

How To Adopt A New York Waiting Child







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Key Contacts

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Foreword

Children of all ages 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 our 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.

We encourage you to read this brochure and learn about the process of adoption in New York State. We trust you will find it an informative and useful guide as you make this most important decision to parent a child.



Is Adoption the Option for You?

Adoption is a decision that can affect the entire family. Get together with your family to talk about adding a new member and what that would be like. Think about the personal resources you and your family can offer a child. Consider the community resources available to support your decision — relatives, friends, neighbors, places of worship, support groups, school, health providers, and neighborhood centers.

Most children available for adoption in New York State are in foster care. To learn about these children, talk to families who have adopted foster care children. A good source of information and support is a local adoptive or foster parent group. Additionally, staff at New York State 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 for you and your family. You can receive information on parent groups and authorized adoption agencies in your area by contacting the New York State Adoption Service (NYSAS) Parent Connection at 1-800-345-KIDS (5437).

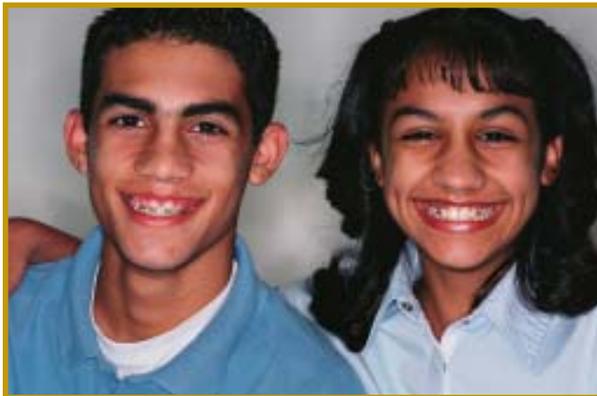


Who Are New York's Children Awaiting Adoption?

Many foster children are available for adoption and 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 a loving, permanent family.
- ◆ children waiting for adoptive families while in foster care.
- ◆ children who are ethnically diverse, and from backgrounds that include African-American, Caucasian, Hispanic, and others.
- ◆ 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.

You may apply to adopt a child if you are single or married, young or old, childless or a parent, a renter or a homeowner.

To adopt, you need to be

- ◆ 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.

To adopt, you do not need to

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

The Adoption Process

There are many required steps in the adoption process, and many of these steps can take several months.

Here are the basic steps to adopt a child in New York State. Each step is described in greater detail on the following pages. Staff at the agency will help you with these steps:

1. Attend an orientation session and choose an adoption agency.
2. Submit an application and medical history; complete a national and state criminal background check and also a check by the Statewide Central Register of Child Abuse and Maltreatment.
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 a caseworker to find the child waiting for you.
6. Visit with the child.
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 receive adoption maintenance, medical subsidies, and reimbursement of nonrecurring adoption expenses, if eligible.
9. Hire and work with your 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: Select an Adoption Agency

Adoption agencies can be public or voluntary authorized agencies. The *public* agency is the local department of social services (DSS) in the county where you live. It also includes the St. Regis Mohawk Tribe that has a Tribal Agreement with New York State. If you decide on a public agency, you will work with the adoption or home finding unit. *Voluntary authorized* adoption agencies generally have contracts with the local DSS to provide adoption services. They are known as “voluntary authorized agencies” because they are authorized by the New York State Office of Children and Family Services (OCFS) to be adoption agencies.

When foster children are in the legal guardianship of the local DSS commissioner, a fee will not be charged for adoption services. When foster children are in the legal guardianship of voluntary authorized agencies, fees may be based on the adoptive family’s income. Voluntary authorized agencies usually do not charge fees when families adopt children with special needs.

Selecting the agency is a very important step. Agencies have different ways of providing the same services. Attend agency informational meetings at more than one agency. Talk to different agencies and adoptive parents to learn how the agencies work with prospective adoptive parents. Find an agency that you feel comfortable with.

Lists of local departments of social services and New York State voluntary authorized adoption agencies are available on the State Adoption Services website www.ocfs.state.ny.us/adopt. For adoption in New York City, contact the Administration for Children’s Services (ACS) Office of Parent Recruitment and Expedited Permanency at 212-676-WISH (9474).

STEP TWO: Submit an Application

After choosing an agency, you will be asked to submit an application for approval as an adoptive parent. This application, provided by the agency, includes information on your background, family makeup, and 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 able to meet the children's needs. The agency will help you with the application.

