

Frequently Asked Questions About Adoption

What to Know When Considering Adopting from Rhode Island State Care

A collaborative of the Rhode Island Adoption & Foster Care Task Force and Rhode Island Family Court

With Support from Adoption Rhode Island



Adoption Rhode Island
www.adoptionrh.org

TPR

What is a TPR?

A TPR is a Termination of Parental Rights petition that is filed in the Rhode Island Family Court. Once granted, the biological parents no longer have any legal rights to the child.

When is a TPR filed?

A TPR can be filed once a child has been in the care of DCYF for 12 consecutive months or 15 out of 22 months. Decisions to file a TPR petition are made on a case-by-case basis. Petitions can be filed earlier/later based on the best interest of the child and other case specific reasons.

Who determines when to file a TPR?

The social worker and supervisor, with assistance from DCYF legal department can determine when to file. In some cases the family court recommends to DCYF or will court order that a TPR be filed.

Why does it take so long for DCYF to file a TPR?

DCYF must follow the federal guidelines and statutory period of time. They must be able to document that reasonable efforts were made to achieve family reunification. All work that is done must clearly document DCYF's effort to achieve reunification as well as the parent's efforts to complete their case plan goals. Though efforts are made to achieve reunification or to file the TPR within the 12 to 15 month guidelines, there are case-by-case compelling reasons that can delay the process.

How long will the TPR process take once filed?

The time line runs about 180 calendar days from time of filing of the TPR petition. Variations may occur depending on the availability of all parties assigned to the case. Time lines for cases are tracked through the Family Court.

Can the Foster Parent speak at the TPR or submit a letter?

Foster Parents are not routinely permitted to testify at a TPR hearing unless subpoenaed to do so. Letters can be submitted.

Can a TPR decision be appealed?

Yes. Only biological parents have the right to file an appeal if they choose, within 21 days of the decision.

How long will the appeal process take?

Appeals can take as long as 2 years to be completed, but most are decided in less time by the Supreme Court of RI.

Can pre adoptive parents obtain a copy of a child's final TPR?

No. This document becomes a part of the court file.

Open Adoption

What is an open adoption?

An open adoption is an agreement between the adoptive family and the birth family to maintain some sort of contact after the adoption is finalized. Open adoptions can be negotiated in many different ways, i.e., pictures, letters, phone calls or actual visits once or twice a year. Once terms of the open adoption are agreed upon, Family Court must review and approve them. Both parties must then sign the approved agreement and it becomes a legal document.

Will it hurt my chances to adopt my foster child if I do not agree to an open adoption?

Open adoption agreements are decided for the best interest of the child. If it is decided that the child will be harmed by not having some sort of contact with a certain member of their biological family, it could be decided to try and find a family who will allow some openness in the adoption. Remember, open adoptions can come in many different forms.

Will I be included in negotiating the terms of an open adoption?

Yes, pre adoptive parents should be included in the mediation process of an open adoption. Others included in this process are the biological parent/s and their attorney, CASA Attorney, Court Mediator, DCYF social worker and/or supervisor, DCYF Attorney.

How can I be expected to agree to an open adoption if I have never been able to meet and get to know the biological family member that the agreement is with?

There are post adoptive support systems in place to help you make this work. You can make arrangements to meet the biological family member/s without the child being present so you can get to know each other. You can also use this time to talk over ground rules as to how visits will work. Remember, they are just as nervous and concerned as you are.

What happens if I agree to an open adoption and circumstances change that make it impossible to continue the agreement?

If there is a signed open adoption agreement filed you will need to go back into court to have the agreement legally changed.

The child is now legally mine. Why can't I make the decision as to what is best for him/her?

Once the adoption has been finalized, you are the legal parent and you do make the decisions as to what is best for the child. If you decide that any part of the open adoption agreement is now harming your child, you have the right to go back to Family Court and petition to have the agreement vacated or changed.

Adoption Subsidies

What is an Adoption Subsidy?

A subsidy is basically a contract between the adoptive parent/s and the State of Rhode Island DCYF to supplement the family's resources to support the child.

How are adoption subsidies determined?

Eligibility for adoption subsidies is governed by federal rules and regulations as well as State law and Department policy. A child must be determined eligible for an adoption subsidy. In Rhode Island a child must meet all of the following three requirements to be eligible for adoption subsidy assistance:

1. A judicial determination must be made that it is not in the child's best interest to return home.
2. A specific factor or condition which could make the child difficult to place in an adoptive family without adoption assistance, must be present. The presence of one or more of these characteristics qualifies the child as "special needs." Such factors include:
 - The child has a documented medical condition or a physical, emotional or mental disability
 - The child is a member of an ethnic or racial minority
 - The child is at high risk of developing a medical condition or a physical, emotional or mental disability, based upon family background or history. (In this situation, a child may be eligible for deferred subsidy, which would include a medical subsidy without financial assistance. If such a disability is diagnosed in the future, the child may be eligible to receive financial assistance.)
 - The child is a member of a sibling group being adopted into the home as a sibling
 - The child has experienced a prior adoption disruption or dissolution

- The child is over the age of twelve (12)
3. Reasonable efforts to place the child without adoption assistance must first be made, except in certain situations when determination has been made by the Department that it is contrary to the child's best interest to be moved.

What can be included in an adoption subsidy?

An adoption subsidy could include a monthly payment, day care and medical insurance.

Is there a negotiation process or appeal process in setting up a subsidy agreement?

