

FIRST STEPS THROUGH FINALIZATION



A GUIDE TO BUILDING FAMILIES THROUGH FOSTER/ADOPTION IN ALASKA

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First Steps Through Finalization was developed by the Alaska Center for Resource Families for the State of Alaska Office of Children's Services to guide families who are adopting through the foster care system.

Cathrine's Adoption Story

My mom picked us up from school and took us to the office and we waited in the court room. We stood and the judge didn't be seated. The person to his left asked me to stand up. So she asked me to put my right hand up for I did tell the truth and nothing but the truth. So I sat back down. Then the lawyer asked me if I had any questions. I answered yes. My question was When did the 10 days begin? I had ten days to decide if I wanted to be adopted or not.

10 days have gone by. I have decided YES I want to be adopted.

I CAN'T BELIEVE I WAS BRAVER
than my adopted mother

I want to be adopted because

- 1 I love my mom
- 2 she loves me
- 3 We are a great family together
- 4 God chose her to be my mother

How I feel about my decision

- 1 I feel excited
- 2 I feel confident
- 3 I feel ecstatic
- 4 I feel happy humble

First Steps Through Finalization

A Guide To Building Families Through Foster/Adoption in Alaska

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Introduction

The goal of the Alaska Center for Resource Families and the State of Alaska Office of Children’s Services is to equip, support and celebrate with you as you cross the finish line to finalization. The purpose of this guide is to provide you the information needed to understand, engage and complete the State adoptive process with confidence. Additional information on state adoptions can be found on the State of Alaska Office of Children’s Services website at <https://dfcs.alaska.gov/ocs/>.

Acknowledgements:

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Note: This guide was written with the most current information available for Alaska, however, state policies and practice are subject to change and the application and practice may vary from region to region. The Alaska State Statutes and Regulations are the final authority in defining OCS policy and practice.



1. Adoption Basics

The Commitment of Adoption

What is adoption? Adoption is a lifelong, legal and, more importantly, emotional commitment to a child. Through adoption, a child becomes a part of your life and family forever. As an adoptive parent, you have all the legal rights and responsibilities as if that child were born to you. Adoption is a permanent, irrevocable decision to unconditionally love a child. It is a decision that warrants time and very careful consideration and should not be based on guilt, pity or pressure from others. The decision to move toward finalization should be the result of a thoughtful, realistic evaluation of how adoption will impact your marriage, family, finances and your personal and professional goals. The commitment of adoption is based on the character and promise of the parents alone and cannot be contingent on the behavior of the child.

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The Language of Adoption

Sometimes it may seem like adoptive parents and adoption professionals are speaking different languages. *Termination, relinquishment, legal risk, legally free, and open...* it can be confusing and intimidating for families new to adoption. Learning the language of adoption will give pre-adoptive parents tools they need to interact with adoption professionals with confidence.

Open Adoption: An *open adoption* refers to an adoption where there is some level of contact or information exchanged between the adoptive family and the birth family. The level of contact can range from an informal arrangement between the adoptive and birth families to a clearly outlined legal agreement between the adoptive parents and the birth family. In some cases, the conditions of the birth parent relinquishment may be outlined in the legal agreement. Visitation with the children can be in person, telephonic, or coordinated through a post office box. Research overwhelmingly demonstrates that some level of contact with the birth family is beneficial for the child.

Termination of Parental Rights (TPR): A child *cannot* be legally free for adoption until parental rights have been terminated. *Termination of parental rights* or *TPR* is the legal severing of the parent-child relationship by a court. The decision to pursue termination of parental rights is based upon several factors, such as abandonment of the child, child abuse, severe neglect, unfitness of a parent, or other injuries to a child. The parent whose rights are sought to be terminated has certain due process rights, such as proper notice and a hearing. Once this process is complete, a child is considered to be *legally free* for adoption by another party. TPR is not required before a legal guardianship, cultural adoption, or Consent to Adopt can be finalized.

Legal Guardianship: A *legal guardianship* is a legally sanctioned supervisory relationship between an adult and a child until the child is 18 years old. Parental rights do not have to be terminated in a legal guardianship. A guardianship can be challenged by another party, dismissed or resigned by petitioning the court.

Cultural Adoption with State's Consent: A cultural *adoption* is the adoption of an ICWA eligible child through the Tribal court or council instead of the State of Alaska court. This type of adoption requires the consent of the birth parent, consent of the Tribe, and consent of the State. In cultural adoptions, parental rights end when the new birth certificate is issued.

Consent to Adopt: *Consent to Adopt* is an agreement signed by the birth parents giving permission for the adoption of their child. In many cases, the Consent for Adoption will identify the adoptive parents selected by the birth parent, but it is not required that adoptive parents are identified in the Consent for Adoption. For children in foster care, should a parent sign a Consent for Adoption, the parental rights of the birth parents are granted directly to the adoptive parents through a power of attorney; however, OCS will continue to have legal responsibility for the child until the adoption is finalized. In a relinquishment of parental rights, parental rights end no later than 10 days after the relinquishment is signed by the birth parent, and are held solely by the adoption agency until the adoption is finalized. In a Consent to Adopt, the birth parent's rights end when the adoption is finalized. If for some reason, the adoptive placement fails, in Consent to Adopt, the birth parents have to be notified regarding the status of the child.

Legally Free: A child whose parents' rights have been terminated or relinquished is considered to be *legally free*. For a legally free child, efforts are made to identify a family for the child and to prepare the child for his/her new family. Once parental rights have been terminated and a child is legally free, all visitation and contact privileges with birth parents may end. Continued contact between the birth parents and the child is determined based on the needs of the child. The birth parents *cannot* come back to reclaim the child.

Relinquishment: Birth parents who wish to retain some visitation or contact privileges may choose to *relinquish* or voluntarily give up their parental rights. Parents may also choose this option if they know the family who is adopting their child and are confident that the child will be well taken care of. No later than 10 days after signing the relinquishment, the birth parents' rights are legally terminated by the court.

Retained Privileges: These are privileges outlined in the relinquishment agreement that pertain to the visitation arrangement between the birth parents and the pre-adoptive parents. These privileges are usually conditional upon the best interest of the child and at the full discretion of the adoptive parents. It is important for the pre-adoptive parents to review a copy of the relinquishment and agree to any terms within it prior to finalization.

Subsidy Agreement: Adoption assistance or subsidy can be negotiated for all families adopting a child through state foster care. A subsidy agreement should always be negotiated prior to the finalization of an adoption, and may include monthly maintenance payments,

medical coverage, and other services such as therapy and respite care, as outlined in state and county policy.

Certificate of Degree of Indian Blood: A Certificate of Degree of Indian Blood or Certificate of Degree of Alaska Native Blood (both abbreviated CDIB) is an official U.S. document that certifies an individual possesses a specific degree of Native American blood of a federally recognized Indian tribe, band, nation, pueblo, village, or community. They are issued by the Bureau of Indian Affairs.

Adoption Decree: The Decree of Adoption is the document that a judge signs to finalize an adoption. It formally creates the parent-child relationship between the adoptive parents and the adopted child, as though the child were born as the biological child of its new parents.

Finding of Facts: The conclusions of a judge, jury, or administrative tribunal regarding the underlying facts of the case under consideration.

Due Process: The official and proper way of doing things in a legal case : the rule that a legal case must be done in a way that protects the rights of all the people involved.

The Major Players in State Adoptions

All state adoptions start with a Child in Need of Aid or CINA (pronounced *china*) who has been taken into the custody of the State of Alaska Office of Children’s Services and a family who wants to make that child their own. Once in custody, the child is assigned a caseworker, who is responsible for placement decisions and the overall care and well-being of the child. Families work

Get to know these people:

Caseworker

**Guardian Ad Litem
(GAL)**

Permanency Specialists

**Indian Child Welfare Act
Worker (ICWA)**

Adoption Attorney

closely with the caseworker to ensure all the child’s needs are being met as the permanency plan for that child is developed. The child is also assigned a Guardian ad Litem or GAL. The GAL is appointed to represent the child’s best interest in court. The Permanency Services Specialist or (PSS) works with the Office of Children’s Services to monitor and oversee the adoption of children from the foster care system and is the person who signs off on the home study, allowing the adoption to move forward. If the child you are adopting is American Indian or Alaskan Native, then a representative from that child’s Tribe or the Indian Child Welfare Worker (ICWA) will be also be involved. As you move closer to finalization, you will hire an adoption attorney who will complete the petition for adoption, coordinate the necessary documentation, and file your

paperwork with the court. It is advisable to wait to set a court date until all the necessary paperwork has been approved and received by your attorney.

The Difference between Foster Care and Adoption

The fundamental difference between foster care and adoption is permanency. *Foster care* by definition is temporary. A Child in Need of Aid is removed from their birth home and placed with a

foster family until they can be safely reunited with the birth parents or until a permanent placement can be found. *Adoption* is permanent. It is a lifelong, legal commitment to a child. Adoptive parents become the child's family forever. Many families begin as *foster* families (supporting reunification with birth family or relatives) but will transition into *pre-adoptive* families if the plan turns to permanency through adoption. Some families may only be interested in adoption and enter the picture when parental rights have been terminated and an adoptive family is being sought.

For foster-adoptive families, making the transition from foster care to adoption requires a mental shift and brings significant changes for everyone involved even when the child has been with the family a long time.

The Child Welfare Information Gateway identifies a few of changes families will face when making the foster to adoption transition.

