Adoption Considerations

Adoption Assistance

Adoption assistance benefits are available to families who adopt if the adoptee meets the following eligibility criteria:

a. Under 18 years of age.
b. Legally free for adoption.
c. In custody of private/public agency.
d. Have one of the following special needs characteristics:
   ▪ Physical, mental or emotional disability;
   ▪ Genetic condition which indicates a high risk of developing a disability;
   ▪ Member of a minority group;
   ▪ Member of a sibling group placed together; or
   ▪ Five years of age or older.

Adoption assistance benefits can include medical assistance, non-reoccurring costs associated with the adoption (such as legal fees and travel), and a monthly subsidy based on need negotiated with the county agency. Adoption assistance is reviewed annually, can be renegotiated at any time and typically ends when the child reaches the age of eighteen. However, Act 80 allows adoption subsidies to extend until age 21. To be eligible for a subsidy past age 18, the child's adoption must be finalized when the child is age 13 or older and must be engaged in at least one of the following activities:

- Completing secondary education or an equivalent credential;
- Enrolled in an institution that provides post-secondary or vocational education;
- Participating in a program actively designed to promote or remove barriers to employment;
- Employed for at least 80 hours per month.

Considerations for Post-Adoption Contact

Adoptive parents decide whether and how their child will have ongoing contact with the birth parents, siblings, extended family, and previous caregivers. Therefore, the child welfare professional has the responsibility to educate prospective adoptive families on the benefits of maintaining an ongoing connection with the birth family after an adoption is finalized.

The child welfare professional needs to discuss with the adoptive or other permanent caregivers that their child’s need to “reconnect” with their biological family will change over the years. Child welfare professionals can assist a child in maintaining a connection to their family of origin long after the case is closed by providing the child with a lifebook. Photos of a biological family taken during visits are invaluable to the
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child who doesn’t return home. Regardless of how dysfunctional a situation from which the child(ren) come, they will have a need to “revisit” the family of origin from time to time throughout life. As child welfare professionals, we must prepare adoptive caregivers, permanent custodians and caregivers to expect and to assist the child in meeting these changing needs.

The ability to respond to a child’s changing needs is a quality of any successful parent. Successful permanent parents know that their child’s needs for maintaining and connecting with birth family may change as the child grows. Adopted children will have times in their lives where they experience an increased desire to learn more about their birth family and to possibly even connect with them directly. Sometimes, adoptive parents feel threatened when their child makes this need known. Adoptive parents should be supported and reassured that their child’s need to reconnect with their birth family is very normal and does not mean they are failing as adoptive parents.

Sometimes adoptive parents feel that ongoing contact with the birth family is not in the child’s best interest. One modern challenge faced by such adoptive parents is Facebook and other social networking sights. Many adoptive parents are finding it harder in our modern world to control with whom their child communicates. Many adoptees are reconnecting with their birth families via Facebook on their own, without the knowledge or support of their adoptive parents.

This decision to develop a voluntary agreement for post-adoption communication should be made on a case by case basis, taking into account the different types, duration, frequency of contact, and the degree of confidentiality to be had with each birth relative. Statewide Adoption and Permanency Network (SWAN) units of service are a viable option to help facilitate the development of the agreement and mediate disputed issues. The appropriate SWAN unit of service used would be based on where the case currently stands in the permanency process.

There are times when adoptive families have legitimate safety or well-being concerns about the birth parents knowing their address or having face to face contact with the child and their birth parents. Some adoptive parents have found it possible to keep their child safe from birth parents and to meet their child’s need to maintain the connection with the birth parent by maintaining a post office box (P.O. Box). They may allow the birth parent to send the child photos, letters, cards etc. The frequency of these communications may be yearly, quarterly or more often depending on the child’s needs. Some adoptive parents choose to review these correspondences prior to the child receiving them or with the child. In some states, the cost of maintaining a P.O. Box is included in the child’s adoption subsidy because continued contact with the birth family is identified as a need of the child.
Implementation of Act 101 Bulletin Requirements: Voluntary agreements for post-adoption communication

The enactment of Act 101 of 2010 provides an option for adoptive parents and birth relatives to enter into a voluntary agreement for ongoing communication or contact. An agreement cannot be entered for a child who is 12 years of age or older, without his or her consent. The agreement must be one that:

(1) Is in the best interest of the child;
(2) Recognizes the parties’ interest and desires for ongoing communication or contact;
(3) Is appropriate given the role of the parties in the child’s life; and
(4) Is subject to approval by the court.

