



## FAMILY CONTRACT & FEE SCHEDULE

### GENERAL

Downey Side is a national non-profit mission devoted exclusively to the recruitment of families for “Waiting American children”. Downey Side works at “*preventing homelessness through relationship.*” The agency recruits and prepares families who want to adopt youth from the Foster Care system who might otherwise grow up in Foster Care never having a permanent family. Our families make a permanent, unconditional commitment to their youth.

Downey Side recognizes and promotes the adoption of youth often referred to as:

- ‘Older’ children (i.e. aged 6-17)
- Sibling groups
- African American, Latino, Caucasian, or other minority children
- Children with emotional, developmental, and/or intellectual challenges
- Children with physical and/or medical challenges

Downey Side has Family Life Centers in New York and New Jersey. Each area office functions as an adoption center and provides full services to the children and families it serves. Each office recruits, supports, and prepares families, helps the family identify the child(ren) who they are most comfortably available to, and then facilitates the placement on through to the finalization of the adoption. Downey Side supports the family through the adoption process and beyond.

### THE ADOPTION PROCESS

| Step 1  | Step 2   | Step 3    | Step 4           | Step 5   | Step 6    | Step 7   | Step 8   | Step 9    | Step 10                       |
|---------|----------|-----------|------------------|--|-----------|----------|----------|-----------|-------------------------------|
| Inquire | Contract | Paperwork | Home study Phase | 2nd half payment is due at completion of homestudy | Searching | Matching | Visiting | Placement | 6-9 months until finalization |

***Inquire:*** The process begins with a family inquiring and educating themselves about the adoption process and the foster care system. The structures that surround the children (i.e. the

Foster Care system) play an important role and families need to be somewhat familiar with this material.

More important however is the emotional and attitudinal environment the children experience in their new home. None of Downey Side's families report they were fully prepared for the experience; it's 'the nature of the beast'. They uniformly report however that unconditional commitment to their children is the key to resolving issues. Adoption is permanent, it is lifelong. Downey Side does not give children back to the State.

Downey Side assumes its applicants are 'innocent until proven guilty' which legal principle provides for the assumption of approval. If, during this or other parts of the process, obstacles to approval appear, the inquiring family is notified clearly and in writing if so desired. Obstacles such as convictions of violence against a person, sexual predation, recent serious criminal or civil liabilities and the like are grounds for denial. Please note that most criminal or civil records are not grounds for denial but rather evidence of a history of successful issue resolution. Histories of financial insecurity or mental disorders are not grounds for denial and can likewise be seen as assets in a person's parenting competence. Families with 'stories' are urged to be open about their history during the inquiry phase.

In the rare event that Downey Side does not find an applicant has met agency and/or state requirements to be certified as an adoptive home, they will be provided with a written letter stating reasons why we are unable to proceed. This letter will be preceded by a discussion. Throughout Downey Side's many years of working with families, it is rare that information surfaces through the application process that would cause the applicant to be denied the adoption of a child. Applicants are encouraged to review possible impediments (such as criminal, financial, mental health issues) with agency staff during the inquiry phase. For example, some criminal offenses are mandatory disqualifiers while others are not. It is imperative that arrests and mental illness are disclosed before background checks are done. All applicants and family members over the age of 18 will receive fingerprint and criminal background checks as well as child abuse clearances by the state in which they reside.

All single individuals and married couples can adopt. Married couples can adopt with each partner participating in the adoption process. A married person who is legally separated from their spouse can adopt if they have been living separately and apart from their spouse for a period of 3 years or more with legal documentation of a divorce decree. Applicants must be 21 years of age but there is no other limit. Financial status should not be a problem if a family is prepared to provide for their adopted children.

The goal of the entire inquiry process is for each participant to conduct a thorough self-assessment to determine if adopting an older child from the Foster Care system is in the best interest of the family and the desired children at this time. Once the family has had all of their questions answered and has researched Downey Side and other adoption agencies to determine if Downey Side is the right fit for them the next step is to schedule an appointment to meet in person to begin the adoption process.

***Contract/paperwork:*** After an appointment is scheduled you will be given a list of items to bring with you to help the paperwork phase move more quickly. You will also bring with you ½ of the

Application Fee (\$5000 for a couple and \$3750 for a single person). The second ½ of the application fee is paid by the applicant when the Home Study is approved and signed (\$5,000 for a couple and \$3750 for a single person).