- **Full legal responsibility for a child:** Legal responsibility is transferred from the agency to the adoptive parents following finalization of the adoption.
- **Full financial responsibility for the child:** Even if the family receives adoption assistance or a subsidy on behalf of the child, families are still responsible for financial obligations such as childcare and extracurricular activities. Families need to prepare for the change in income as some of the expenses previously covered by the state will now be directed to you.
- **Full decision-making responsibility:** While the child was in foster care, decision-making was shared with the agency and birth parent with some input from the foster parent. When the child is adopted, adoptive parents take on this full responsibility. The adoptive family has complete authority to manage their child's activities, choose service providers and access and disseminate information. Activities such as snow machining, horseback riding and jumping on the trampoline are at the sole discretion of the adoptive parents. Adoptive parents will also have the responsibility of managing all birth family relationships.
- **Attachment differences:** The family is no longer working with the agency to help the child reunify with his/her parents; rather, they are now working to incorporate the child as a permanent member of their own family. Expect the child to grieve the permanent loss of the birth parents and test the commitment of the adoptive parents.
- **Level of commitment:** Through adoption, you have committed to parent the child and love them unconditionally. Unlike foster care, the child cannot "blow out" of your home or be transitioned to a new placement when things get tough. For children who have had multiple placements, this will be an unfamiliar experience for them and they will test your commitment to see if you will truly keep them.

Adoption
BACKGROUND CHECK
Home Study
Orientation
Building Families Through Adoption
APPLICATION
Foster Care Licensing

2. First Steps in State Adoption

To adopt through the foster care system, families are encouraged to begin with **Orientation** (Resource Family or Heart Gallery) and go through the **Adoption Learning Path**. Families are expected to get **licensed**. Once a child has been placed in your home and the plan is for a minimum of three months and the plan is for adoption, the **adoption home study** is conducted. Each of these pieces is explained in detail below.



BASIC PIECES OF ADOPTING FROM FOSTER CARE

1. Orientation-Resource Family (foster-adoption, legally free)
2. Foster Care Licensure (Allows Placement) or Positive Home Study
3. Adoption Learning Path (AK Center for Resource Families)
 - Core Training for Resource Families
 - Building Families Through Adoption
 - Adopting Through OCS
 - Family Profile
4. Home Study



1. Orientation

Resource Family Orientation: This orientation provided by the Alaska Center for Resource Families and the Office of Children’s Services will provide foundational knowledge of the state system and equip you to understand the OCS foster care system and how to apply for foster care licensure. This training is also applicable to families interested in adoption, as it is critical to understand how adoption fits into the foster care process. This training is available on the web, by Zoom and by teleconference.

Below you will find the links to the page where you can find out more about the upcoming Resource Family Orientations.

TO FIND OUT MORE ABOUT UPCOMING ORIENTATIONS: <https://www.acrf.org/foster>

Heart Gallery Orientation: There is another option for orientation. This one is for families interested in a specific child on the Heart Gallery of Alaska or interested in adopting a legally free child. The Heart Gallery hosts an adoption orientation which also meets the requirement for the OCS orientation. A staff member with the Heart Gallery will provide information and assistance and walk a family through the process. Additional information can be found on the Heart Gallery website at www.heartgalleryak.com.

2. Foster Care Licensure

At orientation, you will receive the foster parent licensing application. You may or may not choose to become a licensed foster parent through this process. However, more options may be available to you as a licensed foster care provider than an “adoption only” placement. You will be able to care for children who are not yet legally free for adoption but who may have a permanency goal of adoption.

You may also hire your own home study writer and seek a positive home study. This will allow OCS to place a legally free child in your home without being licensed, but you will need to have another home study after the child is placed with you.

Application Link: <https://dfcs.alaska.gov/ocs/Documents/FosterCare/FosterCareApplication.pdf>

3. Adoption Learning Path (ALP)

This series of classes is recommended for families who want to adopt through foster care or through the Heart Gallery of Alaska. These classes will help you prepare for the unique challenges of caring for a youth in the foster care system. For more information and schedules of the classes, go to www.acrf.org.

a. Core Training for Resource Families

This is a required training for all families pursuing foster parent licensure through the State of Alaska. This training equips families with the knowledge and skills to navigate the foster care system and provides invaluable resources and tools to help families access services and engage in trauma-informed strategies to help children heal and thrive. This course is available throughout the state of Alaska.

b. Building Families Through Adoption (BFTA)

This class focuses on the lifelong issues of adoptive parenting. In this course, families learn and practice concrete skills that will help them understand and meet the challenges of their adoptive child.

c. Adopting Through OCS

This class explains the legalities and realities of adopting a child through the State system.

d. Developing an ALP Family Profile

Once a family has completed licensure and training, they have the option of completing a waiting family’s profile through the Heart Gallery of Alaska. This profile is then placed in the Waiting Families Library, a password protected webpage with the Heart Gallery of Alaska. This page showcases Adoption Learning Path (ALP) graduates to adoption workers statewide. It provides a snapshot of the family and the characteristics of the child they are interested in adopting.

4. The Adoption Home Study

All families adopting from foster care through the State of Alaska and across the U.S. are required to have a positive, approved home study. A home study is a comprehensive written assessment of your home by a trained home study writer. Biographical information, references, interviews with birth children, adoptive children and other family members, background checks, health and income statements are all part of the process. The home study writer will meet the prospective adoptive parent in their home, and talk to family members individually and collectively over two or three visits.



Following the interviews, the home study writer will complete a written report with recommendations for placement and possibly additional training. Once the writer has completed the first draft, the family will have an opportunity to review it to correct any errors. Everything written in the home study should be discussed with the pre-adoptive parents in order to address any errors. The report is then submitted to the OCS Permanency Planning Specialist for approval. The home study writers have up to 90 days to complete the study for OCS.

Generally, pre-adoptive families will be asked to provide the following information: *personal and family history including siblings, major life events and responses to them, personal, marriage and family relationships, motivations to adopt, expectations, resolution of grief and loss issues, (i.e. infertility), parenting philosophy, family environment, health history, education, employment and ability to provide for the child, references, background checks and recommendations.*

The home study is not just a way of investigating prospective parents. It is a tool to educate and inform parents of the possible challenges adoptive children and families face. The information in a home study helps social workers and adoption professionals find the right family for a waiting child.

Getting a Home Study

A home study can also be requested on behalf of a child currently placed with a foster family when the permanency plan is moving towards adoption. Through the Permanent Families grant, the State of Alaska can make a referral for a home study at no cost to the pre-adoptive family. A referral must be for placement of an *identified child*. The caseworker can make a referral for a home study prior to termination of parental rights if it looks like the case may move towards adoption.

Another option for families is to pay for a private home study. The Alaska Center for Resource Families and the OCS Permanency Planning Specialists maintain a list of approved home study writers for families wanting to pursue this option. One of the benefits of a private home study is it can be used for private, public or international adoptions. The cost of a home study ranges from \$1200 to \$1700. The State of Alaska will reimburse up to \$2000 per child for adoption related expenses including home study fees, as well as legal fees and other adoption related expenses.

For more information about home studies, go to The National Adoption Clearinghouse for their publication "The Adoption Home Study Process" at http://www.childwelfare.gov/pubs/f_homstu.cfm

OTHER THINGS TO KNOW ABOUT ADOPTING FROM FOSTER CARE:

Adoption Time Line

One of most frequent questions asked by families pursuing adoption is “how long does it take?” The most frequent response you will hear is “it depends.” Adopting a *legally free* child can be completed in a relatively short time-- often 9 to 12 months -- depending on the fulfillment of requirement that a child be living with you at least 6 months before finalization and the completion of a positive home study.

For legal risk placements, the progression towards permanency is slower because it is contingent on a number of factors. If a child has been in foster care for 15 out of 22 consecutive months, OCS is required to file a petition to terminate parental rights *unless there are compelling reasons not to*. A child cannot be available for adoption until parental rights have been terminated or relinquished or the parents have made an adoption plan through Consent to Adopt.

For all families seeking to adopt from the state foster care system, licensed or unlicensed, the following criteria must be met:

1. The child must have been in your home for a total of six months before finalization.
2. A positive, approved home study must be completed. (OCS may make a referral for a home study after the youth has been in your home for a minimum of 3 months.)
3. Birth parents rights must be terminated before or at the time of finalization of adoption (except in the case of a legal guardianship or tribal adoption or Consent to Adopt).

Barrier Crimes and Adoption

The State of Alaska requires fingerprinting and criminal background checks prior to becoming a foster or adoptive parent. While criminal behavior does not automatically disqualify you, there are some barrier crimes that will prevent you from adopting. These include: *sexual assault, child endangerment, murder, substantiated child abuse or issues involving illegal substances or other felony crimes*. When assessing criminal history, the worker will consider the time frame, treatment received, whether or not the issue has been successfully resolved and the current level of functioning.

3. Paths to Adoption through OCS

Legal Risk Placements

A legal risk placement is sometimes

referred to *foster-adoption*. In foster-adoption, a Child in Need of Aid is placed with a foster family who is willing to adopt the child *if* the child is unable to return to his birth parents or another suitable relative. In these situations, parental rights have not been terminated and OCS is still looking for suitable relatives for placement. Therein lays the risk for families: There is *no* guarantee that the child placed in the home will become available for adoption and if they do, that they will be adopted by the foster family. Foster-adoptive parents who may want to adopt the child may be asked to support reunification efforts with the birth parent or to help transition the child to a relative placement for adoption. At the same time, they will be preparing to adopt the child if both these options fail.

Key Points in Legal Risk Placement:

- Parental rights have not been terminated.
- The child may return to the birth family or suitable relative.
- If the plan turns to adoption, foster family can be considered as potential adoptive family(though relatives must be notified and considered.)

“Easier for the Adults is Not Always Better for the Child.”

Families who choose foster-adoption have to remember the *first* plan is always for reunification with birth parents, and the *second* is placement with a relative. In the event reunification is not possible, the first permanency placement preference for all children is with a relative or with a family friend who meets licensing requirements. Foster parents could be considered next for the potentially permanent placement at this point unless the child is Alaska Native or American Indian. For Alaska Native and American Indian children, the second preference is with a Tribal family. The third placement preference is adoption by another Alaska Native or American Indian family.

