

# Adoption and Foster Care

By Harvey Schweitzer, JD

Have you ever thought about adopting from foster care? There are more than 500,000 children in foster care in the United States. They range in age from infants to age 21. Many of them will never return home. Unless adopted, they will grow up in foster care. Adopting a child who is in foster care is one way to build a family. Adopting from foster care is very different from other kinds of adoption and has its own unique characteristics. Being a foster parent and adopting “from foster care” are related but distinct. There are some people who only want to foster children and there are those who want to adopt a foster child. Both require approval as a foster home, which means undergoing a home study.

What kinds of children are in foster care? Most of the children are toddlers and older, including teenagers. There will be sibling groups and children of all racial and ethnic mixtures.

In almost all instances when children first enter foster care there will be attempts to reunite children with their families or find them a home with relatives. There are laws, such as the federal *Adoption and Safe Families Act* that will require attempting reunification before the child can be considered for adoption. Foster parents are expected to assist in the reunification efforts. Foster parents are also directly involved in the foster care process itself and attend court hearings and other events that affect the foster child.

Children in foster care may have “special needs.” These special needs in the children may be physical, emotional and mental conditions. In order to encourage adoptions of foster children the federal government has created a “subsidy” for adoptions. These subsidies are a bundle of benefits for the child. The bundle is negotiated as a contract and can include a monthly payment, medical assistance and other benefits. Some states have programs that add to or replace federal programs. There may be sources of help such as special education. The responsible agency should explain to you in detail the child’s subsidy eligibility, the application and approval process and challenging the result if you disagree with the agency’s decision.

People who adopt foster children may be eligible for an “adoption tax credit” as well. This is a “tax credit” for certain expenses paid to adopt an eligible child. The credit is an amount subtracted from the adopter’s taxes.

Those who are interested in adopting a foster child usually start by getting information from the local foster care agency where they live. In some localities the task of recruiting and approving adoptive homes has been contracted to private agencies. However, you are not limited to adopting a child from your local county agency but can apply to just about any foster care agency. There are websites that provide information

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about foster children available for adoption. There are usually no application fees and the home study and foster parent training is also free.

There are two ways to adopt from foster care. Sometimes children are placed with you for the purpose of being adopted. Children are also placed into a foster home and over time adoption becomes the goal. There are federal laws that affect how quickly a child can or must be ready for adoption. During this time, children remain in foster care or go to live with a relative.

Critical issues some people face when adopting from foster care include the status of parental rights, whether the agency agrees with your desire to adopt and whether there are other families that want to adopt the foster child. If the biological parents are living, the parental rights are either intact or terminated. The parental rights can be terminated because the parent surrendered these rights or as a result of court action. If parental rights are intact, it must be determined when and how these parental rights will be addressed. Please make sure you understand if the agency has plans to return the child home or supports adoption by another family. The reality of foster care is the ever present possibility that the child will be removed from the foster home or that the agency will oppose the adoption.

For better or worse, the foster child’s future is decided by judges, lawyers, agency officials and social workers. Your ability to control the pace of or the eventual outcome is limited. Being a foster parent can be frustrating and also the best thing you ever did for a child to find a “forever home.”

An especially good resource for those interested in adopting a foster child is the North American Council on Adoptable Children (NACAC). [www.nacac.org](http://www.nacac.org). ♦



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