



# New York City Foster Parent's Guide to Adoption

*January 2007*



## Introduction

In New York City, many of the children in foster care who have a goal of adoption are adopted by their foster parent(s). As such, foster parents play a major role in providing safe, permanent homes for children in foster care. This guide was written to assist the adoption process for these children so that they are able to live in permanent, stable homes. The more adoptions of available foster children by foster parents, the fewer children who are uncertain about their future. For those foster parents who are considering adopting the children in their care, this guide is offered as a source of information and assistance.

This edition of the guide reflects changes in regulations, policies, and practices that resulted from passage of the federal Adoption and Safe Families Act of 1997 (ASFA) and Chapter 3 of the Laws of 2005 (Governor's Permanency Bill) in New York State. Many of these changes are expected to decrease the length of time that children spend in foster care and to speed up the process for adopting children in foster care.

*January 2007*

The *New York City Foster Parent's Guide to Adoption* was edited and designed by Welfare Research, Inc. (WRI) under contract to the New York State Office of Children and Family Services. WRI is a nonprofit agency located at 112 State Street, Albany, NY 12207; (518) 432-2563; [www.welfaresearch.org](http://www.welfaresearch.org).

# How to Use This Guide

**W**e are pleased to present the *New York City Foster Parent's Guide to Adoption*, which is designed to help foster parents understand the adoption process and take an active role in the adoption of their foster children.

If you are a foster parent and you are thinking about adopting your foster child, you can consult this guide for information on the steps you will need to take. Beginning on page iii is a summary of the adoption process as described in this guide. The summary should give you a good idea of what to expect if you make the decision to adopt your foster child. Chapters One through Six provide information on the adoption process. This is followed by a list of useful telephone numbers and websites, an index of key words and phrases (printed in bold type throughout the text), and a form to help you keep track of your adoption.

We hope you will find this guide helpful in making the adoption of your foster child a positive experience. The more you know about the process and the requirements, the more likely the adoption will take place in a timely fashion. This will benefit everyone involved, particularly the child.

**There are two easy ways to use this guide without reading it from cover to cover.**

1. Find the topic you want to read about in the *Table of Contents* on page vii.
2. Find the word or phrase you want explained in the *Index of Key Words and Phrases* on page 31.

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**Notes:**

A series of horizontal dotted lines for taking notes.



# Summary

**A**doption is a method provided by law that creates the legal relationship of parent and child. After an adoption is finalized, the adoptive parent and the adopted child have all the rights and responsibilities in connection with each other that any birth family has.

Foster children are in the legal custody of a commissioner of a local social services district. The social services district may give responsibility for the care of the child to a voluntary authorized agency.

When a child is in foster care, decisions must be made regarding the long-range permanency plan for the child. If New York City's **Administration for Children's Services (ACS)** (the local social services district) and the voluntary authorized agency decide that it would not be in the child's best interests to return home and that the child should be adopted, steps must be taken to legally free the child for adoption.

There are three ways a child can become **legally free for adoption**: 1) The birth parents can sign a voluntary surrender agreement; 2) ACS or the voluntary authorized agency responsible for the child can bring a case in court asking the judge to terminate the parental rights of the birth parents; 3) if both birth parents are deceased, or one parent is deceased and there is no other parent whose consent to the adoption of the child is required, the child is automatically free for adoption.

The current foster parents can ask the court to permit the filing of a petition to terminate the parental rights of the birth parents.

During the process of legally freeing your child for adoption, you can begin the adoption process. The adoption process involves two major procedures. First, you and your home will need to be approved by ACS or a voluntary authorized agency as an adoptive home. Second, you must start a court proceeding asking a judge to **finalize** (complete) the adoption to make it legal.

## The Agency Approval Process

To be approved by the agency, you will need to cooperate with the adoption home study and sign an Adoptive Placement Agreement. Also, unless you and any other person over the age of 18 residing in your home were previously fingerprinted as part of the foster home approval or certification process, you and any such person will have to be fingerprinted and go through the **criminal history record review process**. For foster parents who are adopting, the **adoption home study** focuses on areas that need updating and any additional information the court will need. The adoption home study, which is usually conducted by someone from the agency, provides information about the foster parent, the foster parent's home, and any other information that will probably affect how the child is cared for after the adoption. The information is used by both the agency and the court to learn

about the adoptive family and to determine whether adoption by the foster parents will be in the child's best interests.

The **Adoptive Placement Agreement (APA)** is a form signed by the foster parent and the agency. By signing the APA, the foster parent agrees to take care of the child and to meet the child's needs with the intention of adopting, and the agency agrees to carry out its duties concerning the welfare of the child.

## Information You Should Receive

The agency must give you any available medical history of your foster child and your foster child's birth parents before you adopt. The history must include psychological information and information about conditions or diseases believed to be hereditary; drugs or medication taken during pregnancy by the child's birth mother; immunizations; medications; allergies; diagnostic tests and their results; and any follow-up treatment given or still needed by the child.