The plan for permanency is not pursued in a sequential manner, but concurrently with reunification. Alternative permanency goal planning allows the caseworker to work with the birth families towards reunification while at the same time, developing alternative plans (i.e. relative placement, adoption or guardianship) if reunification efforts fail. Alternative permanency plans are developed to shorten the time a child spends in foster care as research clearly demonstrates that multiple moves are extremely harmful to a child’s attachment and mental health.

Foster-adoption can be a difficult, emotional process for parents as they are asked to face their greatest fear, attaching to a child who may be reunified with the birth parent or placed with a relative for adoption. Families considering legal risk placement must weigh the emotional costs to their family against the best interest of the child.

Successful resource families are able to find and maintain the balance between preparing for the possibility of adoption while supporting reunification efforts with the birth parents. While the emotional cost of foster-adoption can be high, the ability to make a meaningful difference in a

child's life motivates many families to persevere. As the process unfolds, families need to hold children with an open hand, knowing that regardless of the outcome, the love, time and investment they have poured into the child's life will not be wasted. The memories and experiences of time spent with your family are gifts that the child will carry with them forever.

Benefits of Legal Risk Placement (Foster- Adoption)

Despite the risks and emotional ambiguity, many families choose to pursue and are successful in adopting through legal risk placements. Over half of the children adopted from foster care were adopted by their foster parents.

Though legal risk adoption is more complex and emotionally charged than other avenues to adoption, it is not without its benefits. Consider the following:

- Children are not the sum of their behaviors, circumstances and diagnoses. While assessments and case history provide helpful insights, they are no substitute for the experience and understanding that comes from living with a child 24/7. Foster parents have had time to build a relationship with the child that allows them to understand and respond to their needs in a positive manner.
- Foster-adoptive parents also have fewer fantasies and fears about the child's birth family. Many parents have met and worked with the birth parents as part of the concurrent planning process. Foster families are better prepared and more comfortable with open adoption due to their experiences with the birth family
- In Alaska, if a foster family decides to adopt a child already placed in their home, OCS will make a referral for a home study and the cost will be covered by the state.
- For children, foster-adoption means one less move they have to endure. Transitioning to a new home and family is very traumatic for a child as once again they have to leave behind everything familiar and start over. It is not easy to adjust to new parents, schools, pets, siblings, activities, surroundings, teachers and expectations all at once, more than once. Staying with the same family nurtures attachment, trust and limits the losses the child will experience. The foster parent, having participated in the concurrent planning process, will be better able to help the child connect to his history and important people in their past.
- Foster parent adoption also benefits the birth parents as it alleviates their fear of not knowing who is caring for their children. Lengthy termination trials may be avoided as birth parents may choose to voluntarily surrender their parental rights or *relinquish* their children, allowing the foster parents to adopt them.

Retained Privileges and Relinquishment

When the plan is for adoption by the foster parents, birth parents may choose to relinquish their parental rights to the pre-adoptive family. As stated earlier, parents will often choose this option to avoid a termination trial or if they have gotten to know the adoptive family and trust them to raise their child. Also, by choosing to relinquish, they can negotiate for *retained privileges* regarding contact and future visitation. This is not an option if the case goes to termination.

Retained privileges are stated in the relinquishment agreement and define future contact between the child and the birth family and the conditions under which visits will occur. Contact can range from maintaining a post office box for exchanging letters to a specific number of face to face visits per year. The agreement can specify whether visits will be supervised or unsupervised and can outline the conditions under which visits will be denied.

Retained privileges regarding visitation issues should be worded in a manner giving adoptive families total discretion to do what is in the best interest of the child. Words to look for in the agreement are “*visitation will be at the discretion of the adoptive parents*” and “*in the best interest of the child.*” This will give the adoptive parents the freedom to end contact if it is no longer healthy or productive for the child, i.e. if the birth parents show up for a visit intoxicated or the visits result in an escalation of behaviors that threaten the child’s stability.



Maintaining birth family connections can be a frightening prospect for some adoptive parents. While experts agree that keeping a child connected to their history and birth family in some manner is beneficial, no one expects an adoptive family to maintain contact with a dangerous or severely disturbed birth parent. Connections with birth family are not limited to birth parents. Contact with extended birth family members can also be considered. Adoptive families need to think about their specific situation and the level of involvement they think would be manageable and reasonable for their family and the child. The goal is for healthy, safe contact between the child, birth family and adoptive parents.

Adoptive families have the right to be involved in the negotiation of retained privileges as they are the ones who have to follow through with it. Take time, review the agreement and seek counsel if needed. Think about it carefully and consider the implications. The relinquishment agreement is a legal document and the privileges in the agreement will be written into the adoption decree. If the adoptive parents do not agree with a retained privileged, they can bring their concerns to the judge and can request that they be modified or taken out of the agreement.

Once the agreement is finalized, adoptive families are expected to comply with the retained privileges of the birth parents. Birth parents have legal recourse and will receive a court appointed attorney to help them if they feel their retained privileges have been *unjustly* withheld and the adoptive parent will be required to explain to the judge their reason for noncompliance. Adoptive parents are responsible for their own legal fees in this process. For this reason, it is very important that adoptive parents agree with the retained privileges in the relinquishment agreement because they are the ones that have to live with and abide by the agreement.

Legally Free Adoptive Placements

A child whose birth parents' rights have been relinquished or terminated is considered to be *legally free* and available for adoption. There is no risk of reunification with the birth parents. If an identified pre-adoptive family or relatives are not identified, OCS may actively recruit a family for this child or children.

Per policy, families possessing a positive home study are not required to be licensed and trained prior to pursuing a legally free child; however, it is highly recommended that families complete the licensing process. Though this requirement may vary across Alaska, at minimum, a positive home study must be completed in order for any child in State's custody to be placed with a family who is not licensed or not a relative.

The home study will be reviewed and approved by the OCS Permanency Planning Specialist prior to the placement of the identified child. In Alaska, adoption expenses are reimbursable up to \$2000 by the State following finalization of the adoption. Adoption expenses might include costs for a home study or for an adoption lawyer.

Before an adoption can be finalized, the child has to have been living in your home for at least 6 months.

Legally free children who do not have an identified adoptive family are referred to as "waiting children." These are the children most frequently seen on adoption websites or state adoption exchanges. These websites provide pictures and profiles of children and are dedicated to connecting waiting children with loving parents. Each website provides information to direct interest families through the application process. Most adoption exchanges require a completed home study in order to begin the process.

All families who make an inquiry of the Heart Gallery of Alaska will be required to complete foster care licensure and the Adoption Learning Path. (See Page 9.) These families will receive additional support from the Heart Gallery staff and once they have been matched with a child, a home study referral will be made and paid for by the State of Alaska.

Learn More about Waiting Children:

Information, pictures and profiles of waiting children can be found on the following websites:

- Heart Gallery Alaska : www.heartgalleryak.com
- AdoptUSKids: www.adoptuskids.org
- Northwest Adoption Exchange: www.nwae.org
- Adopt America Network: www.adoptamericanetwork.org

Cultural Adoption with State's Consent

In cases involving children covered by the Indian Child Welfare Act, Alaskan families have the option of a Cultural Adoption with State's Consent. This means that the adoptive parents can choose to finalize the adoption in either the State court or through the Tribal court or council. In a Cultural Adoption with State's Consent, the State is affecting adoption without a Termination of Parental Rights proceeding or order and utilizing cultural methods for finalizing an adoption. In these cases, all parties to the case must agree with the plan for adoption. The child's parents will need to sign a stipulation that outlines their agreement to the adoption in the Tribal court or council.

Each Tribe can establish its own procedure for a cultural adoption, but when a Tribal court or council approves a cultural adoption, the Tribe will issue some kind of affirmation or Decree of Adoption and will prepare a statement affirming the adoption. Termination of parental rights is not required prior to finalization, but a new birth certificate is issued in the name of the adoptive parents and all legal rights are transferred to the adoptive parents. OCS must consent to all adoptions of children in their custody so these kinds of adoptions are called *Cultural Adoption with State's Consent*. Once the new birth certificate is received by OCS, the OCS case file is closed.

4. Placement Preferences

State of Alaska Placement Preference

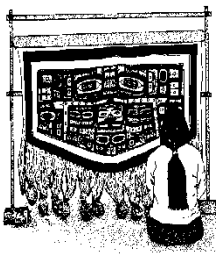
The best interest of the child is the driving force behind the policies and placement decisions of a child in custody. While this sounds simple, it is often easier said than done. There can be disagreement over what is in the child's best interest especially when a child has been with a foster family for many years. For foster-adoptive families, the task of wearing the hats of a foster and pre-adoptive parent is a difficult one as families must hold children with an open hand, willing to transition them to a suitable relative or ICWA preference home.

There are many factors considered in determining the best placement for a child in custody. The preferences for permanency placement of non-Indian or non-Native children, who are not reunifying with birth parents, are listed below.

1. Relatives
2. Family friend meeting licensing requirements
3. Licensed foster home

When a child is unable to return to the birth family, OCS will do a relative search in hopes of finding a healthy family member who is willing and able to take care of the child. When no relative is available, then OCS will look to the current foster family or begin the search for potential adoptive homes. Other factors considered are a family's willingness to accept sibling groups, maintain cultural connections and their ability to meet the special needs of a child.

Placement Preferences and the Indian Child Welfare Act



In seeking a permanent placement for a child, OCS must follow the state and federal laws regarding placement preferences. One of these Federal laws is the *Indian Child Welfare Act or ICWA*. The Indian Child Welfare Act was established in the late 1970's to address the disproportionate number of American Indian and Alaska Native children in protective custody. Connections to Native and Indian culture were being lost as children in need of aid were moved out of their village community and placed with non-Native families. ICWA establishes that Tribes have the right to intervene (or become a legal party to the case) when one of their tribal members or a child who is eligible for tribal membership becomes involved with the child protection system. When an American Indian or Alaska Native child enters protective custody, Child Protective Services (in Alaska , this means OCS) must notify the child's Tribe. OCS should be seeking relative and preference placements early to make sure children have stable placements throughout their time in custody.

