a Child

After a family is approved to adopt, the family and agency work together to place a child or children with the family. There are no special formulas for this process. Decisions are made on a case-by-case basis. The agency and family work in partnership to decide whether the placement would promote the best interests of the child.

Here are a few examples of how you can learn more about children available for adoption from foster care:

The *Adoption Album* Photolisting

You can view photos and narratives of New York State children waiting for adoption by viewing The *Adoption Album* or the *Silverlight Adoption Album* (an alternative way to view The Adoption Album) on the OCFS website (**ocfs.ny.gov/adopt**). The *Adoption Album* is updated regularly. As new children become available, they are added to *The Adoption Album*.

The Family Adoption Registry

The Family Adoption Registry, which is part of *The Adoption Album*, allows you to register your interest in adopting one or more of New York State's waiting children. This information will be available to adoption staff throughout the state in order to facilitate matching children with prospective adoptive families. Check with your caseworker to be sure your family is registered in the Family Adoption Registry.

Regional adoption activities

Talk to your caseworker about possible events in your area such as Heart Galleries, Adoption Exchanges, or other ways to find out about children who are waiting for a family.

The agency with responsibility for the child

If you inquire about a certain child, and your family is considered to be a possible placement (home) for the child, you will receive more information about the child from the child's adoption agency. Public and voluntary authorized adoption agencies must, to the extent available, give prospective adoptive parents the health history of the child and the child's birth parents, as long as the information does not identify the birth parents. The health history includes, but is not limited to, medical and psychological information that may have an impact on the child's current and future physical or mental health. Ask the child's caseworker about any medical support, services, or counseling that the child currently requires.

The results of your family's Home Study will be shared with the child's adoption agency, and the child's information will be shared with you. If both parties are interested after this exchange and review of information, the child's agency will include your family in the final selection process. Sometimes the local DSS with responsibility for the child is not the same DSS that has approved your home study so there may be two counties involved in this process of matching and information sharing.

Agencies often choose a family from a large pool of prospective adoptive families. It's a good idea to inquire about several children at once when considering which children to adopt. A family that limits its inquiry to a single child may be disappointed. Multiple inquiries may help shorten the time between inquiry and placement.

The placement of a child may not be denied or delayed on the basis of race, color, or national origin of the adoptive parent(s) or the child. Placement of a child also may not be delayed or denied because the otherwise suitable approved adoptive parent lives in a county or state other than the one with custody or guardianship of the child.

STEP SIX

Visits and Placement

You and the child(ren) you're planning to adopt can begin visits when the agency decides that everyone is ready to spend time together. Visits can take place at the agency, in the prospective adoptive family's home, or in the home where the child lives. Visits start as short meetings and get longer as the family and child get to know one another.

Visitation should last for a period of weeks or months before the child moves in with the adoptive family. The specific needs of each child and each family determine how long this part of the adoption process will last.

Adoptive placement begins when you and the agency sign an adoptive placement agreement. The placement agreement contains a statement of the rights and responsibilities of the adoptive parents and the agency. This is signed at the time the child is placed in your home or, if the child has been in foster care in your home, at the time you make the decision to adopt the child and the agency concurs with the decision. Your agency worker should discuss the agreement with you before it is signed.

STEP SEVEN

Complete Supervision

New York State law generally requires that agencies supervise families for at least three months after placement before an adoption can become legal. This waiting period is important because it allows the agency to help the family and child become comfortable together, and it assists the family in meeting the needs of the child. Families adopting a child who has been in foster care in their home may have a shorter waiting period because the agency is familiar with the family's ability to care for the child.

During this period of supervision, your caseworker will visit regularly to support and help your family. This is an important time to work in partnership with your caseworker. Be open and honest with your caseworker if you feel additional services are necessary for the child

and your new family. This is the time where it is critical for you to speak up in order for you and your caseworker to identify what's best for the child and your family and to locate support resources in your area.

When the period of supervision is complete, and if all parties agree that your family is ready to move ahead, the agency will consent to your petition to adopt.

STEP EIGHT

Adoption Subsidy

What is an adoption subsidy?

An adoption subsidy is a monthly payment that assists with the care and support of a child who is considered handicapped or hard-to-place. Many (but not all) children in foster care are eligible for an adoption subsidy: the child's caseworker will determine whether a child is eligible for an adoption subsidy in either the hard-to-place or handicapped category. Your caseworker can provide more detailed information regarding the adoption subsidy program and the child's eligibility. If it is determined that the child is eligible for a subsidy, work with your caseworker to complete the Adoption Subsidy Agreement. You should be certain the adoption subsidy rate reflects the needs of the child. **The Adoption Subsidy Agreement must be signed and approved by all required parties *prior to finalization of the adoption.***

What is the definition of a "hard-to-place" child?

A hard-to-place child is a child who meets specific criteria defined in federal and state laws and regulations. Examples of hard-to-place criteria include the child's age, sibling group status, and time in care.