Act 101 requires an agency or anyone representing the parties in any adoption, public or private, to notify children, birth parents and prospective adoptive parents of the option to enter into a voluntary post adoption agreement. Formal notification should be provided using either this letter or one that their agency has developed. While formal notification must be provided at the prescribed intervals, ongoing dialogue regarding this option should occur throughout the life of the case on an informal basis and become integrated into every day permanency planning efforts.

The prescribed intervals where notification must occur are as follows:

**Birth Parent(s):**

The earliest of:

1. Change of goal to adoption on the Family Service Plan (FSP);
2. Filing of the petition to change the goal to adoption; or
3. In advance of filing of the petition to terminate parental rights.

**Prospective Adoptive Parent:**

The earliest of:

1. Change of goal to adoption on the Family Service Plan (FSP) (unless there is not an adoptive placement identified at that time);

**NOTE:** A copy of all notices to birth parents who are represented by an attorney shall also be sent to the attorney.
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2. Filing of the petition to change the goal to adoption (unless there is not an adoptive placement identified at that time);
3. In advance of filing of the petition to terminate parental rights (unless there is not an adoptive placement identified at that time); or
4. At the point they have been identified as a prospective adoptive resource for a specified child (if notice was not already provided).

**NOTE: A copy of all notices to prospective adoptive parents who are represented by an attorney shall also be sent to the attorney.**

Child:

The earliest of:

1. Change of goal to adoption on the Family Service Plan (FSP);
2. Filing of the petition to change the goal to adoption; or
3. In advance of filing of the petition to terminate parental rights.

**NOTE: A copy of all notices sent to children who are represented by a guardian ad litem and/or attorney shall also be sent to their guardian ad litem and/or attorney. If the child is represented by two attorneys, one serving as a guardian ad litem and a separate attorney serving as a child advocate, a copy of the notice shall be sent to each.**

Providing formal notification to prospective adoptive resources and the specified child at the point they have been identified as a potential match provides an opportunity for this option to be discussed with all parties in order to make the best possible match for the child and family and assure thorough permanency planning.

Also, while formal notification only has to be provided to the prospective adoptive parent, birth parent and all children regardless of age, conversations can be had with the other birth relatives who may be able to enter into an agreement.

It is the responsibility of the agencies and individuals involved to ensure that if any party expresses interest in the development of an agreement, this desire is shared amongst the parties and action is taken to assist in the development. These discussions and actions should be clearly documented in the case record.

The agreement is a written voluntary agreement, approved by the court, between the adoptive parent and a birth relative. This agreement allows for continuing contact or communication between the subject child(ren) and the birth relative or between the
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adoptive parent and the birth relative. Children 12 years of age and older must consent before an agreement is development. For children under 12 years of age, it is left to the discretion of the parties involved whether or not the child should enter into an agreement. Where the prospective adoptive parent is not adopting all of the subject child(ren)’s siblings, each such sibling has the opportunity to develop and enter into an agreement. Any sibling freed from adoption through the termination of parental rights, following a dependency proceeding, who is under 18 years of age shall be represented by a guardian ad litem in the development of an agreement.

All parties must agree to some form of continuing contact for an agreement to be reached. For instance, if a prospective adoptive parent does not want to enter into an agreement for continuing contact, there can be no agreement. Moreover, there is not obligation on any party, including prospective adoptive parents, to engage in facilitation or mediation services.