Through this Act, two sets of placement preferences were established, one applying to foster care and one to adoption.

Placement Preference for Foster Care:

1. Member of the child's extended family
2. Foster home licensed, approved or specified by the Tribe
3. Indian foster home, licensed and approved by a non-Indian licensing authority
4. An institution for children approved by the Tribe

Placement Preferences for Adoption:

1. A member of the child's extended family
2. Other members of the Indian child's Tribe
3. Other Indian families

Licensed foster parents approved by the Tribe are second on the placement preference for foster care, but they are not identified as a placement preference for adoption. The adoption preferences are different than the foster care preferences. When the permanency plan turns from reunification to permanency through adoption, relative placements and tribes must be noticed again. Relatives can indicate at this time if they want to request placement for purposes for adoption and OCS must consider these requests. Tribes can also define who a relative is, so the definition of relative may be different in a particular tribe than in the State's definition of relative.

What does this mean if you are a non-relative, non-Native foster home interested in adopting a child who is American Indian or Alaska Native? This does not mean that non-Native parents cannot adopt a Native or Indian child. But to place a child outside of the ICWA preference, the team must have compelling reasons to show why it is in the child's best interest to do so. Tribal approval of a family for foster placement does not mean that a family will also be approved as a permanent placement. Tribes who may not be involved while the children are in foster care may choose to intervene when the plan turns to adoption. The Tribe has the right to intervene at any time when a tribal member is in care up until the adoption is finalized. Once the adoption is finalized, it is difficult for the placement to be challenged.

Potential adoptive families can show respect and honor to Tribes by communicating with them about the child's progress and pursuing ways to keep the child connected to their heritage and culture. Talk to your caseworker about the Tribe's involvement with your child and when the plan turns to adoption, make sure they have been contacted and aware of the permanency plan. Seek out opportunities to partner with the Tribe as they can be a strong advocate and resource to help you and your child.



5. Financial Issues In Adoption

Introduction to Adoption Subsidies

One of the most frequently asked questions by families considering adoption is “how much will this cost?” This question is closely followed by “how can we afford this?” Money issues are a common concern of pre-adoptive families and often perceived as an insurmountable obstacle that keeps families and waiting children apart.

Fortunately, there are many programs to help families with the initial and ongoing expenses of bringing a waiting child into their family. In this section, you will find information on subsidy programs, tax credits, employer benefit, and where you can go to find additional information on adoption assistance programs.

To help families with the economic realities of raising children from the Alaska foster care system, state and federal agencies have created adoption assistance programs to help with some of the expenses inherent in adoption and the care of special needs children. These adoption assistance programs help individuals and couples, who may not otherwise be able to adopt, make the long-term commitment and sacrifices necessary to parent and care for an emotionally traumatized or intensive needs child.

Adoption assistance or *subsidies* are state and federal programs that provide monthly support to help adoptive families incorporate a waiting child into their family. Adoption subsidies can include one, two or all three of the following benefits to the child: 1) a monthly monetary subsidy that is used to meet the special needs of the child; 2) continued medical assistance through Medicaid; and, 3) non-recurring adoption expenses which assist families with the expenses related to finalizing the adoption.

Subsidy benefits start the month in which the adoption subsidy is approved by the OCS State Office Adoptions Unit in Juneau and will continue until the child is 18 years old, as long as the child lives with the adoptive parents and they are supporting the child.

Understanding subsidies can be confusing and intimidating for many pre-adoptive families. While there are some general guidelines to help adoption workers determine the type and amount of subsidy, there are many grey areas as a “one size fits all” approach does not allow for individual needs and extraordinary circumstances to be considered. Talking through the grey areas allows adoption professionals and families to discuss the individual needs of the child and family and tailor the level of support to meet the identified needs.

Understanding Subsidies—Federal, State and Deferred

Adoption assistance subsidies may be available to families adopting children through State foster care. The purpose of the adoption subsidy is to assist the adoptive family with defraying the costs for care in meeting the child’s on-going special needs.

A potential adoptive family will work with a state adoption worker to negotiate the adoption subsidy. Subsidies can be funded either through federal government or through state government, depending on the child’s eligibility determination to receive a federal subsidy. If the child is not eligible for the federal subsidy, the state subsidy with Medicaid becomes the choice. There are benefits and limitations to both programs.

Federal Adoption Subsidies: The Federal Subsidy Program or *Title IV-E Adoption Assistance* provides financial assistance, medical coverage and support services to families adopting a *special needs* or *hard-to-place child*. A hard-to-place or special needs child is defined as a child who experiences at least one of the following needs or circumstances. (From **NACAC Adoption Subsidy Guide**)

1. Eight years old or older
2. Member of a sibling group of two or more children
3. Racial or ethnic factors (any child of color)
4. Physical or mental disability
5. Emotional disturbance
6. A recognized high risk of physical or mental disease
7. Any combination of the above factors or conditions

Considerations that affect eligibility include the following: SSI eligibility, birth parent income at the time of removal, birth parent history of OCS involvement, language in court orders, and the completion of time-sensitive documentation by the caseworker. The state Eligibility Technicians determine eligibility for this program based on the above listed criteria.

The Title IV-E Adoption Assistance Program is designed to help parents meet the needs of the child that may be affected by early trauma, neglect and prenatal exposure. This program can help meet expenses when caring for the child results in financial hardship for a family through lost income, insurance and career opportunities. This program considers the adoptive families “capacity to incorporate the child into their household in relation to their lifestyle, standard of living and future plans, as well as the overall capacity to meet the immediate and future needs (including educational) of the child.” (Federal Child Welfare Manual)

In negotiating for a federal subsidy, family and community resources will be evaluated and discussed in a cooperative effort to determine the level of support needed to incorporate the child into their family.

FOR POST-ADOPTION ISSUES:

About Medicaid:

**Contact the Alaska
Medicaid Coordinator at
907-465-2779.**

About Subsidies:

**Contact the OCS
Adoptions and
Guardianship Unit in
Juneau, 907-465-3191.**

State Adoption Subsidies: There are two types of state adoption subsidies: State Adoption Subsidy with Medicaid and State Adoption Subsidy without Medicaid. Children who do not qualify for the federal program may qualify for a state subsidy. Like the federal program, these payments help support adoptive families in meeting the intensive needs of the child. State subsidies are based on the child’s special needs, not the adoptive parents’ income. The main difference between the two programs is the source of the funding and whether or not Medicaid coverage is available to the child. In the vast majority of the state-funded adoptions, the children will receive Medicaid/Denali Kid Care coverage. State subsidies are based on legislative appropriations and come out of the state budget while the Federal Program is supported by the federal government.

Deferred Subsidies: Younger children who do not have any diagnosed special needs may not qualify for a monetary subsidy, however they are still eligible for a *deferred subsidy*, which provides no monetary reimbursement, but allows continuing Medicaid coverage. In the future, should the child develop special needs, a monetary subsidy can be requested by the family. The deferred subsidy covers families in situations where the special needs of the child are not diagnosed, but are anticipated in the future, as in the case of alcohol and drug exposed infants.

Because a child’s needs and the family’s ability to meet those needs change with time, it is recommended that a *zero subsidy* be put into place. A *zero* or *deferred subsidy* leaves the door open to receive future support. It is insurance for the future as it provides a safety net for the family. If the agreement is for **NO subsidy**, then the door is closed to any future support and re-negotiation is not an option. An easy way to remember is “**ZERO** Subsidy- Open Door; **NO** Subsidy- Money No More.”

Remember:

- Educational needs of the child will only be considered if all other avenues within the public school system have been exhausted.
- There is no subsidy funding for private, home schooling or therapeutic schools that are not covered by Denali KidCare/ Medicaid.
- Hardship circumstances will be considered on a case-by-case basis.

Subsidy Provisions

Denali KidCare/Medicaid

In the vast majority of cases, children in State’s custody have Medicaid which is included as part of the adoption subsidy agreement. Federal Title IV-E subsidies provide automatic Denali KidCare coverage to children in most of the states, however there are some exceptions. Families considering a move out-of-state need to contact the OCS state office for assistance in setting up Medicaid in their new state of residence.

In a state subsidy with Medicaid, Medicaid is guaranteed in Alaska, but will not automatically transfer to another state should the adoptive family move to a new state of residence. With state-funded adoption subsidies, each state has the option of covering children who receive Medicaid services in their state. Many states will offer Medicaid coverage to state-funded adoption subsidies, but it is not an automatic benefit as it is in the federal adoption subsidy program. Currently, 45 out of 50 states will provide Medicaid to recipients of state-funded subsidies. Contact the Office of Children’s Services for assistance in setting up Medicaid in your new state of residence.

In Alaska, Medicaid coverage will continue up to the child's 18th birthday. The adoptive child/family can apply for Denali KidCare which can provide coverage through age 19. For post adoption issues with Medicaid, contact the Alaska Medicaid Coordinator at 907-465-2779.

Child care

For dual income and single parent families, providing for child care can be a substantial hardship. Child care may be included in the overall subsidy negotiation and monthly subsidy payments; however, child care is generally time limited, and the subsidy payment will be reduced by the amount of the child care once the time limitation is met.

Negotiating Subsidies

The amount of the subsidy is determined through a series of meetings with the Office of Children's Services and the adoptive family. During this meeting, the expenses associated with caring for the child and the family's ability to meet those needs will be discussed. Expenses associated with child care/supervision, transportation, specialized equipment, and therapeutic activities can be presented at this time. Current supports and services will be evaluated. All subsidy negotiations will start at zero and increase based on how much support the family requires. The adoption worker partners with families to help them meet the special needs of the child without causing undo strain of the family's financial resources.