What is the definition of a "handicapped" child?

A handicapped child has a physical, mental, or emotional condition or disability that is so severe it creates a significant obstacle to the child's adoption. Qualifying conditions or disabilities are set forth in the regulations of the New York State Office of Children and Family Services (OCFS).

When must an application for an adoption subsidy be submitted?

In New York, the application for subsidy is called the Adoption Subsidy Agreement. To be eligible to receive an adoption subsidy, federal adoption assistance, Medicaid, and non-recurring adoption expenses, the Adoption Subsidy Agreement must be signed and approved by all necessary parties before finalization of the adoption. You have a right to a copy of the Adoption Subsidy Agreement. Keep a copy in a safe place with all other important adoption documents. It is a contract that you should save until the child's 21st birthday.

How are subsidy payments made, and how long do they last?

Adoption subsidies are paid monthly to the adoptive parent(s). For parents who are approved adoptive parents but not foster parents, adoption subsidy payments may begin upon placement, if the Adoption Subsidy Agreement has received final approval. Foster parents generally continue to receive foster care payments for the child until the adoption is finalized, at which time adoption subsidy payments begin and foster care payments end. Adoption subsidies continue until the child reaches the age of 21, as long as the adoptive parent remains legally responsible for the support of the child and continues to provide any support for the child. Under certain conditions, the adoption subsidy continues until the child's 21st birthday, even if the adoptive parents are deceased.

Is medical coverage available for children with special needs?

Many of New York's waiting children who are adopted qualify for either Medicaid or a New York Medical Subsidy. New York Medical Subsidy payments are equivalent to Medicaid payments for children

who do not qualify for Medicaid. Medical coverage helps families meet the cost of health care for children with physical and emotional needs. If your family moves out of New York State after the adoption, contact your caseworker to see what medical coverage will be available to your child in your new state of residence. Under the Interstate Compact on Adoption and Medical Assistance (ICAMA), your caseworker will submit appropriate paperwork to the New York State ICAMA office, which will notify your new state of residence that medical coverage has been requested in that state.

Are funds available to help with the cost of adopting a child with special needs? Who pays for the lawyers?

Finalizing an adoption in court generally requires a lawyer, which means that there will be legal fees and court costs. Families that are adopting children with special needs are eligible for reimbursement of some of these "non-recurring adoption expenses." They are one-time-only expenses directly related to the legal adoption of a child with special needs. The agreement for non-recurring adoption expenses is included as part of your Adoption Subsidy Agreement, which must be signed and approved before the adoption finalization date for eligible children. These expenses are reimbursed after the child's adoption is finalized. Receipts must be submitted within two years of the adoption finalization.

STEP NINE

Finalize! Complete Adoption in Court

Hire an adoption attorney to file the adoption petition in court, asking the judge to issue an order granting the adoption. On the OCFS website (**ocfs.ny.gov**) you will find a guide entitled, "What to Expect From an Adoption Attorney" (Publication 5054), which provides information on your rights when working with an attorney. There are many important points to discuss with your attorney, such as when you will receive copies of adoption-related documents, the process for amending the child's birth certificate, and applying for the child's new Social Security Card.

The agency and your attorney will help you. After reviewing all the required agency paperwork, the judge will decide whether it is in the best interests of the child to grant your petition to adopt. When the judge grants the petition, the adoption is finalized. You now have full legal rights and obligations for the child's care, and the agency's supervision is no longer required.

When the adoption is finalized, you may need to do the following:

- Add the child to your health care plan, if he/she is not receiving Medicaid.
- Change the child's name on all legal records. (Note: In some cases, there will be no name change).
- Contact the Social Security Administration office to obtain a new Social Security card for the child.
- Consult a tax advisor for details in claiming the child on your tax return, and apply for a federal tax credit.
- Contact the Social Security Administration office if the child receives SSI benefits, and apply to become the child's payee.
- Change your will to name a legal guardian for the child in the event something happens to you.

- Keep all paperwork related to the adoption and any subsidy or nonrecurring expenses in a safe place such as a safe deposit box. These are very important documents and should be protected from loss or accidental destruction.
- If you have been approved for reimbursement of non-recurring adoption expenses, contact your agency for information on submitting all related receipts and itemized expenses.

STEP TEN

Access to Post-Adoption Services

Whenever families adopt, they have to make changes in their lives. Many of these changes are exciting, but some are difficult. It is important to locate available post-adoption resources in your area before the finalization of the adoption. There may be times when an adoptive family needs help after the adoption has been finalized, and you will want to know who to contact for post-adoption services. These services may include family and individual counseling, social and support groups, or referral services. Lists of post-adoption resources can be found on the OCFS website at **ocfs.ny.gov/adopt**.