Every family must be certified through a series of classes which discuss the psycho-social and cultural environment the children come from, the effects of trauma on child development, and a variety of topics informed by current approaches to childrearing. These classes prepare you for parenting a child out of the foster care system. All adults who will be involved as a caretaker in the children’s life are required to participate and complete all classes. Certifications are issued and audited. Fees for the seminar are not included in the application fee, nor are those for fingerprints or background checks.

Only you can determine how quickly this phase takes because you control when you complete your certification and get us the required paperwork needed to move forward. Once a family has completed all certifications, completed their paperwork, and background checks they are ready to move to the next phase and issued a family life advocate to begin the home study process.

**Home study:** During the Home Study process, the Downey Side worker (family life advocate) will get to know the family, their history, and assess the environment meets the requirements for a child. The family life advocate will then begin to write an eight-to-ten-page document and include information from the paperwork to include in the home study. It will include detailing each family member’s strengths and limitations regarding parenting children who have history, ideas and expectations that will be different from the applicant. The Home Study provides the opportunity to deepen the applicant’s understanding of the impact of adoption on children and families. It is approved by the applicant. It contains a limited number of photographs.

The Home Study is used for several tasks: introducing the family to agencies referring children, assisting in the transfer, and assisting in the legal finalization. It is the property of Downey Side and is not transferable for the use of another agent or agency. It is during this time that the family will begin utilizing the resource website provided to begin searching and compiling a list of at least 20 kids they are interested in learning more about. Upon completion and approval of the home study and the final payment to Downey Side the family will give this list to the family life advocate to begin advocating for them.

**Search:** This phase requires much collaboration and clear communication between the family and the family life advocate. The family will be consistently searching for kids to add to the list of inquiries to be advocated. This is accomplished via referral by Downey Side but more so by the family’s review of various ‘photo listing’ services, such as AdoptUSKids (q.v.) A photo listing service is a website with photos or videos and a short vignette about children who wait in the US Foster Care system. The entries are written and placed by social workers who represent the government division which has legal custody of the children. It may be a state, such

**PURCHASE OF SERVICE MODEL**

At this point, the issue of contract comes into play. Every placement requires a contract between Downey Side, Inc. and the jurisdiction with custody of the children. This contract serves two purposes, to wit, establishing Downey Side’s legal authority to ‘take custody of the child’ and place the child in the home of the adoptive family. It also establishes the fee Downey Side receives from the jurisdiction for its services. This last is a major source of Downey Side’s income and operating budget.

There is no guarantee that Downey Side will be able to establish a viable contract with every state or county. The contract must be in place before a family meets the child or the child is informed of the family’s intentions. Some jurisdictions do not offer viable contracts.

Downey Side makes every effort to provide information on the states and counties, but this is practically not possible because there are approximately 1,500 potential jurisdictions, each with its own regulatory, fiscal

as Texas or Massachusetts, or it may be an individual county such as Schenectady, NY or Cayahoga County, Ohio. There are some 1,500 jurisdictions in the continental U.S. Downey Side is unique in that we are not devoted to any one state's children but rather we make efforts to work with children and provide placement services in any jurisdiction in the continental US.

Families generally register for one or more photo listing services, establishing accounts which allow access to the photo listings. The family will become interested in learning more about a particular child or sibling group. They then contact the social worker who placed the photo listing. Often, the social worker will request the family's Home Study from the family's

Agency of Record, which is Downey Side. The Downey Side Family Life Advocate will then send the Home Study to that worker which allows the worker to provide more extensive information to the family. The family then gathers as much information as it needs, evaluating whether they can meet the needs of the children and whether the child and family might thrive together. The family's questions that were sharpened during the inquiry phase come into play here. This is intensely personal because no two individual families' questions will be the same.

The process can be arduous. The family will encounter bureaucracy and statements in the child's history that don't always make sense and may not be true. This is where our family life advocates and staff help the family to navigate what they are reading and hearing to the best of their abilities. Social workers are commonly overworked in an overburdened system and do not always return emails and phone calls or provide satisfactory information. This requires our staff to work diligently to push for responses. Sometimes families will be rejected for a variety of reasons. The listings themselves are not always accurate. It is normal to find a significant difference between an adoptive family's experience of the children and the information conveyed to them personally or through documentation during the search. The details gathered can be overwhelming because applicants will review as many as 50 or more children in order to find the 'right children'. This last point brings up two critical issues in the search process. It is also important to remember during this searching process that there is no perfect child or person for that matter. However, love and stability, and a safe home environment of family can melt away so many issues.