Augmented or Specialized Rates

These rates are based on the extraordinary needs of the child and the level of skill and intervention required raising the child. Meeting the needs of intensive needs children can place excessive strain on a family's resources and this option allows for additional support for the family in order to maintain the child in a home environment. These rates are available on a case-by case-basis and are determined through the use of behavior checklists and the documentation of special needs. These rates can be carried over into the subsidy negotiation and can be considered when determining the level of support for the family. Parents need to be aware that the final amount of the subsidy cannot exceed 90% of the amount the child would have received in foster care, not including the child care allowance.

Note: When referring to augmented or specialized rates, it does not include therapeutic rates provided by therapeutic foster care programs

The Subsidy Agreement

Once negotiations are complete, you will receive an agreement to sign. This agreement outlines the subsidy amount and any time or age restrictions, such as time limited day care. In Alaska, the agreement is sent to the Permanency Planning Specialist in your area, then to the Adoption Unit in Juneau for final approval. Once approved, you will receive signed copies for yourself and your attorney. Generally, the subsidy agreement is part of the adoption packet which will be filed by your attorney in court. However, this is not required in every jurisdiction and the practice will vary from attorney to attorney. When the agreement has been approved and signed, it is time to set a date for your adoption hearing. Subsidies *must* be completed (signed and approved) prior to the finalization of the adoption. Families who set a date prior to the completion of the paperwork risk losing the subsidy.

Post Adoption Questions:

For Alaskan families, post adoption questions or renegotiations are directed to the Adoption and Guardianship Unit, Office of the Office of Children's Services in Juneau. The number is 907-465-3191. Ask for the Subsidy Department. The procedure for post adoption subsidy renegotiations is outlined the subsidy agreement.

Key Points About Subsidies

1. Subsidies are designed to supplement, not replace an adoptive family's financial and emotional commitment to a child. Families are expected to be able to pay for the basic needs of the child.
2. Subsidies are negotiated through a series of meetings with the Office of Children's Services. Subsidies are based on the circumstances and special needs of the child, not the adoptive family's income.
3. Subsidies do not exceed 90% of the OCS foster care amount, including **state** specialized or augmented rates.
4. A subsidy agreement is a legal contract between the adoptive parents and the State of Alaska. Subsidy contracts must be signed and approved **prior** to the finalization of the adoption.
5. A zero-based subsidy plus Medicaid may be negotiated. This leaves the door open for negotiate for future subsidies if other medical conditions or need are discovered.
6. Subsidy amounts can be re-negotiated at the request of the adoptive family.
7. Subsidies end at age 18 or if the family is no longer caring for the child.
8. Subsidies may include Denali KidCare/Medicaid and child care provisions.
9. Program eligibility is decided by Medicaid eligibility technicians. Federal or state funding may be used in a subsidy depending on qualifications.

For more information on subsidy programs, go to:

Adoption Subsidies: Frequently Asked Questions: www.acrf.org

North American Council on Adoptable Children:
<http://nacac.org/adoptionssubsidy/adoptionssubsidy.html>

State Of Alaska Adoption Unit: dhss.alaska.gov/ocs/pages/adoption/aboutsubsidies.as

Federal Subsidy Information: www.fpsol.com/adoption/advocates.html

Dave Thomas Foundation: www.davethomasfoundation.org

Beyond Subsidies: Adoption Credits, Benefits and Reimbursements

There are other avenues of support available to adoptive families. Below is a brief summary of resources available to help parents incorporate a waiting child into their home.

Federal Adoption Expense Tax Credit

<https://nacac.org/help/adoption-tax-credit/>

Who Is Eligible for the Adoption Tax Credit?

You can claim the federal adoption tax credit if:

- **You adopted a child other than a stepchild.** You can claim the credit if you adopted from foster care, adopted internationally, adopted a relative's child, or adopted privately from US (except your spouse's child). If you were adopting from the US, you can also claim the credit for expenses for a failed or non-finalized adoption, although you need to wait until a year after you incur the expenses.

AND

- **At the time of adoption, the child was under 18** (*or* physically or mentally unable to take care of him or herself).

How Does My Income Affect My Benefit?

How much you will benefit from the credit depends on your income and federal income tax liability—which is the amount you are responsible for in federal income taxes. Those who have lower incomes may not be able to use the credit and those with moderate incomes often can't use the whole amount.

For those with higher incomes, the credit phases out. For 2021, those with adjusted gross incomes above \$263,410 could not claim the credit; those with incomes from \$223,410 to \$223,410 could claim a portion of the credit.

How Much Can I Claim?

Adoptions from Foster Care When the Children Receive Adoption Assistance

When a child adopted from US foster care receives adoption assistance (also known as *adoption subsidy*) it is considered a special needs adoption for the purposes of the adoption tax credit, even if the child does not have a disability. Children with disabilities who do not receive adoption assistance/adoption subsidy benefits are not considered special needs for purposes of the adoption tax credit. Some private domestic adoptions may also receive adoption assistance and therefore be considered special needs for the adoption tax credit.

If you completed a special needs adoption from foster care (as defined above), you can claim the federal adoption tax credit *even if you had no adoption expenses*. (This doesn't mean, though, that you will receive the full credit. How much you can actually receive still depends on your income as explained in the next section below.)

If you receive adoption assistance or adoption subsidy benefits for your child, you can claim the maximum credit (\$14,890 per child for adoptions finalized in 2022) as your expenses, even if you had little or no expenses.

Other Adoptions

For all other adoptions (except those where you adopt your spouse's child, which are not eligible for the credit), you must have qualified adoption expenses to claim the credit. These expenses are the costs associated with completing the legal adoption of a child, such as attorney's fees, court costs, agency fees, home study costs, travel to complete the adoption, etc.

Will I Benefit From the Adoption Tax Credit?

What you can *claim* is different from how much you will actually be able to *use*. ***How much of the adoption tax credit you will actually use depends on your income and personal tax situation.*** Whether an adoption is considered special needs does not affect how much you will be able to benefit from the adoption tax credit. It only enables you to claim the full amount of the credit even if you did not have any expenses.

The adoption tax credit is a nonrefundable credit, which means it only offsets your federal income tax liability. Your income tax liability is the amount you are responsible for in federal income taxes for the year.

If you have ever done your taxes manually, your federal income tax liability is roughly the amount you would look up in the tax tables in the back of the instructions. If you want to see what your tax liability was in 2021, you can look at line 18 of Form 1040. If the line is blank or zero, you had no federal income tax liability. People with no tax liability will not benefit from the adoption credit this year. You can still file for the credit so you can carry it forward to future years if your tax situation changes. (Please note that the amount on line 18 is not exactly the amount you would benefit because there are some credits that come before the adoption credit, in years 2018-2020 a portion of the child tax credit is one of those credits.)

If you can't use all of the credit in the year you claim it, you can carry the remainder forward for up to five more years to offset any of those years' federal tax liability.

Data shows:

- Families with adjusted gross incomes of less than \$30,000 are not likely to benefit from the adoption tax credit at all because they do not owe any federal taxes.
- Those making \$30,000 to \$50,000 will probably be able to use only a portion of the credit (maybe a few thousand), with the benefit spread out over six years.
- Those making more than \$100,000 can typically use most of the credit for one child in a year or two.

What is the Amount of the Adoption Tax Credit?

The adoption tax credit is a one-time credit and the amount you can claim depends on the year you finalized your child's adoption.

Year of Adoption	Maximum Amount of Credit per Child
2022	\$14,890
2021	\$14,440
2020	\$14,300
2019	\$14,080
2018	\$13,810
2017	\$13,570
2016	\$13,460
2015	\$13,400
2014	\$13,190

When You Claim the Adoption Tax Credit

For a special needs adoption (adoption of a child from U.S. foster care who receives adoption assistance benefits), you claim the adoption tax credit the year it is finalized. If you finalize in January 2022 you claim the 2022 adoption tax credit when you do your taxes for 2022 (typically early in 2023).

For other domestic adoptions, you can claim your qualified adoption expenses before the adoption is finalized, but you must wait a year after the expenses are incurred to claim the credit for a non-finalized adoption. If you started the adoption process of a US child in 2020 and had expenses that year, you must claim them when you filed your taxes for 2021 (in early 2022). If the adoption then finalized in 2022, you would claim your 2021 and 2022 expenses with your 2022 taxes. The total maximum you could receive would be the 2022 limit, which is \$14,489.

See the chart below:

If you had expenses...	Then take the credit...
Any year before the adoption becomes final	The year after the year of the payment
The year the adoption becomes final	The year the adoption becomes final
Any year after the year the adoption becomes final	The year of the payment

To learn more on how to access this credit, go to <https://nacac.org/help/adoption-tax-credit/>

Non-recurring Adoption Expense Reimbursement:

Families adopting from state systems may be eligible for reimbursement of adoption related expenses. These expenses may include attorney’s fees, court costs, adoption home study fees, costs of pre-placement visitations and travel, and other one-time expenses directly related to the adoption.

In Alaska, the state will reimburse up to \$2000 per child for adoption related expenses. These are one-time expenses related to the adoption and advanced approval is required. OCS can pay the family directly and it is the family’s responsibility to pay the service provider. Or the family can work with their adoption attorney for the attorney to bill OCS directly for his or her services. The non-recurring adoption expense reimbursement agreement is part of the adoption subsidy agreement. Federal policy requires it to be signed prior to the finalization of the adoption. This reimbursement is also available to families adopting a special needs child outside the state system. To learn more go to dhss.alaska.gov – “Adoption and Guardianship Subsidies”

Adoption Assistance for Active Military:

Active duty military personnel are reimbursed for one-time adoption expenses for children adopted domestically, internationally, from private or state agencies. To learn more, go to: <http://www.childwelfare.gov/pubs/militarybulletin.cfm>.

One-Time Expense Reimbursements:

Families can request assistance for one-time expenses such as: orthodontic work, emergency travel, etc. This assistance is in addition to the monthly subsidy amount. To access this reimbursement, families need to submit a written request and supporting documents to the Adoption and Guardianship Unit OCS State Office at 907-465-3191.