Development of the agreement is a process that may involve agency staff, attorneys, adoptive parents, birth relatives and children. At all times, the best interest of the subject child should be the paramount consideration. The process should consider the developmental stage, the emotional and social background of the child, and the wishes of the child (if they can be ascertained) as well as the dynamics between the parties.

Consideration should be given to the development of separate agreements for each birth relative depending on the complexity of the situations. This decision should be made on a case by case basis, taking into account the different types, duration, frequency of contact, and the degree of confidentiality to be had with each birth relative. Statewide Adoption and Permanency Network (SWAN) units of service are a viable option to help facilitate the development of the agreement and mediate disputed issues. The appropriate SWAN unit of service to request would be based on where the case currently stands in the permanency process.

Facilitation in developing an agreement should be provided by a neutral third party, similar to Family Group Conferencing. Facilitators could be an employee from the county children and youth agency not directly involved in the specific case, SWAN affiliate agency worker, contracted outside agency worker, or other individual chosen by the family to facilitate. The facilitator should be knowledgeable about the statute including the purpose and intent of the voluntary post adoption agreement. Neutral facilitation is important to ensure parties do not feel coerced in the development of an agreement. When issues are under dispute, mediation is an appropriate intervention.
Agreements must be filed with a court that is authorized to finalize the adoption of the child. It must be approved on or before the date of any adoption decree. Agreements are not legally enforceable unless they have been approved by the court. An agreement shall cease to be enforceable on the day the child turns 18 years of age unless the agreement otherwise stipulates or is modified by the court.

Pennsylvania Adoption Information Registry (PAIR)

All public and private child welfare agencies and individuals licensed by The Department of Public Welfare to provide adoption services shall submit medical and social history information on all children whose adoptions are finalized or registered in the Commonwealth to the Pennsylvania Adoption Information Registry (PAIR).

Agencies/individuals will electronically submit all medical history, including medical records contained in the child’s agency record concerning the adoptee or the adoptee’s birth family that are relevant to the present or future health care or medical treatment of the adoptee or the adoptee’s birth family including otherwise confidential or privileged information. Identifying information contained in the medical records shall be removed by the submitting agency prior to uploading the information unless there is a signed consent on file to provide the information to the PAIR for the purposes of sharing with the individuals named in the statute. Copies of the signed consent to release the information shall be maintained in the child’s file and included in the medical history that is uploaded to the PAIR.

Adoptees, adoptive parents and birth parents may submit and update medical and social history information with the registry at any time. In addition to providing medical and social history information, adoptees, adoptive parents and birth parents may authorize the release of identifying information and may amend or withdraw their authorization to release identifying information at any time by updating their information with the PAIR.

Adoptees and adoptive parents may also notify the PAIR whether or not they wish to have contact with the birth family and may update or change that request for contact at any time. Birth families may notify the PAIR whether or not they wish to have contact with the adoptee or adoptive family and may update or change that request for contact at any time.
Appendix A

In Re: Name of Child(ren)

NOTICE REQUIRED BY ACT 101 OF 2010
23 Pa. C.S. §§2731 – 2742

Date:

To: Adoptive Parent(s), Birth Parent(s) and Child(ren)

This is to inform you of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact or communication following an adoption between an adoptive parent, a child, a birth parent and/or a birth relative of the child, if all parties agree and the voluntary agreement is approved by the court. The agreement must be signed and approved by the court to be legally binding.

A birth relative is defined only as a parent, grandparent, stepparent, sibling, uncle or aunt of the child’s birth family, whether the relationship is by blood, marriage or adoption.

This voluntary agreement may allow you to have continuing contact or communication, including, but not limited to:

- Letters and/or emails;
- Photos and/or videos;
- Telephone calls and/or text messages; or
- Supervised or unsupervised visits.

If you are interested in learning more about this option for a voluntary agreement, contact me at (XXX) XXX-XXXX or your attorney, if you have one.

Sincerely,

[Signature]
[Name]
[Title]

Please sign below to indicate your receipt of this Notice.

Name ____________________ Relationship to Child ____________________ Date ____________