Information from background checks will be reviewed to help agencies place children in safe settings. An FBI and New York State criminal history record check (and fingerprinting) will be required for you and any other person over the age of 18 currently living in your home. Also, the Statewide Central Register of Child Abuse and Maltreatment (SCR) will determine whether you or any person over the age of 18 who lives in your home has had an indicated report of child abuse or maltreatment. An assessment of the criminal history and SCR clearance is done to determine safety and if the adoptive placement is in the best interests of the child.



STEP THREE:

Complete a Home Study

The home study is a required step in the adoption process. It includes visits to your home, interviews, medical history and 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, and will help you decide whether you are ready to adopt. The home study also helps the agency make an appropriate placement, and is done in the best interests of both the family and the child. While most families do decide to complete the home study, some families temporarily withdraw their application and take time to consider whether they are ready to adopt.

If you are applying to adopt a foster child 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 similar to those for certifying or approving a foster parent. Therefore, for foster parents who are adopting, the adoption home study focuses on areas that need updating to provide the most current information on the family and their relationship 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 placement process. Prospective adoptive families are provided the opportunity to review and discuss the written summary and add their own comments.

STEP FOUR: Attend Agency-Sponsored Training

Each adoption agency must provide parent training to prospective adoptive parents. 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 Caseworker to Find the Appropriate 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 as a team to decide what placement would promote the best interests of the child.

The Adoption Album — Our Children, Our Families is a website that contains adoption information and photolistings of New York State children waiting for adoption. The website address is www.ocfs.state.ny.us/adopt. A printed copy of *The Adoption Album* is available at New York State authorized adoption agencies, many libraries, and other locations across the state and country. Each page has a photograph and brief description of a child needing a family. *The Adoption Album* is updated regularly. As new children become available, they are added to *The Adoption Album*.

Caseworkers at public and voluntary authorized agencies can look for adoptive families through the Family Adoption Registry, which is part of *The Adoption Album* database. The Family Adoption Registry gives prospective adoptive parents an opportunity to register their interest in adopting 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.

If you inquire about a certain child, and your family is considered 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 give adoptive parents the health history of the child and the child's birth parents, to the extent available, so long as the information does not identify the birth parents. The health history includes medical and psychological information that may impact the child's current and future physical or mental health.

Your family's summary (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.

Agencies often choose a family from a large pool of prospective adoptive families. The New York State *Adoption Album* is available nationwide. We encourage you 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. If you consider several children, you will be more likely to adopt a child. 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 a d o p t i v e parent(s) or the child. Placement of a child also may not be delayed or denied

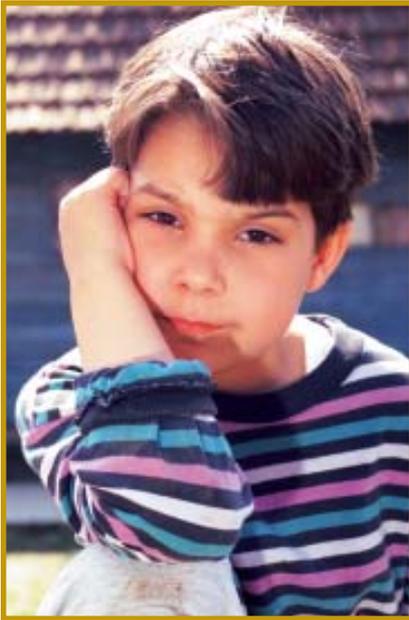


because the adoptive parent lives in a county or state other than the one with custody or guardianship of the child.

STEP SIX: Visits With Child(ren)

You and the child(ren) can begin visiting 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.



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 very important. It allows the agency to help the family and child become comfortable together, and 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 knowledgeable about the family's ability to care for the child.

During this period of supervision, a caseworker will visit regularly to support and help the family. If all parties agree and the family is ready to move ahead, the agency will consent to the family's petition to adopt. This is also a good time to discuss, with your agency, services and supports available to your family throughout the adoption process.



STEP EIGHT:

Adoption Subsidies and Nonrecurring Adoption Expenses

◆ What is an adoption subsidy?

An adoption subsidy is a monthly payment made to help with the care and support of a child who is considered handicapped or hard-to-place. When working 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. Your caseworker can provide more detailed information regarding adoption subsidy.

◆ 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 statute and regulations. Examples of hard-to-place criteria include: child’s age, sibling group status, and time in care.

◆ What is the definition of a “handicapped” child?

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

◆ When must an application for adoption subsidy be submitted?