Alaska Permanent Fund Dividend (PFD):

While a child is in custody, the State applies for the Permanent Fund Dividend on behalf of the child. The PFD is held in an OCS trust fund. (PFDTA- Permanent Fund Dividend Trust Account.)

As of October 24, 2016, Alaska statute only allows for release of the PFD Trust Account in the following situations:

1. To the child when the child has reached 21 years of age; or,
2. Is no longer in custody and has reached 18 years of age; or,
3. Ordered to do so by the court in the best interest of the child.

If adoptive families feel it is in the best interest of the child to release their child's PFD trust account before the age of 18 years, they can request this be done as part of the adoption finalization hearing. This request can be included in the Adoption Decree or Finding of Facts and Conclusions of Law documents. Please consult with your attorney for the option that will best meet the child's needs.

A motion for release of the funds can be filed with the court by your attorney, your child's GAL or you may request the template from your caseworker if you would like OCS to facilitate this motion on your behalf. Upon receipt of a signed order authorizing the release of your child's PFD Trust Account funds, the release will be processed and mailed to the current mailing address on file for you.

If you have questions regarding the current disposition of your child's PFD Trust Account, please contact the OCS PFD Unit at 907-465-3448 or 907-465-3797.

After finalization of an adoption, the adoptive parents should apply for the yearly PFD on behalf of the child, just as they would for a birth child.

6. Full Disclosure in Adoption

Before You Adopt: Getting the Information You Need

A study by Richard P. Barth and Marianne Berry found that providing realistic information to the special needs adoptive parents was critically important and greatly impacted the success of the placement. Parents who were prepared and understood a child's previous sexual and or physical abuse were less likely to disrupt than parents who had no information. The families with the greatest potential for disruption received the least information or information they later perceived as overly positive or not realistic.

Knowing the child's history and the circumstances under which they came into custody is the best defense against future problems and the greatest asset to forming realistic expectations for the child. Some of the more problematic and perplexing behaviors often served a purpose for the child's survival. Knowing the child's history helps parents understand behavior in the context of the environment in which the child learned it, allowing for more effective interventions. Information regarding physical or sexual abuse, neglect, or a history of medical or psychiatric problems is critical to equip families to parent and safely incorporate the child into the family.

Adoption and Disclosure

Full disclosure is a critical factor in the success of any placement and starts the moment a child is placed in your home. The licensing or placement worker should provide basic information as to the circumstances precipitating the removal of the child from their birth home and give you relevant information regarding the health and care of that child. As you move through the pre-adoptive process, additional information will be available as you develop a working relationship with the social worker, therapist and medical providers.

Prior to finalization, adoptive families can access specific information regarding the child in their care. Once the adoption is finalized, state records are sealed for one hundred years and cannot be accessed without a court order. Below is a checklist of information families need to request prior to finalizing the adoption.

- ❑ **The Disclosure Meeting:** With the caseworker, you can obtain information from the child's OCS file such, diagnostic information, assessments, medical records or any other information pertaining to the health and well-being of the child. Be aware that some information regarding siblings or the birth parents is protected, but all relevant information impacting the care for the child should be disclosed. Your child's Guardian Ad Litem can be of great assistance in accessing this information. In many parts of Alaska, this meeting happens during the subsidy negotiations. It is essential you do this prior to the finalization of the adoption as the OCS files will be closed and sealed and the information will no longer be accessible to you or your child.

- ❑ **Client History Profile:** Your caseworker can access this profile which provides a comprehensive listing of all the medical, dental and psychiatric services that Medicaid has paid for since the birth of your child. This printout will list the dates of service, provider name, treatment and the treatment outcome.
- ❑ **Records Release:** Medical, dental, school, and mental health records and assessments can provide invaluable information regarding your child’s history and needs. To obtain this information ask your caseworker for a Release of Information (ROI) for agencies and professionals who have worked with or been involved with your child.
- ❑ **Criminal History:** Accessing the state sex offender registry and court records can be helpful in providing information that may be useful in determining healthy and safe contact with birth family members and establishing boundaries to govern contact between birth family and your family. Go to www.courtrecords.alaska.gov, click on Search Cases and follow the directions of the screen.
- ❑ **Legal Liability: AS 09.65.255. Liability for Acts of Minors:** This is not a disclosure issue; however, it is included as information pre- adoptive parents need to know as legal liability can be an obstacle preventing parents from adopting an older or special needs child. In Alaska, the law limits the liability of adoptive parents for the actions of their adopted child if the child meets the statutory definition of a “hard-to-place child” (as given in AS 25.23.240) and the family receives financial assistance from the state as the result of the adoption.

For complete information on disclosure in adoption, please refer to the **Adoption and Disclosure** publication through ACRF available at www.acrf.org on the Publications page.

Before You Finalize: A Check List

Success is in the details.

Adoption is an emotional, exciting time for families. With all the excitement and trepidation, it is easy to overlook some important details in the adoption process. Refer to this checklist as you move through the process to finalization to help ensure all the details are attended to.

When adopting through the foster care system in Alaska, the child must be in your family for six months before you can finalize the adoption for the child. This gives families adequate time to gather the information and resources to help you make the adoption process as smooth and stress-free as possible.

For most adoptive families, once the long-awaited finish line to finalization is in sight, they want to sprint across it, anxious to avoid any obstacles that threaten to delay the goal. Take some time and review this checklist to make sure you prepare adequately for finalization.

*Little things make
big things
happen!*
-Coach John Wooden

The Big Four: *Home Study, Disclosure, Attorney, and Subsidy*

- ❑ **Adoption Home Study**

When the plan turns to adoption and the child has been in your home for a minimum of three months, a home study referral will be made by your caseworker worker to the Permanent Family Grant Recipient (In many regions of the state, this is Alaska Adoption Services.) Once a referral is made, a home study writer should contact you within about two weeks. Once the home study writer has completed your study, you should have a chance to review a draft to make corrections and clarifications prior to it being sent to OCS for approval and signature. You should know and agree with what is written in the study prior to the finalization hearing.

❑ **Pre-finalization Adoption Disclosure Meeting**

As part of the subsidy meeting, families should expect to have a full disclosure meeting. In this meeting, parents need to receive comprehensive information regarding their child's history and needs. For a complete list of what can be requested, please review ACRF publication **Adoption and Disclosure** (available at acr.org under Publications.) In some regions, the disclosure meeting is a separate meeting from the subsidy negotiations. As the pre-adoptive parent, you have the right to any information that will help you understand and parent your child.

❑ **Hiring An Adoption Attorney**

Once parental rights have been terminated and the home study process is complete and the plan turns to adoption, families need to start thinking about hiring an adoption attorney. Families are responsible for finding an attorney. You can ask for recommendations from other families you know who have adopted or contact the Alaska Center for Resource Families (1-800-478-7307) for a list.

Hiring an experienced adoption competent attorney is your prevention against any issues emerging post adoption and can facilitate a smooth process to finalization. A good attorney will attend to many critical details of your adoption, and make sure all the *I*'s are dotted and *T*'s are crossed. Your attorney should have a good understanding of ICWA laws, should be familiar with the timelines and documentation requirements, and have a thorough understanding of the process of adopting from foster care in the State of Alaska.

Towards that goal, below are some questions to consider asking when hiring an attorney:

- What type of adoptions do you do, i.e. private, OCS, international?*
- How long have you done adoptions? What percentage of your practice involves adoptions?*
- How many adoptions have you completed for adoption from the State of Alaska foster care system?*

❑ **Subsidy Agreement Approved and Signed by State Office**

The subsidy is negotiated during the subsidy meeting, but it is not valid until it's signed by the OCS Adoption Staff in Juneau. Parents need to have a copy of the subsidy agreement signed by OCS Adoption Staff in State Office in Juneau **BEFORE** the finalization hearing. If the contract is not approved and signed, it may be kicked back to the family for renegotiation days or hours before the hearing. If the contract is not signed by OCS Adoption Staff in Juneau, prior to finalization, all subsidy support can be forfeited.

Paperwork Checklist

Pre-adoptive families need to be proactive in asking for the following documents. Request them from your caseworker, Guardian ad Litem, or attorney. Be gracious, but persistent.

☐ Certificate of Degree Indian Blood

This certificate can open the door to many opportunities for your child, including health care at Indian Health Services or the Alaska Native Medical Center and tribal benefits. Request a copy from your caseworker, the child's tribal representative or during the subsidy/disclosure meeting with OCS.

☐ Termination order

Request a copy of the termination order. This will have the necessary information regarding the dates and circumstances of when parental rights were terminated. This is especially relevant when termination and finalization are scheduled close together. Families need to ensure that the timeframe for appeals has passed before scheduling their finalization hearing.

☐ Relinquishment Agreement

If the birth parents relinquished to the State prior to your involvement with the child, there may be retained privileges for visitation that you or other team members are not aware of. All expectations and agreements for future visitation or rights of parents will be clearly outlined in this document.

Families can request this at the point they are asked if they are willing to adopt (which might be at the Team Decision Making Meeting.) If it is later in the process, ask your attorney for this agreement. You will be required to honor any retained privileges so is critical you or your attorney review the documents. In some cases, families have learned of retained privileges at the adoption hearing. Don't wait. Be proactive and request them early.

☐ Original Birth Certificate

Ask your caseworker for the original birth certificate or a copy. If you cannot get it from her, then request it during the subsidy/disclosure meeting. If you cannot obtain it from OCS, your attorney can request an original birth certificate from the Bureau of Vital Statistics (BVS) prior to the finalization of the adoption. Your attorney is the only non-parent party that can request birth certificates from the BVS. Additional attorney fees may be incurred that will be the responsibility of the pre-adoptive parent. Once the adoption is finalized, BVS will replace the original birth certificate with the new one.