There are rules by the Federal government that tell us we cannot set an adoption subsidy rate higher than the rate it would cost to have the child in standard DCYF foster care. The rate is based on the needs of the child and is not meant to replace the family's current income that they might be receiving for the care of that child. A subsidy agreement will be prepared by DCYF that will determine the rate and eligibility for medical insurance and day care. A meeting will be set up with the pre adoptive family and the DCYF social worker to go over the agreement. If there are any concerns or objections with the agreement then a meeting can be arranged with the pre adoptive family, the social worker and the adoption subsidy coordinator, as well as anyone else involved with the case to further negotiate the agreement.

If my family has medical coverage but it will cost more to add the child to the plan can the child keep Rite Care?

If adding your adopted child to your current coverage will cost you more money for the policy, the Department of Human Services will perform a cost analysis and one of two things can be done. They could reimburse you monthly for the cost of adding the child to your policy or they could decide it will be more cost efficient to leave the child on Rite Care.

If none of the child's doctors will take the medical coverage the family has, can the child keep Rite Care?

This would be determined on a case-by-case situation.

What if things change drastically after the adoption, can we renegotiate the subsidy? What is needed to do this?

Yes. If your child experiences a new diagnosis or any drastic increase in behaviors that lead to more intense treatment needs, send a letter to the Adoption Services Unit outlining the problems.

Renegotiating Subsidy, continued

You should include any documentation you have from doctors or therapists. A case worker from the unit will be assigned to complete a home visit and gather information to assess the current services and the need for a possible rate increase or referral to more intensive services.

What is a deferred subsidy?

A deferred subsidy would be for a child who has no qualifying factors at the time of the adoption but is at high risk of developing a medical condition or a physical, emotional or mental disability based upon family background or history.

Does medical, if needed, come with a deferred subsidy?

Yes. If the adoptive parent has private coverage they would place the child on their coverage and have Medicaid as wrap around coverage. If there is no private coverage, the child would be eligible for Rite Care and Medicaid as wrap around coverage.

When do adoption subsidies end?

Adoption subsidies end as negotiated prior to the finalization of the adoption. Typically the subsidy will end at the child's eighteenth birthday.

Are adoption subsidies taxable?

No, adoption subsidies provide tax-free income.

What happens to the subsidy if the adoptive parents die?

The subsidy ends upon the death of the adoptive parent/s (one in a single parent family or both in a two-parent family.)

Is there any way an adoption subsidy can be stopped?

There are 3 ways that a subsidy can be discontinued: The death of the child, the child reaches the age that the subsidy is to end or the child is no longer the financial responsibility of the adoptive parent/s.

Can I collect an adoption subsidy and my child receive SSI benefits?

If the adoptive parents apply for Social Security Insurance benefits, based on the disability of the child, they must report the receipt of the adoption subsidy as part of the SSI application process. The Social Security Insurance payment will be adjusted dollar for dollar for the receipt of the subsidy payments. Subsidy payment will remain the same.

Can I collect an adoption subsidy and my child receive death benefits?

If the death benefit is related to the adoptive parent this does not impact the subsidy.

Are there tax credits for adoptions?

Yes, there is an Adoption Tax Credit available. You may be able to claim a credit or exclusion for the adoption of a child with special needs even if you did not have any qualified expenses. Speak with your accountant about current state and federal tax credits.

Once the adoption is final, is DCYF involved with my child?

If you have an adoption subsidy then the only involvement you will have will be with the subsidy unit. All petitions are closed and all involvement ends.

The Adoption

Will we need an Attorney?

Yes. There are many Attorneys that will accept payment from DCYF for the adoption so it will not cost you for this service.

What sort of family history will I receive when I adopt?

When a current foster home, kinship home or a pre adoptive home is identified as a potential permanent resource for a child, the child's social worker is expected to provide a full disclosure presentation of the child to the permanent resource family. The presentation process provides an opportunity for the Department to share with the prospective adoptive family a report containing relevant information about the child. This information should include medical, psychological, educational or other services that have been provided to the child. Relevant non-identifying information concerning the medical, psychological and social history of the child's birth parents and siblings must also be shared. These procedures do not prohibit the voluntary exchange of identifying information between mutually consenting biological parents and adoptive parents.

Can I get information about my child's biological family after the adoption? Yes, but only non-identifying information.

Will we be notified if the biological mother has more children?

If that child comes into care, the DCYF placement unit workers routinely look to families (foster or adoptive) who are caring for the child's siblings.

Will my child be able to contact siblings who have already been adopted, have been returned home or are still in care?

Maybe. Adoption records are sealed and DCYF information is confidential. However, the DCYF worker can make contact with the sibling(s) family to see if they are interested in establishing contact with you and/or between the siblings.

Are there any services available to us after adoption?

Yes. There are many services available for both your child and family through the community. There are several agencies with expertise in adoption issues, and many others that can assist with mental health issues or family support.

How can we find out about available post adoption services?

You can contact the DCYF Adoption Services Unit. They can supply the names and numbers for various community providers. Also, do your own research to help build the best support network for your family.

Guardianship

What is guardianship?

Guardianship is a legal commitment and court order that takes the child out of the status of being a foster child.

Is guardianship subsidized?

Yes, it can be subsidized. If a subsidy is needed this should be discussed with the child's social worker. The subsidy agreement must be finalized before the guardianship finalization.

Are guardianship agreements permanent?

No. A guardianship agreement can be reversed in family court if evidence is presented to show that this is in the best interest of the child.

For more information about Rhode Island state adoption you may contact:

**Adoption Rhode Island
401-865-6000/www.adoptionri.org**

**RI Family Court
401-458-3330/www.courts.ri.gov**

**DCYF
401-254-7020/www.dcyf.ri.gov**