To receive an adoption subsidy, you must apply *before the adoption is finalized*. If a child is eligible for a subsidy, you will need to sign the Adoption Subsidy Agreement and submit it with the necessary paperwork in time to receive final approval

before finalization. Be sure to ask the caseworker about the subsidy application soon after you decide to adopt and before the adoption is finalized. (*Note: See exception on page 15.*)

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

Payments are made monthly to the adoptive parent(s). Most payments start at the time the adoption is finalized. Subsidies may continue until the child reaches the age of 21, as long as the adoptive parent remains legally responsible for the child and continues to provide support for the child.

◆ **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 — payments equivalent to Medicaid for children who do not qualify for Medicaid. This benefit is very important for families adopting children with disabilities. 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, you should contact your caseworker to see what medical coverage will be available to your child in their new state of residence.

◆ **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. This means that there will be legal fees and court costs. Families adopting children with special needs may be eligible for reimbursement of these expenses. These expenses are called “nonrecurring adoption expenses.” They are one-time-only expenses related to the adoption of a child with special needs. Families must sign an agreement for payment of these costs *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.

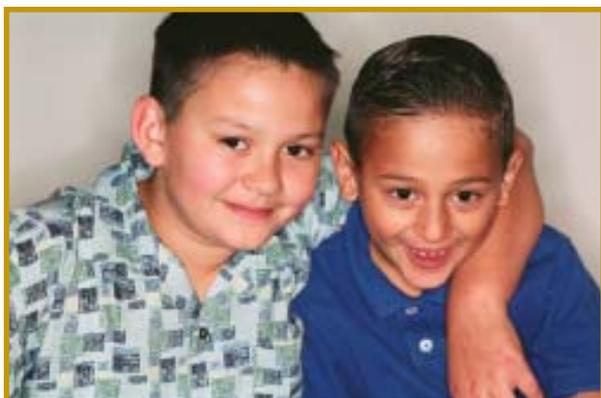
◆ **What is a post-finalization adoption subsidy?**

Some children do not qualify for a subsidy when they are adopted. If these children are diagnosed *after* finalization with a *pre-existing* condition that was not known to the parent at the time of finalization, a state-funded subsidy with New York State Medical may be approved, starting the date of district approval, and after diagnosis. Parents who adopt a child without a subsidy and feel the child has developed a qualifying condition are encouraged to ask about eligibility as soon as the condition is known.

◆ **What is a subsidy upgrade?**

Children finalized as hard-to-place or handicapped may be eligible for a subsidy upgrade after finalization. For example, many children may be diagnosed with a new condition, or the worsening of existing diagnosed medical or psychological conditions, as they get older. If a new diagnosis is made of a problem certified to be pre-existing but unknown to the parent(s) at the time of finalization, and if symptoms documented in the exam show a higher level of need than the current subsidy,

an upgrade request should be submitted to the county or agency responsible as soon as this is known.



STEP NINE:

Finalize!

Complete Adoption in Court

To finalize the adoption, you should hire a lawyer to petition the court and ask the judge to issue an order granting the adoption. The agency and your lawyer will help you. After reviewing all the required agency paperwork, the judge decides whether to grant the adoptive parents' petition to adopt. When the judge grants the petition, the adoption is finalized in court. The family now has 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 they are not receiving Medicaid.
- ◆ Change the child's name on all legal records.
- ◆ Contact the Social Security Administration office to get a new Social Security card.
- ◆ 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(s) to name legal guardian(s) for the child(ren) in case 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 approved for reimbursement of nonrecurring 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. There may be times when an adoptive family needs help from the agency after the adoption has been finalized. Many agencies provide post-adoption services to families to help in these transitions. Services may include family and individual counseling, social and support groups, or referral services.

To ask for support during this process is a sign of strength, not weakness. Most successful adoptions occur in families who seek support from the start.

Adoptive parent groups can be a valuable resource to help families 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 considering adoption to encourage exchange of ideas and offer support. This can be helpful through 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.

A good way to learn about age-appropriate responses to questions asked by adopted children is to join an adoptive parent group. For example, adopted children may ask about their birth families and why they were adopted. For more information, visit the New York State Adoption website at www.ocfs.state.ny.us/adopt.

Foster Parents as Adoptive Parents

Many foster parents eventually adopt their foster children. In fact, among all foster children who are adopted in New York State, most children are adopted by their foster parents. When a child has been in a foster home for twelve months or more, the foster parents must be given preference and first consideration as possible adoptive parents if the child is freed for adoption.