7. Preparing Youth for Adoption

Answering the 5 Questions of Permanency

There are 5 questions children must answer as they prepare for permanency. These questions are part of Darla Henry's 3-5-7 model on preparing kids for permanency. The heart of this model is to see children as grieving, not as pathological. In allowing children to understand the events of their life and grieve their losses, they can come to a point of acceptance and healing.



(For information on **The 3-5-7 Model Of Preparing Kids for Permanency** go to http://www.drgregmanning.com/documents/Darla_Henry_3-5-7_model.pdf)

The questions are:

1. **Who am I?** This speaks to their birth family identity, history, cultural traditions and relationships. Information and pictures of the birth and extended family are very helpful in answering these questions and helping youth feel connected to their roots.
2. **What happened to me?** This speaks to the reasons a child was removed from their birth family and taken into foster care. This is often the most challenging for families as the reasons the child entered care can be emotionally charged at best. Contact ACRF as there are resources and support available to you for this critical step.
3. **Where am I going?** This speaks to helping the youth have a clear overall picture of his life, the history, events and people who have been a part of it and how each experience and person have impacted who he is and who he will become. Think of looking at a completed puzzle picture, than figuring out how each of the pieces plays a part in the completion of the big picture. If any of the youth's life story pieces are missing, his picture is incomplete and he will fill in the gaps with what he imagines to be true, whether it is or not.
4. **How will I get there?** This question speaks to who are the people in in the youth's life who will be consistently there for him, to guide him in this process of becoming who he wants to be. Who can he call on day or night?
5. **How will I know I belong?** Often our kids have experienced placement with multiple foster families and even some failed adoptions. This question speaks to the child's need to know they are safe, secure and they are home! This is not just verbal reassurance, but concrete activities to demonstrate claiming and that they are now a real part of your family.

In an ideal world, this process would begin for children at the moment of their removal from their birth family and would be clarified prior to each and every move through foster care. The encouraging news is that is never too late to answer these questions for a youth and help them grieve. While pre-adoptive families can't control what has happened prior to the youth coming into your home, you can start preparing the youth for adoption from the day they enter your family. If the caseworker has not been explaining to the child what is happening and helping them process their feelings, then parents can help facilitate that process by gathering information and guiding discussions between the youth and team members.

The truth spoken with love and gentleness creates an environment where the child can express their feelings about going back home or being adopted. Children will wrestle and struggle with this. The key is not to let them go through it alone. Be prepared to answer tough questions about mental illness, substance abuse and safety issues. Often, out of love for the child, parents will want to give in to the temptation of telling the child what they want to hear. Part of your responsibility is to help your child accept reality and gently guide them to acceptance of their situation. Consult with your child's therapist for additional help if needed.

Stories and movies are great tools to help children talk about foster care and adoption. Books allow your child to identify and express feelings and thoughts in a safe manner while reassuring them that they are not alone. Children can identify with the fictional character while maintaining a "safety zone" for their own feelings. Books such as *Maybe Days*, *Families Change*, and *Robbie Rabbit Trail through Foster Care and Adoption* are just a few of the resources available to help families prepare their children for adoption. Preparing a child for adoption is a process that takes time and repetition. It is not a one-time event.

Acknowledging and validating their loss helps children grieve effectively and keeps them moving forward. Physical activities, grief boxes, journaling, drawing pictures, creating adoption narratives, books, movies, lifebooks, and candle ceremonies are just a few strategies to help children grieve. One of the best things adoptive parents can do is *to listen*. Create an environment where the child is free to share memories of their birth family both good and bad. Give them permission to love their birth parents in tangible ways. Connect positive attributes of the child to their birth parents, i.e. artistic talent, beautiful features, grace etc.

Help the child identify and accept their feelings. One of the most powerful things you can say to a child is "you have every right to be angry." Help them decide what to do with the anger. Most children have only seen anger expressed violently and hurtfully. Show them it is safe to have and express big feelings without fear of rejection, discipline or retaliation. Adoptive parents need to get past surface behaviors and address the core issues of grief and loss. Once these issues are addressed, parents will find that with time the child will settle in and behavioral issues will decline.

A final thought for adoptive parents: preparing your child and family for adoption can present some unique challenges as you work to help the child connect where they come from with where they are going. Telling your child's story and acknowledging their losses through narratives, lifebooks or other books is helpful to ease the transition into your family.



Ideas to Help Adoptive Families Succeed

1. **Give the child time to process the adoption** by incorporating adoption into conversations as early as possible. Ideally, the child should be informed of the permanency plan from the beginning. Be open and honest with the information you have. Use books and movies to help them verbalize what they are feeling.
2. **Expect a range of emotions** from fear, anxiety and anger to joy and excitement from all members of your family. Acknowledge, accept provide outlets for their expression. Journaling, drawing, dancing, exercising, having extra wiggle time, humor, developing rituals to acknowledge grief and loss are just a few ways to help manage all those emotions.
3. **Tell your child's story** through an adoption narrative based on the history of your child. Other methods of helping your child understand their story is through puppet shows, a letter to be read during the adoption hearing, making an adoption video, or an adoption scrap book. Be creative.
4. **Start a new tradition.** Adoption day is a much anticipated and joyful event. Involve the whole family in planning a special adoption day tradition.
5. **Incorporate a “bridging”** person in the celebration or in the hearing. This person stands in the gap to help honor your child's past while helping them transition to their new family.
6. **Get the workbooks** *Going to Our Adoption Finalization* and/or *The Complete Lifebook Workbook* and complete them with your child. These resources are available through ACRF or you can go online at www.familystrategiespublishing.com.
7. **Read children's books** about adoption and/or rent movies with adoption themes. *Like Mike, Angels in the Outfield, Matilda, Superman, Lilo and Stitch* and *Meet the Robinsons* all have strong adoption themes.
8. **Help the child talk about their birth family** and reassure them that it is okay for them to love both you and their birth family. Explain that love expands their heart so there is room for everyone. You are not competing with the birth family for your child's affections.

8. Preparing for Finalization

Remember—The Whole Family is “Getting Adopted”

Adoption is a family event. It is a formal, legal declaration of the commitment the parents are making to a child. Through this process a new family is created. This can be an emotional time for both parents and other siblings. Fear, anxiety, joy, anticipation, doubts and exhaustion are all part of the package. Take care of yourself and take time to acknowledge the wide range of feelings you may be experiencing. As pre-adoptive parents some days you may feel optimistic and excited, other days, doubt creeps in and parents begin to question their competence and ability to cope. As the day gets closer, parents may find themselves nervous, anxious and wondering if they are doing the right thing. The children may begin to escalate behaviorally with the excitement and finality of the coming event. It is normal and to be expected. During this time, it is helpful to invest some time in a support group, or in the company of other adoptive families. It is important to be supported and cared for during this time.

Adoption Day!

Age of Consent

Children who are ten years old or older must consent to their adoption. *The Consent to Adoption by Minor Child* is a legal document that will be drawn up by your attorney. This document explains the change in relationship between the child, their birth family and their potential adoptive parents. The consent will also outline the stipulations for withdrawing consent. The child will have ten days from the day it is signed to change their mind and withdrawal their consent. If the child changes their mind after the ten days, a notice must be filed with the court and a hearing will be scheduled to determine whether or not the petition will be granted. This document should be read and explained to your child.

For some children, the ten-day period is a time of great power and control. Children may use this time to negotiate for additional privileges or to test your commitment by telling you they don't want to be adopted. Anticipate these feelings and prepare your response. Maintaining a matter-of-fact attitude and helping them express their thoughts while respecting the gravity of their decision often is enough to calm the child's fears and move them forward.

Adoption Statements

As part of the preparation for adoption, children can write a statement to read in court that expresses their desire and excitement to be adopted. Though younger children do not have to give consent, it is often very therapeutic and meaningful if they make a statement to the judge sharing their thoughts and feelings about their new family. The child's therapist can be helpful with this if needed.

Finalization

The greatly anticipated day has arrived! With all the emotions and excitement, it is easy to overlook that the administrative will not be official until the judge signs the adoption decree. During the hearing, the State should also dismiss the CINA case for the child which will end OCS's involvement with the child.

If you don't already have a copy of the termination order for the birth parents, request the *Findings of Facts* as documentation that the birth parents' rights were terminated. As you prepare for your hearing, ask your attorney to get you these documents.

The Hearing

During the adoption hearing, your attorney will ask you if you have the emotional and financial resources to care for the child you are adopting. Any retained privileges of the relinquishment agreement will be summarized and you will be asked to following through with them. Any concerns or changes can be addressed at this time. The hearing lasts about twenty minutes. Family and friends are welcome to attend. Remember to bring your camera to take pictures with the judge and your new family.

Documents to Request at the Finalization Hearing

- ❑ **Signed and Certified Adoption Decree and Findings of Facts:**
Request both of these documents as any specific provisions that are incorporated into the adoption decree but not listed will be detailed in the findings, such as who the parents are and that their rights are terminated. This is important as it offers protection for the child if a birth parent showed up at school and provided an original certificate, the child could be released to them. Parents need documentation that birth parents' rights were terminated.

- ❑ **Certified dismissal order for the CINA case:** The State of Alaska, Office of Children's Services must dismiss the CINA case. This is the case that brought the child into OCS custody. If the case is not dismissed through a signed order, the State will retain custody of the child.

Adoption Ceremonies

Adoption is a major life event deserving recognition. Think of how you feel when your birthday is forgotten or if your spouse forgets your anniversary. Creating a ceremony is a public acknowledgement of the new family created through adoption. It validates the experience and is a wonderful opportunity to claim your child as part of your family. It does not have to be expensive or elaborate. An adoption ceremony is a time to express your unconditional commitment and love to the child and publicly claim him or her as yours forever. Here are some ideas and considerations when planning your adoption ceremony.