Asking for support during this process is a sign of strength, not weakness. Most successful adoptions occur in families that seek support from the start. An adoptive parent group can be a valuable resource to help a family through the adoption experience. There are many adoptive parent groups in New York State that provide the following:

- Informational meetings
- Websites, newsletters, and other printed materials
- Referrals to community resources
- Support groups
- Social events
- Training

These groups bring together adoptive families and families that are considering adoption to encourage exchange of ideas and offer support. They provide information on age-appropriate responses to questions asked by adopted children, which can be helpful during the adoption process and after finalization. Adoption is a lifelong process, and families may need advice or information many years after the actual adoption occurs. It is important for families and the agency to discuss what support is available before and after the adoption is finalized.

You now know how the adoption process works for children in foster care in New York State. You know the steps you will need to take if you decide to adopt a child. There is an urgent need for permanent, loving homes for these children. Please consider becoming an adoptive parent – because a child is waiting.

Additional Information

Maintaining connections

It is helpful for many adopted children to maintain connections with people from their past. Adoptive parents may formally or informally agree to continue ties with the child's siblings, former foster family, birth family, or other people who are important to the child. Generally, after adoption, the adoptive parents make final decisions regarding the adopted child's future contact with the birth parents. In some cases, the court approves a conditional surrender, which provides for post-adoption contact and/or communication. Contact agreements that are not approved by the court are not legally enforceable.

Adoptive parents should recognize that there are times when children, especially older children, will want to have contact with members of their birth family or former foster family. Adopted children may integrate more easily into their new family when the adoptive parents respect the experiences children have shared with others before adoption. One way for adoptive parents to show this respect is to help a child develop and maintain a "Life Book," which can be filled with pictures and mementos to document the child's life story. The child may have already started a Life Book while he/she was in foster care. If a child decides to search for his/her birth family, the adoptive family can help by being supportive and offering guidance.

Adult adoptees can obtain medical and other non-identifying information about their birth parent(s) by registering with the New York State Department of Health (DOH) Adoption and Medical Information Registry. Identifying information may be available to adult adoptees if they register to be matched with birth parents or siblings. Contact the NYS DOH at (518) 474-9600 for information on how to register.

International adoptions

Local social services districts do not place children from other countries. Some OCFS-approved authorized adoption agencies operate foreign adoption programs. Agencies that provide international adoption services are listed on the New York State Adoption website (**ocfs.ny.gov/adopt**).

Interstate adoptive placements

If you are thinking about adopting a child from another state, both the laws of New York and of the other state from which the child is placed may apply. Your local DSS or voluntary authorized adoption agency must comply with the Interstate Compact on the Placement of Children (ICPC), which governs adoptions of children from one state by adoptive parents in another state. This also applies if your family moves out of state during the adoption process.

Medical records

Public and voluntary authorized adoption agencies must give adoptive parents the medical history of the child and the child's birth parents, to the extent available, as long as the information does not identify the birth parents. The medical history includes medical and psychological information that may have an impact on the current or future physical or mental health of the child. After finalization of the adoption, the medical history is also available from the applicable local DSS or voluntary authorized adoption agency, upon request and, to the extent available, to both adoptive parents and adult adoptees who are former foster children.

Laws, regulations, and administrative hearings

Various provisions of federal law, New York State law (Domestic Relations Law and Social Services Law) and OCFS regulations govern adoption in New York State. You have a right to challenge certain actions by the local DSS or voluntary authorized adoption agency:

- Your application for approval as an adoptive parent has been denied by the local DSS or voluntary authorized adoption agency;
- Your application for approval as an adoptive parent has not been acted upon within 60 days;
- Your request to adopt a particular child has been denied and you are the child's current foster parent or relative; or
- Your application has been denied because you live in a state or county other than that of the LDSS or voluntary authorized adoption agency that has custody of the child.

You have the right to challenge such decisions at an administrative hearing. There also are administrative hearing rights involving the Adoption Subsidy application and approval process. To request a fair hearing, contact OCFS at (518) 474-6022.

Key Contacts

Name: _____

Position: _____

Location: _____

Phone: _____ Fax: _____

E-mail: _____

Name: _____

Position: _____

Location: _____

Phone: _____ Fax: _____

E-mail: _____

Name: _____

Position: _____

Location: _____

Phone: _____ Fax: _____

E-mail: _____

Name: _____

Position: _____

Location: _____

Phone: _____ Fax: _____

E-mail: _____

New York State Office of Children & Family Services

Capital View Office Park
52 Washington Street
Rensselaer, NY 12144

Visit our website at:
ocfs.ny.gov

For child care, foster care and adoption information, call:
1-800-345-KIDS (5437)

To report child abuse and maltreatment, call:
1-800-342-3720
TDD/TTY: 1-800-638-5163

For information on the Abandoned Infant Protection Act, call:
1-800-505-SAFE (7233)

New York State Adoption Service
1-800-345-KIDS (5437)
ocfs.ny.gov/adopt

"… promoting the safety, permanency, and well-being of our children, families, and communities. …"

State of New York

Office of Children & Family Services

Pursuant to the Americans with Disabilities Act, the New York State Office of Children and Family Services will make this information available in an appropriate format upon request.

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