

## Frequently Asked Questions About Adoption from Foster Care

### **Is there an age requirement for adoptive parents?**

You must be at least 18 years old to adopt a child from foster care. There is no upper age limit when adopting a child from foster care.

### **Can a single person adopt?**

Yes, single parent adoptions are on the rise, and single people have an equal right to adopt. Single parents can find information and support through the Single Parents for Adoption of Children Everywhere (SPACE) chapter of the Adoption Community of New England (ACONE). The SPACE Chapter has monthly meetings for support and social interaction. They also hold a national conference every other year with a wide variety of workshops pertaining to single parent adoption. For further information visit [www.geocities.com/odsspace/](http://www.geocities.com/odsspace/) or call ACONe at 1-800-93-ADOPT (1-800-932-3678).

### **Can gay or lesbian individuals and couples adopt?**

Yes, gay or lesbian individuals and couples may adopt in the state of Massachusetts. Though one may legally adopt regardless of sexual orientation, individuals or couples may find that there continues to be some social workers who are more responsive to gays and lesbians than others.

### **Can I adopt if I already have a child or children?**

Yes, you can. Families who have parenting experience are a great resource for waiting children. Some families adopt children while their biological children are still in the home. Many families who have grown children may experience the "empty nest" feeling and will become adoptive parents, most often adopting an older child or sibling group. Massachusetts does limit families to having a maximum of six children in the home (any combination of biological, step, foster, adopted, etc.).

### **How long does it take to adopt a waiting child?**

It usually takes an average of one to two years to adopt, from making your initial inquiry to having a child placed in your home. One of the main factors affecting this time period can be the family's flexibility in regard to the type of child they seek to adopt. Families seeking to adopt younger children with less needs tend to wait longer because there are fewer of these children available. Older children, children of color, sibling groups and those with more significant needs are more readily available. Families who are interested in parenting a child who is at legal risk (see below) will wait longer to legalize the adoption in the courts.

### **What does "legally free" and "legal risk" mean?**

Legally free children are those whose birthparents have voluntarily surrendered their parental rights, or have had them terminated through a court process. These birthparents have no legal recourse or claim to the involved children. Children at legal risk are those for whom the process to terminate birthparents' rights has not yet concluded. DSS has determined that

adoption is in the child's best interest and does not want to delay recruitment of a family while the court pursues termination of the birthparents' rights. The court case can last as long as two years or more until the final decision is made. In some cases, the birthparents retain the right to visit their child during the time the case is technically in foster care status. The majority of legal risk placements result in the foster child being adopted by the pre-adoptive family. The elements of risk in each situation can be fully explained to families interested in adopting a legal risk child.

### **What does open adoption mean?**

Open adoption is a situation in which communication between the adoptive family and the birth family exists. The amount of contact varies, from an exchange of letters to having visits with birth parents on a scheduled basis.

### **Is there financial support available for adoptive families?**

Yes. Children with special needs who are adopted through DSS are eligible for adoption subsidy. The Federally Funded Subsidy Program is referred to as the Title IV-E program. The subsidy program is administered by DSS under the federal guidelines. Massachusetts also uses state funds to provide a State Funded Subsidy to children with special needs who are unable to meet the criteria for the federal program. Both programs provide supplemental health insurance through MassHealth.

The subsidy programs are intended to remove financial barriers to the adoption of children with special needs, but they are not intended to cover the full costs of raising a child. The amount of this subsidy cannot be greater than the amount that child would have received in family-based foster care. Subsidy approval is not based upon the family's income, rather the special need(s) of the child being adopted. Here are the program guidelines:

1. There must be a signed subsidy agreement in place prior to legalization of the adoption.
2. Eligibility for the subsidy program is not related to the income of the adopting family. The amount of the subsidy is based on the special needs demonstrated by the child and the circumstances of the adopting family.
3. A child is eligible for the subsidy until the age of 18. Massachusetts, at the discretion of DSS, will extend the subsidy until age 22 if the child remains in a full-time education program and/or has a documented medical or mental health condition and resides in the adoptive home. Children may reside away at school as long as their permanent address remains the same as the adoptive parent(s).
4. Re-evaluations are typically required on an annual basis. As part of the re-evaluation, the family may be asked to provide documentation from professionals treating your child.

5. The child's adoption worker is required to submit a subsidy application to the DSS Subsidy Unit for every child being adopted through DSS. The family has the right to refuse the subsidy, but the application must be submitted prior to legalization.

6. Based upon the child's birth history, a deferred subsidy with Mass Health (Medicaid) may be offered if the child does not have any current defined special needs at the time of legalization. A subsidy agreement must be signed by all parties prior to legalization. Upon legalization, if your child is determined to have special needs, related to the birth history, professional documentation should be sent to the DSS Subsidy Unit for review and approval.

### **What other post adoption supports are available?**

There are a variety of post adoption supports available to families in Massachusetts who adopt children from foster care. Two of these include

**Adoptive Child Tuition Waiver Program:** Free undergraduate tuition to many of Massachusetts' state and community colleges and universities is available for children adopted from foster care, if they are admitted. The child must be adopted by a family residing in, or employed by the Commonwealth of Massachusetts. Room, board and other fees are not included in this waiver. Applicants must be full-time students under the age of 25 who are residents of Massachusetts. A FAFSA (Free Application for Federal Student Aid) must be filed as well. To learn more about the Adoptive Child Tuition Waiver program or to apply, please contact DSS at 617-748-2267.

**Adoption Journeys** provides post adoption support services to families throughout Massachusetts. All adoptive families in the Commonwealth are eligible to receive Adoption Journeys services, which include support groups for parents and children, adoption counseling, respite services, parent liaisons, adoption competency training and regional intensive crisis response teams. To find the agency that serves your area, please contact the lead agency, Child and Family Services, Inc. at 1-800-972-2734.

You can learn more about post adoption services in Massachusetts by accessing the Adoption Resources section of the MARE website at [www.mareinc.org](http://www.mareinc.org).

### **Is there an income requirement for adoptive families?**

There is no income requirement that qualifies you for adoptive parenthood. You can have almost any income level, as long as there is a stable source of income that can support the family. Your social worker will be far more interested in how you make effective use of your income than in the actual size of your bank account.

### **Must an adoptive parent be a homeowner?**

No, nor must you provide a separate room within your home for each child. You can live in your own house, rent an apartment or live in a housing project. Any living situation is acceptable as long as it is safe and suitable for the involved child.

### **Are there certain health requirements for adoptive parents?**

Agencies will require a physical examination report from your doctor. This does not mean that you must be in perfect physical condition. Being blind, deaf or otherwise physically disabled does not automatically disqualify you. Mental health issues and chronic illnesses are not reasons for automatic disqualification either. Disabilities or medical conditions will likely be a consideration when deciding what kind of child you can best parent.

### **Do employers provide benefits to employees who adopt?**

Many employers do provide benefits to employees who adopt. Please contact your employer to find out what is available to you. You can also visit the Dave Thomas Foundation for Adoption website at [www.davethomasfoundationforadoption.org](http://www.davethomasfoundationforadoption.org) (under the Programs/Events section) for information on adoption benefits in the workplace.

The Family and Medical Leave Act (FMLA) states that covered employers (those with 50 or more employees) must grant eligible employees up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- For the birth and care of the newborn child of the employee;
- **For placement with the employee of a son or daughter for adoption or foster care;**
- To care for an immediate family member (spouse, child or parent) with a serious health condition; or
- To take medical leave when the employee is unable to work because of a serious health condition.

For more information, please visit the U.S. Department of Labor website at [www.dol.gov/esa](http://www.dol.gov/esa).