1. Think about the age and needs of your child. Sometimes smaller and gentler is preferable as it protects against sensory overload.
2. Keep the focus on relationships, not possessions. You want the child to bond to you, not the “stuff.”
3. Present adoption in a way that will be meaningful for your child. Create a memory for them.
4. Use tangible symbols to communicate “we are a family.” T-shirts, engraved jewelry, pictures, and unity candles are wonderful expression of love and family.
5. Put together a lifebook or scrapbook helping the child to integrate his birth and adoptive story.
6. Start a new family tradition on your Adoption Day.
7. Write adoption vows, to be read and signed by the family. This is a concrete formal declaration of the forever, unconditional commitment you have made to this child. Frame it and hang it in a place of prominence in your home. These vows focus on the parent’s promise to the child. All the child has to do is believe that you will keep your promise.
8. Allow the child to bring treats to celebrate his or her adoption to his class or church group.
9. Send out adoption announcements.

More Information and ideas on making a successful foster to adoption transition go to: <https://www.childwelfare.gov/pubs/f-transition/>

9. Crossing the Finish Line

Taking Care of the Details

Celebrate your victory! It has been a long, emotionally exhausting and exhilarating process. You are now the legal parent of your child. Congratulations!

But your work is not done! Here is your checklist of details to take care of after the finalization hearing.

- New Birth Certificate:** Your attorney will file a report for adoption, which is how the new birth is generated. These reports are sent in monthly groupings for processing. For example, the reports from the adoptions completed in August will be sent out September 11th for processing which takes approximately two weeks. The new birth certificate will then be mailed to your attorney. If needed, you can request this process be expedited. Talk to your attorney. Once received, parents have ten days to review and correct the new birth certificate with the help of the attorney. After ten days, the family will be responsible for the changes and the associated fees.



On this new certificate the adoptee's new name appears, along with the names of his adoptive parents. All references to the adoptee's birth name, the name of the adoptee's birth parents and the fact of the adoption, are omitted. The original birth certificate is then placed in a confidential court file and is unavailable to the adoptee unless he or she is able to demonstrate "good cause". The original birth certificate of an adopted person as well as records of court proceedings, adoption agency reports and other matters surrounding a confidential adoption are closed and cannot be released. At 18, the adoptee can request a copy of the original birth certificate, but the rest of the file remains sealed.

- OCS:** Upon finalization, the OCS file is closed and they will not be involved again unless a child protective services report is received.
- Contact Professionals and Service Providers:** Inform your child's teacher, medical, dentist, therapists, daycare and any other provider of your child's new name and status.
- Subsidy:** Unlike foster care payments, the subsidy payment is paid forward. This means the subsidy payment for February will be sent out the last Friday in January.
- Contact Social Security Administration:** Once you have the new Birth Certificate, go to the Social Security office with the birth certificate and adoption decree

and start the process to change the child's name. Contact or go online to change the child's information as listed on their SSI card. Go to www.socialsecurity.gov, click on SSI online, then getting help with your situation and then on marriage, divorce and name change, and follow the instructions. The following information will have to be provided: the court order or adoption decree, one identity document in the child's old name, and one identity document in the child's new name. We recommend changing the child's SSI number as protect from identity fraud or future issues and confusion.

Important Note: If you have not changed the child's information with SSI make sure you use the child's birth name while filing your tax return. Your tax return will be rejected if the child's name and Social Security number do not match.

- ❑ **Bank Accounts:** Once you have the supporting documentation, such as the adoption decree or the new birth certificate, open a bank account for your child. Remember to put yourself as the primary on the account so as the child matures, they cannot withdraw large amounts of money without your consent.

- ❑ **Changing Your Will:** Once the adoption is final you may want to make provisions for your child's future, i.e. inheritance and appoint a guardian to care for the child in the event you cannot.

- ❑ **Medicaid:** Once the adoption decree is received in OCS Central Office, the Medicaid information will be automatically updated to reflect the child's new name. **Once you have the adoption decree**, contact the State Medicaid office to change the child's name and information. You need to have the Findings and Decree sent to OCS in Anchorage for them to do update the child's name.

State Medicaid Contact Information:

ATTN: Eligibility Technician II Health & Social Services
OCS-ADMINISTRATION
323 East 4th Avenue
Anchorage, Alaska 99501 ARO (907)269-3765

- ❑ **Avoiding Medicaid and Medications Delays:** If your child is medically fragile or requires daily medication or treatments, it is essential you proactively prepare to ensure there is no disruption in coverage. In anticipation of the adoption, ask medical providers for a 30-day script to allow yourself a window of time to make the changes with Medicaid. Contact your pharmacy and health care provider and show them the adoption decree and make the necessary changes in their prospective systems. The pharmacy can make the name change, but the information has to be changed in the Medicaid system for the prescription to be approved. Be proactive as to avoid disruptions or delays in prescription service.

- ❑ **Permanent Fund Dividend:** Once you have changed the information with the social security office, go to the Permanent Fund office and change the information in their system. If the child's name and social security number doesn't match they will not process your child's Permanent Fund Application.

- ❑ **Time Your Travel:** If you have plans to travel internationally with the child shortly after finalization, remember it will take a minimum of 1-3 months for the new birth certificate to arrive and it takes an additional 2-3 months to apply and receive a new passport. If there is an error in the birth certificate or you transpose a number on something it will go back and forth between the attorney and the court until the court approves it which will also be time consuming.

- ❑ **Get a State ID for the Child:** Once you have both the new SSI card and the birth certificate you can apply for a state ID for the child. It is recommended you do this for the child, especially if you travel a lot.

How Final is Finalization?

The child you adopted is now your child in every sense of the word. That includes the following rights and responsibilities.

Inheritance Rights: You have established a new blood line (*line of consanguinity*) for your child. This child is a part of your family same as the children who entered your family through birth.

Grandparents Rights: Your parents (the child's new grandparents) have automatic statutory visitation and custody rights, as well as inheritance rights in the event something happens to you and you are no longer able to parent the child. Adoptive grandparents have all the same rights that grandparents of birth children have.

Financial Responsibility: You are emotionally and financially responsible for the child whether or not you continue to receive support or services for them. The child is still your child when he turns 18 and the subsidy ends.

Can Adoptions Be Challenged?

One of the biggest fears of pre-adoptive families is that the birth family or someone else can come forth to “reclaim” the child and overturn the adoption. In reality, this is very rare and can only occur until certain circumstances, for a limited time.

1. **Termination of Parental Rights (TPR):** The birth family has 30 days from the time a judge signs the TPR order to appeal the decision. If finalization occurs within the 30 days, there is a chance they can overturn or stay the adoption. Finalization should not occur prior to the 30-day appeal process. Consult with your attorney to ensure that TPR and finalization do not occur within the 30-day window.
2. **Relinquishment of Parental Rights:** A birth parent has 10 days to withdraw a relinquishment agreement before the TPR is signed by the judge. Once the termination order is signed, they have 30 days to notice an appeal of the decision, however being that the parents voluntarily relinquished their rights, it is unlikely they would appeal the TPR order.
3. **Due Process Appeals:** If the birth family was not noticed properly or relinquished under duress they have one-year post adoption to file an appeal. However, the allegations would have to be substantial and the burden of proof rests with the birth family. While this is a rare occurrence, pre-adoptive families need to be aware this can happen.
4. **Indian Child Welfare Act Cases:** In ICWA cases, the Tribe has the same rights to appeal as the birth parents. For Alaska Native/Indian children, the Tribe has up to two years to make an appeal to overturn the adoption. The Tribe can appeal for reasons of failure to receive proper notice, failure to recognize the Indian custodian or active efforts were not documented. If the appeal is accepted, the TPR order may be overturned or it may get remanded back for another trial. If that is the case, the party appealing the case can request the adoption be set aside or undone until it is resolved. This is an unlikely scenario, but families need to be mindful of adoption time frames. This is also why it is important that OCS be accountable for following the Indian Child Welfare Act when working its case.

5. Consent to Adopt Appeal Process:

In ICWA Cases: With Consent to Adopt, parental rights are not terminated until the finalization hearing. While the standard safety period for appeals is 30 days, birth parents can have up to a year after adoption to appeal with the tribes having two years to appeal the adoption.

In Non-ICWA Cases: Consent to Adopt can be revoked up to 10 days from the time it was given. However, the parents have 30 days to appeal the termination order. After this period, the birth family would have to prove revocation would be in the child’s best interest at a court hearing. While not likely successful, it could delay your adoption. One year post TPR, and the window for appeal on any grounds is permanently closed.

Post Adoption Support Services

With the adoption, the OCS case is closed. You no longer have a caseworker and State involvement with your family ends. It is all you! You are a normal family. Like any family, you will have struggles and questions at some point along the way. The Alaska Center for Resource Families Post Adoption and Guardianship Support Services offers a wide variety of post adoption support services to help you get through the rough spots, to listen and to provide referrals if needed. You can find local support groups and training opportunities on our website or in our newsletter. ACRF has offices in Anchorage, Fairbanks and the Mat-Su valley.



In Anchorage, call 907- 279-1799. Toll Free: 1-866-478-7307

840 K Street, STE 101, Anchorage, Alaska 99501

acrpsc@nwresource.org

In Fairbanks, call 907-479-7307. Toll Free: 1-800-478-7307

815 Second Avenue, STE 202, Fairbanks, Alaska 99701

acrpsc@nwresource.org

In Mat Su, call 907-376-4678.

MAILING: P.O. Box 876844. Wasilla, Alaska 99687

PHYSICAL: 5050 Dunbar Avenue, A-2, Wasilla, Alaska 99687

acrpsc@nwresource.org

Email us at: adoptionssupport@nwresource.org

I will
be my
mom's
SON



Judge Hitchcock
yes or no

Alam Glean,
Judge

bring it back

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NorthAmericanCouncilonAdoptableChildren:
[Http://www.nacac.org/adoptionsubsidy/factsheets.html](http://www.nacac.org/adoptionsubsidy/factsheets.html)