

Q. Who do I call after the adoption finalization if I have questions or need help?

A. If you have questions or need help during the first six months after your child's adoption finalizes, contact the Adoption CSW who handled your case prior to finalization. If your adoption has been finalized for more than six months, contact the Los Angeles County Department of Children and Family Services' Post Adoption Services (PAS) Unit at (800) 735-4984. A PAS social worker will process AAP inquiries, assist with needed referrals, and handle other concerns or questions. You may also call The Alliance for Children's Rights at (213) 368-6010.

Q. I am an adoptive parent and I am moving. Who do I call to make sure the AAP checks are sent to our new address?

A. If you have not received an AAP check, or have a change of address, call the AAP Hotline at (800) 697-4444. Also call this number when you are having problems like your child's Medi-Cal card is not working.

Q. My child's adoption was finalized three months ago, and we still haven't received her birth certificate. How do we get a copy of it?

A. You are automatically sent one (free) certified copy of your child's new birth certificate after the adoption is final, which is issued by the California Department of Health Services Office of Vital Records. However, the "automatically" part can take from three to six months. If you've been waiting at least three months, you can call the Office of Vital Records at (916) 445-2684. You can also visit their website at www.cdph.ca.gov.

- The county clerk of the superior court granting the adoption is required to complete the Court Report of Adoption (VS44) and send a certified copy of the Adoption Report and the Adoption Order to the California Department of Health Services, Office of Vital Records. The new birth certificate will be prepared by the vital records office in the child's state of birth. If your child was born in another state, the California Office of Vital Records will forward the Report to the vital records office in the child's state of birth so they can prepare the new birth certificate. If your child was born in another state, you may be required to pay a nominal fee for issuance of the new birth certificate. (The California Office of Vital Records' \$20 registration fee is waived for foster care adoptions for children born in California.) If your child was not born in California and you have not received the birth certificate, call The Alliance or the pro bono attorney who assisted you with the adoption and we can contact the vital records office in the state where your child was born.

Q. How do we apply for a Social Security Number for our adopted child?

A. At your local Social Security Office, complete an *Application for a Social Security Card* (Form SS05). You will need to show them original documents proving your child's U.S. citizenship, age, and identity. You will also need to show them documents proving your identity and your

relationship as parent of the child (as you are signing the application on the child's behalf). If your child is age 12 or older, h/she must appear for an interview at the Social Security office, even if a parent or guardian will sign the application on the child's behalf.

- For proof of U.S. Citizenship, the Social Security office can accept only certain documents. These include a U.S. birth certificate, U.S. consular report of birth, U.S. passport, Certificate of Naturalization or Certificate of Citizenship.
- For proof of your child's Age, you must present your child's birth certificate if you have it. If not, the Social Security Office can consider other documents, such as your child's passport, to prove age.
- For proof of your child's Identity, the Social Security office can accept only certain documents. These include a U.S. passport, an Adoption Order, a hospital record, a religious record, or school identification card.
- For proof of your identity, the Social Security office will ask to see your U.S. driver's license or identification card, U.S. passport, or they will accept other documents such as an employee ID card, school ID card, marriage document, health insurance card, U.S. military ID card, or adoption order.

All documents must be either originals or certified copies. They may use one document for two purposes (such as use your child's passport as proof of both citizenship and identity; or, may use your child's birth certificate as proof of age and citizenship). However, you must provide at least two separate documents.

Q. What if I need a Social Security Number (or new card) now and I have not yet received the new birth certificate for my adopted child?

A. For proof of your child's U.S. citizenship, age and identity, in lieu of the new birth certificate, you can show the Social Security office your child's U.S. passport if h/she has one. If not, you can show your Adoption Order, which includes the information regarding the child's name, date of birth and place of birth. Along with that, you should show your Adoption Agreement, which includes your name(s) as the adoptive parent(s), your child's original birth name, and your child's new name after adoption. If you have a copy, you can also show the child's original birth certificate for proof of U.S. citizenship, along with the adoption documents. Ask for a supervisor when you go to the Social Security Office, who may have more knowledge and authority to approve your application with the Adoption Order as your proof. Also, you may contact Cynthia Billey at The Alliance who can provide you a letter to take with you to the Social Security office requesting that they accept the Adoption Order as proof of the child's citizenship, age and identity.

