



THE LAW OFFICE OF  
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A Child is Waiting: Think  
Foster Care Adoption

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## **Foster Care Adoption -A Child is Waiting**

According to the Georgia Department of Human Resources (DHR), as of July 1, 2020, there are approximately 11,916 children in Georgia's foster care. More than 1,000 foster care adoptions per year occur in the State of Georgia.

### **The Foster Care System**

The Georgia Department of Human Resources Division of Family and Children Services (DFCS) is the state agency responsible for assuring that children who cannot safely remain with their birth families are placed in safe and supportive homes.

When DFCS decides that is not safe for a child to remain in the home of the birth family or other caregiver, the child is placed in foster care. Foster care is intended to be a home away from home while the agency works with the child's family to eliminate or minimize the issues that necessitated the agency's involvement.

Sometimes, families never resolve the issues, and children cannot return home. In these instances, it is DFCS's responsibility to assure permanency for the child. In many cases, this means placing the child with an adoptive family.

### **What is Adoption**

Adoption is a permanent social and legal process under state law that creates a new family, giving the adopted child the same rights, benefits, privileges, and duties as those of a child born into the family. Adoption requires a total commitment to provide for the physical, emotional, medical, psychological, educational, and social needs of the child.

### **Why Adopt**

Every child deserves a safe and loving permanent home. When you adopt, you enrich the life of a child and strengthen the community as a whole.

Although foster care plays a vital role in helping children who cannot safely remain in their homes, it is only meant to be a temporary placement. Long-term foster care can



have a detrimental effect on a child's emotional and psychological development. Some children in foster care are moved from foster home to foster home, usually carrying their only possessions in plastic crates or plastic trash bags. Sometimes, these children have to change schools as they move. This interrupts learning time and disrupts the development of peer and adult relationships.

By adopting a child, you give a child an environment in which to thrive. A loving, nurturing, and responsible family is vital to the development of all children.

### **About the Children**

Despite belief to the contrary, not all children in foster care have emotional, behavioral, and/or medical needs. Though most have experienced some form of abuse or neglect. Children in foster care come from all racial and ethnic groups.

Most children in foster care are 0 to twelve years of age, but there are a large number of teenagers in foster care as well, and some of the children belong to sibling groups.

Detailed information on children needing an adoptive family can be accessed by visiting the "My Turn Now" photo listing on the Office of Adoptions' website at [www.adoptions.dhr.state.ga.us/](http://www.adoptions.dhr.state.ga.us/)

### **Who May Petition to Adopt a Child**

- A. Any adult person may petition to adopt a child if the person:
- (1) Is at least 21 years of age or married and living with a spouse;
  - (2) Is at least ten years older than the child unless the child is a stepchild or relative;
  - (3) Is a resident of the state of Georgia on the date the petition is filed or a resident of the receiving state when the child was either born in Georgia or is a resident of Georgia at the time of placement for adoption and was placed in another state in compliance with Interstate Compact on the Placement of Children (ICPC) – a non-resident of Georgia is deemed to have complied with the ICPC if the compact does not apply or if the individual is a resident of another country; and
  - (4) Is financially, physically, and mentally able to have permanent custody of a child.



- B. If a person seeking to adopt is married, the petition to adopt must be brought in the name of both spouses, except where the child to be adopted is a stepchild.
- C. There is no set amount of money you have to make to adopt. You need only to make enough money to cover your living expenses.
- D. A background check and a visit to your home are required.

## **Adoption Assistance**

### **A. What is adoption assistance?**

Adoption Assistance is a financial and often medical subsidy available to all adoptive children who meet the definition of special needs. Adoption Assistance is for meeting the specific needs of the child. A child is eligible for Adoption Assistance up until age 18, and up to age 21 if he or she is in high school.

### **B. Who may receive adoption assistance?**

Any child in the permanent custody of the Department of Human Resources (DHR) who has special needs and is being adopted is eligible for assistance as long as an Adoption Assistance Agreement is in effect before the finalization of the adoption.

In the state of Georgia, a child who is considered special needs is:

- a. any child who has been in the care of a public or private agency or individual other than a legal or biological parent for more than 24 consecutive months at the time of the adoptive placement;
- b. a child who is a member of a sibling group of two (2) or more to be placed together; or
- c. any child with a documented physical, mental, or emotional disability or problem.

### **C. What types of assistance benefits are available?**



1. **Monthly maintenance assistance** - assists in meeting specific needs of the child such as special clothing, special dietary needs, ordinary medical/dental care, and special education needs not covered by Public Law 94-142 (special education law).
2. **Medicaid** - is available for any child who is eligible for Title IV-E Adoption Assistance or available for any child receiving state-funded Adoption Assistance benefits who has an identified medical or rehabilitative need at the time of adoption placement.
3. **Special Services Adoption Assistance** - covers a time-limited or a one-time special service such as orthodontics, prosthetics, or psychological counseling not covered by monthly maintenance assistance, Medicaid, or through community resources. Special services assistance is dependent upon the availability of funds.
4. **Legal Services** – helps covers attorney fees, court costs, and other one-time expenses related directly to the legal adoption of a child with special needs.

#### **D. How to apply for adoption assistance.**

Adoption Assistance applications are obtained and submitted to the Department of Family and Children Services (DFCS) office located in the county where the individual/family seeking to adopt lives. If the individual/family from another state adopts a child in the permanent custody of the Georgia Department of Human Resources, the county of legal responsibility for the child would be responsible for completing the Adoption Assistance application.