## Adoption Subsidy

An **adoption subsidy** is a monthly payment made to adoptive parents who have adopted a child who is considered handicapped or hard to place. In general, a **handicapped child** is a child who has a physical, mental, or emotional condition or disability that is so severe it would make it difficult for the child to be adopted. A **hard-to-place child** is a child who is not handicapped who has either been waiting to be adopted for a specific amount of time or is considered difficult to adopt because of certain factors. A subsidy is paid at one of three rates: **basic**, **special**, or **exceptional**. These rates are related to the foster care board payment rates.

If you are adopting a child who is handicapped or hard to place, you might also be reimbursed for nonrecurring adoption expenses up to \$2,000. A **nonrecurring adoption expense** is a onetime

payment of money that is directly related to and necessary for the adoption of a foster child. These payments include lawyer fees, medical examinations, marriage certificates, and travel. These expenses are reimbursed only *after* the child is adopted. If the adoption is not finalized, the expenses will not be reimbursed.

This guide explains the steps for applying for an adoption subsidy and reimbursement of nonrecurring adoption expenses. Your caseworker should also give you detailed information.

## Finalizing the Adoption

To have your adoption finalized, your lawyer and the agency will have to submit documents and information to court, and you will have to petition the court to finalize your adoption.

The first step in the court finalization process is to hire a **lawyer (attorney)**. A lack of money should not prevent you from hiring a lawyer to handle your adoption. It is true that you are responsible for ensuring that the lawyer is paid for his or her services. Some lawyers, however, are willing to work out a payment arrangement with foster parents. This is especially true if the foster parent will be entitled to reimbursement of nonrecurring adoption expenses. Your caseworker may be able to help you enter into an agreement with ACS that will allow ACS to pay your lawyer directly. If this is done, you will not have to pay your lawyer any money.

Your lawyer will have to submit documents to court that contain information the judge will need to finalize the adoption. These documents are often called the "**adoption packet**." The adoption packet contains information about the type of family that wants to adopt the foster child. The judge will require information about your home, how you live, who lives with you, and who spends time with the child. You should be prepared to answer questions and to cooperate with the agency caseworker or whoever else might be conducting the home study. Other people living in your home

should also be prepared to meet with the person conducting the home study and be screened by the **Statewide Central Register of Child Abuse and Maltreatment (SCR)**. Some judges also require information about anyone who spends a great deal of time in the home, such as someone who is in a significant relationship with the foster parent. In addition, information, as nearly as can be ascertained, concerning the birth parents must be provided to the court. This information includes the heritage of the parents, including nationality, ethnic background, and race; education; general physical appearance; occupation; health and medical history; and any other information that may be a factor influencing the child's future.

The following requirements apply to adoptions filed in New York State:

- ◆ If you live in New York State, you must file the adoption packet in either: the Family Court or Surrogate's Court in the county (or the borough) where you live; or the Family Court or Surrogate's Court in the county where the parental rights of your foster child's birth parents were terminated or where the surrender signed by the birth parents in court was approved.
- ◆ If you live in a state other than New York, you must file the adoption packet in either: the Family Court or Surrogate's Court where the agency has its main office; or the Family Court or Surrogate's Court in the county where the parental rights of your foster child's birth parents were terminated or where the surrender signed by the birth parents in court was approved.

Regardless of where you live, if you have decided to start the adoption finalization process early, you may file the adoption petition in the court where the case terminating the parental rights of your foster child's birth parents has begun or you may submit the adoption petition to the judge who has just finished terminating the parental rights of your foster child's birth parents or accepting the birth parents' surrender. (If you start the adoption process early and you plan to apply for an adoption

subsidy, you should apply for the subsidy as soon as possible.)

As the petitioner in the case, you should keep track of the progress of the adoption by contacting your lawyer and your caseworker. You can also call the court if you need additional information. If you call the court, ask to speak with the **adoption clerk** to find out the status of your case. To call the court yourself, you will need to know the name of the court where the adoption has been filed and the docket number. A **docket number** is a number that courts give to cases to show that the case has been officially filed with that court. Docket numbers for adoption cases filed in a New York State Family Court begin with the letter "A." When a foster parent is adopting more than one child, each child is assigned a docket number. You can use the form at the end of this guide to help you keep track of your adoption case.

After the judge has reviewed your case and has decided that you can adopt your foster child, a day will be scheduled for you and your foster child to go to court. To help your finalization go smoothly, you should arrive at court early. The judge will ask you questions and sign documents to make the adoption legal.

## Continuing Contact with the Birth Family

Continuing contact with the birth family should be allowed if it is in the child's best interests. If your agency believes that your child would benefit from continued contact with his or her birth family, you should consider allowing it.

It is important to realize that a termination of parental rights or a surrender by the birth parents does not necessarily terminate the rights of the child's other relatives. Nor does it mean that the child cannot ask to have contact with his or her relatives.



















































