Q. What is a Temporary Adoption Taxpayer Identification Number?

A. An ATIN is an Adoption Taxpayer Identification Number issued by the Internal Revenue Service (IRS) as a temporary taxpayer identification number for the child in a domestic adoption where the adopting taxpayers do not have and/or are unable to obtain the child's Social Security Number (SSN) in time to file their tax return. The ATIN is to be used by the adopting taxpayers on their Federal Income Tax return to identify the child while the final domestic adoption is pending. Thus, for example, if you are unable to obtain an SSN for your adopted child due to the long processing time for new birth certificates, you may apply with the IRS for an ATIN. To apply for an ATIN, fill out IRS Form W-7A, Application for Taxpayer Identification Number for Pending U.S. Adoptions. This is available at <http://www.irs.gov/pub/irs-pdf/fw7a.pdf>. It will

generally take 4 to 8 weeks to get an ATIN once the IRS receives a completed Form W-7A. You may be able to use an ATIN on your tax return to take the following tax benefits based on the child: dependency exemption, credit for child and dependent care expenses, adoption credit, child tax credit. Please consult your accountant or a tax preparer for advice in your individual situation. You may call the IRS Information Hotline toll free at (800) 829-1040, or the ATIN office directly at (512) 460-7898 (not a toll free number).

Q. How do I apply for a U.S. passport for my adopted child?

A. To apply for a passport for a child under age 14, adoptive parents need to fill out Application Form DS-11 (<http://www.state.gov/documents/organization/100004.pdf>) and submit it to a passport acceptance agency along with proof of the child's U.S. citizenship and evidence of the child's relationship to the parents/guardians. For proof of citizenship, you will need to submit either a certified U.S. birth certificate or a previous fully valid U.S. Passport. For proof of relationship, you will need to submit either a certified U.S. birth certificate (with parents' names) or Adoption Order (with adopting parents' names). Each parent must submit their own identification (i.e., valid driver's license passport, etc.) and both parents must appear together and sign the application form. Go to <http://www.state.gov> for more information.

As with applying for a Social Security card, if you have not yet received your child's new certified birth certificate, you can try submitting the Adoption Order along with the Adoption Agreement or DCFS Consent and Joinder to the passport agency as proof of the child's U.S. citizenship as well as your relationship to the child. If you have a certified copy of the child's original birth certificate, you can submit that along with the Adoption Order and Adoption Agreement showing a change in the child's name after adoption. The Adoption Order contains the child's name, adoptive parents' name(s), child's date of birth, and place of birth, all sufficient to prove the child's U.S. citizenship and the parents' relationship to the child. However, it is possible that the passport agency will not accept the Adoption Order alone for purposes of proof of citizenship and will require either the original or new birth certificate or a previous valid U.S. passport.

Q. Are there any tax benefits available to parents adopting children from foster care?

A. Yes. Families who adopt a child with special needs from foster care can claim a Federal Adoption Tax Credit without needing to incur or document any adoption expenses. The per-child adoption tax credit is \$13,170 for adoptions finalized in 2010 and \$13,360 for adoptions finalized in 2011. The adoption tax credit is an amount which is subtracted from your tax liability. The adoption tax credit became "refundable" for 2010 and 2011. A refundable tax credit is one you get back regardless of what you owe or paid in taxes for the year. For more information, please consult a tax attorney, tax preparer, accountant, or the IRS (1-800-829-1040 or www.irs.gov, or www.irs.gov/taxtopics/tc607.html). More detailed information on the adoption tax credit is available at www.nacac.org/taxcredit/taxcredit.html.

To qualify for the credit without documenting expenses, families must a) have adopted a "child with special needs" from foster care, and b) have a modified adjusted gross income of a certain level.

- Does my child have special needs? Children who are hard to place for adoption – older children, children of color, sibling groups, and children with medical conditions or disabilities – are often determined to have special needs. Generally, this means that if a child receives adoption assistance program (AAP) benefits, the adoption assistance agreement is evidence that the state or county has determined that the

child has special needs. These children are eligible for the full tax credit without documenting expenses.

- Are we financially eligible for the credit? How much, if any, of the credit you can use is based on your income. Families with a 2011 federal modified adjusted gross income above \$225,210 cannot claim the credit at all; families with 2011 incomes above \$185,210 can claim partial credit. Adoptions from previous years had different income levels.

To claim the credit, you need to complete IRS Form 8839 in addition to filing IRS Form 1040 or Form 1040A. You can find Form 8839 at www.irs.gov/pub/irs-pdf/f8839.pdf or by requesting it from 800-829-1040. You can claim the credit in the year the adoption finalized. The IRS will require a copy of your Adoption Order and Adoption Assistance Program (AAP) Agreement (or a copy of the state determination of special needs) with the Form 8839.

The Patient Protection and Affordable Care Act of 2010 made the adoption tax credit *refundable* for tax years 2010 and 2011. When a credit is refundable, individuals can get the credit as a tax refund even after your tax liability has been reduced to zero. For families who normally get a refund, that means the refund would likely increase by \$13,360 in 2011 per child as long as they do not exceed the income guidelines.