### **The Approval Process**

As part of the approval process, all potential adoptive parents are required to submit to a criminal background check, drug test, home safety checks, and a medical examination.

### **To Get Started**

#### **Orientation.**

Your first step is to attend an orientation meeting conducted by your county DFCS office. At this meeting, you will be given more information regarding the application and



approval process. Applications to become an adoptive parent will be given out shortly after you attend the orientation meeting.

### **Training.**

The next step is to complete the 20-hour pre-service training called IMPACT, an acronym for **I**nitial Interest, **M**utual Selection, **P**re-Service **T**raining, **A**ssessment, **C**ontinuing Development, and **T**eamwork. During the IMPACT training, you will be provided information on numerous topics to help you understand DFCS's role in working with birth families, the roles and responsibilities of becoming an adoptive parent(s), and the impact of abuse and/or neglect on children and their families. The process also requires prospective adoptive parents to access the impact adoption may have on them.

### **Home Evaluation.**

Home evaluations are completed on all prospective adoptive families. During this process, a DFCS case manager will make at least two home visits to gather additional information and to access the safety of the home. This evaluation will be documented to show that the adoptive family meets all requirements.

## **Finalizing the Adoption**

Once you have been approved to become an adoptive parent(s), your adoptive child(ren) has been placed in your home, and DFCS consents to the adoption, a DFCS caseworker will prepare the documents necessary to finalize the adoption. Once you have selected and retained an attorney to finalize the adoption, DFCS will forward the documents to the attorney. The attorney will draft the Petition to Adopt, make certain all the necessary documents are in order, gather any additional information needed, and provide legal notice to any necessary parties. The Petition to Adopt is then filed in the Superior Court in whichever county has legal responsibility for the adoptive child(ren). Thereafter, a hearing will be scheduled before a Superior Court Judge to finalize the adoption.

## **Tax Benefits and Credits**

Congress amended Section 152 of the Internal Revenue Code to provide that "a child



lawfully placed with a taxpayer for purposes of adoption by the taxpayer” is defined to be a child of the taxpayer by blood for income tax purposes, and thus, qualifies as a dependent.

Moreover, Qualified Adoption Expenses up to the limit can be claimed as a credit against the adopting parent’s federal income tax liability, or as an exclusion from the adopting parent’s gross income, not merely as a deduction. As such, the federal government is paying for all or a substantial part of the adoption costs.

The maximum credit and exclusion, subject to income and tax liability limits, generally will be allowed in the year the adoption of a child with special needs is finalized regardless of whether or not the taxpayer has qualified adoption expenses. Since laws change and the dollar amounts may change, we urge you to read IRS Topic No. 607 “Adoption Credit and Adoption Assistance Programs” or consult with your tax advisor. Note: Qualified Adoption Expenses do not include expenses that a taxpayer paid to adopt a step-child. There are state tax credits as well.

## **Support Services**

### **The DFCS Case Manager.**

The case managers are a wealth of information. He or she can supply information and referrals. Also, there may be services available such as teen support groups, tutoring, crisis intervention, respite care, summer camps, and parent training that the case manager would have information about. You may also contact The Georgia Center for Resources and Support.

### **The Georgia Center for Resources and Support.**

The Georgia Center for Resources and Support was developed to help adoptive and foster families identify local resource services such as child mentoring programs, counseling, and more. The center has Resource Advisors, a lending library, and a support line available to families. The Center’s website address is [www.gacrs.org](http://www.gacrs.org), and the telephone number is 1-866-A-PARENT.



### **Respite Care.**

Respite care is designed to give adoptive parents a brief reprieve from the demands of parenting an adoptive child who meets DHR's definition of a child with special needs. Respite care allows the adoptive parent(s) to take some time for themselves and is viewed as a wellness program to help maintain positive family bonds, and not as a babysitting service.

Qualifying families are eligible for 240 hours of respite per year, and the service can be paid for by using Special Services Adoption Assistance, but remember Special Services Adoption Assistance unlike Monthly Maintenance Assistance and Medicaid depends on the availability of funds.

### **The Adoption Reunion Registry.**

Often there comes a time in the adoptee's life when he or she wants more information about their birth family. Sometimes this information is needed for medical reasons, genealogical reasons, or just a personal need to know. The primary purpose of the adoption reunion registry is to provide information and referral services regarding adoption searches.

The Adoption Reunion Registry provides services to:

- (1) Adopted persons 18 years of age or older;
- (2) Adopted parents;
- (3) Siblings separated by adoption who are 21 years of age or older;
- (4) Birth parents who placed their child(ren) for adoption;
- (5) Adult children of a deceased adopted person who are 21 years of age or older; and
- (6) Parents or siblings of a deceased birth parent.

For more information about the Georgia Adoption Reunion Registry, call (404) 657-3555 or 1-888-328-00555, or visit their website at [www.ga-adoptionreunion.com](http://www.ga-adoptionreunion.com).





## **References**

**Contact Your County Department of Family and Children Services (DFCS)**

**Georgia Depart. of Human Resources Adoption Inquiry Line: 1-877-210-KIDS**

**Helpful Internet Sites:** [dfcs.dhr.georgia.gov](http://dfcs.dhr.georgia.gov) & [www.adoptUSkids.org](http://www.adoptUSkids.org)