If you are interested in adoption, you may consider being certified or approved to parent a foster child who has a goal of adoption. However, there is no guarantee that foster parents can eventually adopt their foster children. If a foster child has a goal of returning to his or her birth family, foster parents must cooperate with visitation and activities to help make that possible. In other cases, children who are freed for adoption may be placed with relatives or may be moved to another adoptive home to be reunited with siblings.

Foster parents may choose to view *The Adoption Album* at www.ocfs.state.ny.us/adopt for adoption information and photolistings of children waiting for adoption.

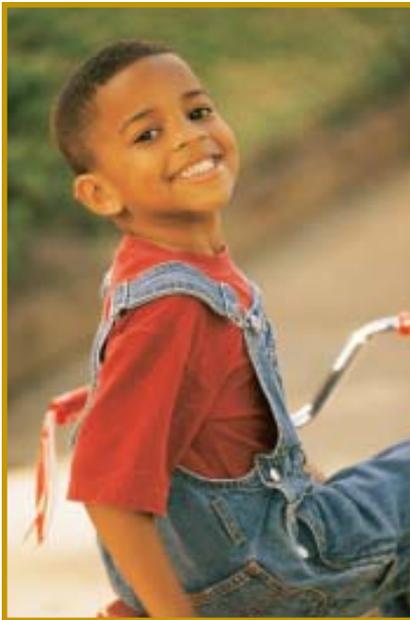
Maintaining Connections

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 will make final decisions regarding contact with the adopted child by the birth parents. An exception is where a conditional surrender approved by the court provides for post-adoption contact and/or communication.

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. Showing respect for the experiences children have shared with others before adoption helps adopted children integrate into their new family. 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. 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 contacting the Adoption and Medical Information Registry at 518-474-9600. Identifying information may be available to adult adoptees if they register to be matched with birth parents or siblings.



Additional Information

International Adoptions

Social services districts do not place children from other countries. Some voluntary authorized adoption agencies, approved by New York State, handle foreign adoptions. For a list of these agencies, visit the New York State Adoption website at www.ocfs.state.ny.us/adopt.

Interstate Adoptive Placements

If you are thinking about adopting a child from another state, you must comply with New York State adoption law. Also, your public 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, or 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, and so long as the information does not identify the birth parents. The medical history includes medical and psychological information that may impact the current or future physical or mental health of the child. After finalization of the adoption, the medical history is also available, upon request, to adoptive parents and to adult adoptees that are former foster children.

Laws, Regulations & Administrative Hearings

Various provisions of Federal Law, Domestic Relations Law, Social Services Law, and the regulations of the New York State Office of Children and Family Services (OCFS) govern adoption in New York State. A family whose application to adopt or application for an adoption subsidy has been delayed or denied by a local DSS or an authorized adoption agency may challenge the agency's decision at an administrative hearing. To contact NYS Office of Children and Family Services regarding a request for a Fair Hearing, please call (518) 474-6022.

The Next Step

- ◆ Take a look at *The Adoption Album — Our Children, Our Families* to learn about New York State children awaiting adoption. *The Adoption Album* is available at your local department of social services, voluntary authorized adoption agencies in your community, and most local libraries. It is also available on our website, www.ocfs.state.ny.us/adopt, along with adoption related information and links to other helpful websites.
- ◆ Ask for books, articles, and videos about adoption at your local library as well as visit adoption websites.
- ◆ Attend an adoption orientation or information meeting at your local department of social services or a voluntary authorized adoption agency in your community.
- ◆ Attend an adoptive parent group activity to meet people who know about adoption firsthand. For a list of these groups, call 1-800-345-KIDS (5437).
- ◆ Once you are ready to begin the adoption process, contact your local department of social services or a voluntary authorized adoption agency to fill out an application and begin the home study process.

You now know how adoption works for New York State's waiting children. You know the steps you will need to take if you decide to adopt a child. The need is urgent for permanent, loving homes for our waiting children. We hope you will consider becoming an adoptive parent.





New York State Office of Children & Family Services

Capital View Office Park
52 Washington Street
Rensselaer, NY 12144

Visit our website at:
www.ocfs.state.ny.us

For child care, foster care and adoption
information, call:

1-800-345-KIDS (5437)

To report child abuse and neglect, call:
1-800-342-3720

For information on the Abandoned
Infant Protection Act, call:

1-800-505-SAFE (7233)

New York State Adoption Service



1-800-345-KIDS (5437)

www.ocfs.state.ny.us/adopt

*...promoting the well-being and safety 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 large print or on audiotape upon request.

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