Families who finalized the adoption of a foster child with special needs in 2010 and 2011 should carefully read any instructions that are issued by the IRS to determine how the refundable tax credit will actually work in their situation.

Families who adopted from 2005-2009 may be able to benefit from the refundable credit because credits from those years can be carried forward until 2010. For more information, go to www.nacac.org/taxcredit/taxcredit.html.

Update on 2012-2013 adoption tax credit: Under current law (which could still be changed), the federal adoption tax credit is as follows in 2012 and 2013:

2012 – The adoption tax credit will be \$12,650 per child. Families who adopt children with special needs will be able to claim the full credit regardless of their qualified adoption expenses. Other adopters (i.e., private adoption) will have to have qualified adoption expenses.

The credit will NOT be refundable, meaning that families can benefit only if they have federal income tax liability. Just as before 2010, families will claim the credit with their 2012 taxes, use what they can that year, and then can carry any remaining credit forward for five additional years until the credit is used up or time runs out.

2013 – Only families who adopt special needs children from foster care will be eligible for up to \$6,000 in the adoption tax credit. However, the credit will be based on expenses so families would need to have qualified adoption expenses to claim any credit. The credit will NOT be refundable, so families can benefit only if they have federal income tax liability. The income limits for the credit will also be reduced significantly in 2013, meaning that families with higher incomes will not benefit. The federal adoption tax credit was made permanent for special needs children adoption when the credit was first created. Credits for other adoptions are time limited and are scheduled to end by December 31, 2012.

Q. I recently received a notice in the mail from DCFS about recertification of my adopted child's AAP benefits. What should I do with it?

A. You need to respond to the notice immediately. The notice encloses the state AAP 3 form (<http://www.cdss.ca.gov/cdssweb/entres/forms/English/AAP3.pdf>) that DCFS is required to send you every two years after the AAP agreement was signed to recertify your continued need for AAP benefits. You must complete and return the AAP 3 Form immediately. If you do not return the AAP 3 form to DCFS within two weeks of the date it was mailed, DCFS may take action to terminate your AAP benefits. You should check the appropriate boxes indicating that you are legally responsible for the support of the child, and you are supporting the child; and indicating either that you continue to need AAP benefits for the child at the current level or that you are requesting an increase in the AAP benefit because the needs of your child have changed. If your child's needs have changed and you want to request an increase in the AAP benefits, you may check the appropriate box and complete Section I of the form indicating the needs of the child and circumstances of the family. Include any documentation you have showing the child's condition(s) and needs. Make sure to sign and date the form. If you have any questions about the notice you have received in the mail from DCFS, you should call the PAS Intake Line at 800-735-4984 or call The Alliance for Children's Rights at (213) 368-6010 for assistance.

Q. Am I eligible to receive an age-related increase in my child's AAP payments?

A. Maybe. Your adopted child is eligible for an age-related increase in his/her AAP grant *if your AAP agreement was signed before January 1, 2010*. Children receiving AAP at the basic rate are eligible to receive an age-related increase when s/he reaches the following ages: 5, 9, 12, & 15. These increases are not automatic. You must submit your request in writing to your DCFS adoption social worker (if you have not yet completed the adoption) or call the AAP/Foster Care Hotline at 1-800-697-4444 after the adoption.

However, due to a change in California law enacted in 2009, for AAP agreements signed on or after January 1, 2010, AAP benefits shall **not** be increased based on age. (Welf. & Inst. Code section 16121(a).)

Q. After the adoption, can I request an increase in the amount of my child's AAP benefits because the child's needs have changed?

A. Yes, adopting parents can at any time request a reassessment of the amount of the child's AAP benefits based upon reassessment of the child's needs, i.e., because the child's needs have changed. You should call the PAS Intake Line at 800-735-4984 to initiate a request for reassessment of AAP benefits.

Q. When will my child's AAP payments terminate?

A. AAP benefits terminate on your child's 18th birthday, even if your child is still enrolled in high school. Your child's AAP benefits may be extended to age 21, if your child has a documented mental and/or physical disability for which s/he is receiving services from a licensed professional that warrants the continuation of assistance to age 21. If you think your child does qualify for an extension of his/her AAP benefits past their 18th birthday, call the PAS Intake line at 800-735-4984 to request that DCFS evaluate your child's needs for continuation of benefits beyond the age of 18. You should call at least three months prior to your child's 18th birthday.