Another point to consider is that the *family will not always receive full information*, sometimes there is no information on a child, and that can be frustrating, but it happens. Much of the important information in children's lives is not documented. Experiences before placement into Foster Care are usually sketchy. Information after the placement into Foster Care is dependent on a very wide range of factors such as the child's willingness to share, the data gathering competence of the informants, the clinical approach of the informants, the chain of communication between various workers in the referring agencies (there can be more than one agency involved), and even the technology and data management systems available to the workers.

The second critical issue that stems from the challenges of searching is the needs of the children. They need an unconditional commitment from their new parents, and this must be from the very beginning. They require radical acceptance. The trauma of repeated rejection can destroy their psyche. They are for the most part keenly aware of their need for parents. If they

become aware of a family's interest and the family decides against adopting them, the family inflicting an additional devastating trauma and rejection on the child, which can even be life threatening. Downey Side strongly urges its families to be prepared to make an adoptive commitment to the children before they ask to meet. When a family says they would like to move forward and meet they are essentially saying 'I/we will adopt.'

***Matching/visiting:*** When a referring agency and the family agree that an official match has been made the family will begin a relationship with the child via skype, facetime, etc. The family will also begin to plan on visiting the child in their sending state to bond and determine if they are still comfortable moving forward towards adoption. This is the time Downey Side wants the family to decide 100% they are in this adoption through thick or thin, because as stated previously once that child comes to New Jersey it is considered your child. Once this visit is complete, we will work on arranging the placement of the child in New Jersey and your home. This stage has a lot of logistical, contractual, and emotional issues and is rarely a simple process. The contract and the ICPC approval processes begin. This involves deep level bureaucracy which takes time, sometimes as long as 2-3 months, sometimes quicker. The process of introducing the family to the children is delicate and can be challenging. Visiting and placement scheduling is needed. Financial, educational, medical, social, and logistical services must be put in place and throughout the process there are as many as eight to ten players. The Family Life Advocate and Downey Side staff work with the family to make the transition as smooth as possible, but it is often less than graceful.

***Placement:*** The period between the date the children physically move into the home and the date of finalization is technically a Foster Care placement but referred to as post placement and as such is governed by the rules that govern all Foster Care placements. This includes regulations such as no corporal punishment whatsoever, mandatory monthly visits, provision of 24/7 access to the home to various agency personnel, and the need to obtain permission to cross state lines, change medication, and obtain non-emergency medical treatment. The child must enter therapy to help with transition and healing and the family must participate in family therapy to ensure a successful integration into the family. The family is required to be in compliance with the regulations of both the sending state and the state in which they reside. Downey Side is required to be knowledgeable of the regulations and to make sure that families are in compliance.

During this period, Downey Side is required to 'supervise' the family for 6-9 months until finalization. They will interview all family members to efficiently write a home visit report once a month. The family life advocate will help with resources to help make the transition as smooth as possible. However, both the family and the Family Life Advocate strive to establish a mutually trusting relationship. The agency trusts the family's decisions- enough to place the children!

'During this time, the legal authority to make decisions about the care of the children remains with the sending state as administered, *in loco parentis*, by Downey Side. Thus, Downey Side is in effect the legal guardian of the children.

As spoken of in the training, families are aware that the child's risks are greater than the family. If it 'doesn't work out' and the family reneges on its commitment the child loses their

home and family again causing more devastating pain and anguish that can negatively affect their future, but the family remains in their house and home with no equal detriment. Again, commitment cannot be emphasized enough, and Downey Side points out that it's a decision not a feeling.

Awareness of parenting styles has blossomed in recent decades and how parents raise their children is not set in stone as it seemed to be in previous generations. Successful parents set their sights on learning new approaches when necessary- raising children is not now, never has been, and never will be easy. Raising children who have been traumatized presents daunting challenges.

Like any major change in life, the mere presence of new child(ren) in the family upsets the apple cart so to speak. And the children come with external baggage (a myriad of social workers, therapists, social systems) and certainly internal baggage.

***Finalization:*** The 'system' basically disappears the day the adoption is ratified by a judge; finalized. Full legal and physical custody is remanded to the parents. Downey Side, however, remains as noted in the service array, basically offering the same service as was provided during the placement stage. It is not uncommon for a child to test a family's commitment after the finalization. Again, the support offered by the agency must continue or reasonable people would not embark on this journey in the first place.

The arrangements for legal finalization depend on where the children come from- all states do it differently, but all states require the children to be 'free for adoption', the family to be certified, and various affidavits to be signed. The family may need to obtain services from a lawyer to help with the process but not always. The children will be issued a new birth certificate. Most states offer reimbursement for 'non-recurring, one-time,' expenses incurred during the overall process and adoption subsidy that lasts until the children turn 18 or 21. These arrangements will be solidified during the Transfer phase.