In addition, your child may be eligible for AAP benefits after he/she reaches age 18 under the specific circumstances of AB 12. Under this new California law, a child is eligible to receive AAP benefits after reaching the age of 18 **if** the initial AAP Agreement was signed when the child was at least 16 years of age and the child will be age 18 on or after January 1, 2012; **and** one of the following five participation criteria is met:

1. Completing a high school or an equivalency program; or
2. Enrolled in a post-secondary or vocational school; or
3. Participating in a program or activity that promotes or removes barriers to employment; or
4. Is employed at least 80 hours per month; or
5. Is incapable of participating in 1 through 4 above, due to a mental or physical disability.

Q. My adoptive child's therapist is recommending that my child receive in-patient services in a Residential Treatment Center facility. Will AAP pay for the cost of Residential Treatment for my child?

A. Yes, there is funding available from AAP that will cover the cost of your child's stay in certain Residential Treatment Centers (RTC) if that RTC meets specific qualifying guidelines. You may contact the DCFS Post-Adoption Services Intake Line at 800-735-4984 for more information. Your entire AAP benefit will be forwarded to the RTC during your child's stay at the RTC and will be reinstated to you once he/she returns to your home/care.

Q. Is my adopted child eligible for the Independent Living Program (ILP) services?

A. Children who were in foster care and adopted at age 16 or older are eligible for services from the Emancipation/ILP Program. Such services could include high school graduation expenses; education-related and work-related costs; financial aid workshops; housing assistance; job placement & training; life skills training; reimbursement for some physical & mental health services costs that are not funded by Medi-Cal, including costs for classes or services related to parenting skills, nutrition, drug & alcohol use. At times, some of these services & resources may not be available due to limited funding. The Emancipation program receives a set budget every year from state and federal government sources. Please be aware that services and resources are distributed according to need and not as an entitlement. For more information, call the Emancipation Program at (213) 351-0100 or see their website at www.ilponline.org

Q. I adopted my child from county foster care. Do the child's biological parents or other birth relatives have the right to visit the child I have adopted?

A. No, in a foster care adoption, the dependency court terminated the parental rights of the child's biological parents, thus "legally freeing" the child for adoption. This terminates all rights of the birth parents, including custody of or visitation with the child. Once the Adoption Order is granted by the superior court, all rights over and responsibilities for the child are exclusively vested in the adoptive parent(s). Any prior orders of the dependency court relating to visitation of the child's birth parents are terminated and no longer in effect after the adoption. Any contact with the child's birth relatives, including the birth parent(s), siblings or other relatives after the adoption is a decision in the sole discretion of the child's adoptive parent(s).

California law does permit adoptive parents to enter into *voluntary* "post-adoption contact agreements" with birth relatives of the child. (Family Code § 8616.5) However, it is important to understand that such post-adoption contact agreements are strictly voluntary; they cannot be

ordered by the court or required by the county child welfare agency, the minor's attorney, or any other party. They will only work where all parties entering into such an agreement do so willingly and with the full intention of working together. Such agreements should not be pushed on any of the parties by social workers, attorneys, or the courts.

Q. What if my adopted child wants to search for his or her birth parents or siblings?

A. Despite having wonderful adoptive families, many children who are adopted grow up and desire to search for their birth families. Most adoption support groups encourage adoptees to include their adoptive family in their search. Sometimes the adoptee does not realize that their parents may possess information about the birth family. Many adoptive parents want to emotionally support their adult child as they navigate through the search process. Some advice to adoptive families is to support the adoptee in doing their search, help them understand that it is perfectly normal to want to know about every aspect of their background, and acknowledge that they are not looking for parental replacements but for the very beginning of their story.

If a birth parent tells their child's social worker that they would like to have contact with their child after the child reaches adulthood, the birth parents may submit a notarized *Consent for Contact* form (AD 904) and have it placed in their child's case file. If, after the child turns 18, he or she wants the Los Angeles County Department of Children and Family Services Post-Adoption Services (PAS) to assist them in locating and reuniting with their birth parents, he or she can contact PAS and submit the same form. This form allows the PAS worker to disclose the name and phone numbers of the birth parent(s) to their adult biological child and vice-versa. The form is available on-line at <http://www.cdss.ca.gov/cdssweb/entres/forms/English/AD904.PDF>.

DCFS' PAS Unit is also able to facilitate reunions between sibling adoptees who have reached the age of 21 years. If an adoptee wants assistance from the DCFS PAS Unit in reuniting with their sibling(s) who were also adopted, they must submit a notarized *Waiver of Rights to Confidentiality for Siblings* form (AD 904A) to PAS. Once PAS receives these notarized forms from all parties, the PAS worker can facilitate a sibling reunion. These forms are also available on-line at <http://www.cdss.ca.gov/cdssweb/entres/forms/English/AD904A.PDF>.