



Adoption of children in foster care



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Adoption establishes a legal parent-child relationship between a child in foster care and their committed caregiver. Adoption is the preferred permanency option when reunification is not possible. As legal parents, adoptive parents are legally and financially responsible for their children.

General adoption process

For children in foster care, the legal adoption process begins with a child's permanency court hearing. After a court orders guardianship of a child to the commissioner of the Minnesota Department of Human Services (department), or makes a child a ward of a tribe, a child's case manager recruits an adoptive family for them. By law, agencies must consider placement in a relative's home before considering placement in a non-relative home.

Once an adoptive family for a child has been identified, a placement agreement is signed by agency staff and prospective adoptive parents. For children under state guardianship, department staff must also sign placement agreements.

An adoption petition is filed with the court, and an adoption finalization hearing is scheduled. If the court is satisfied that adoption is in a child's best interests, it issues an adoption decree.

For more information

Contact: Northstar.Benefits@state.mn.us

Northstar Adoption Assistance benefits

Northstar Adoption Assistance is a benefit program that supports children with special needs after their adoption. Adoptive parents receive benefits on behalf of children. The following benefits may be available through Northstar Adoption Assistance:

- Monthly payments
- Medicaid
- Nonrecurring expense reimbursement, up to \$2,000 per child
- Reimbursement for pre-approved home and vehicle modifications needed to accommodate a child's special needs.

Adoptive parents may decline benefits.

Benefit agreement

A benefit agreement provides details about a child's benefits. It must be signed by the financially and legally responsible agency or agencies, prospective adoptive parents, and department staff prior to the court issuing a final decree of adoption.



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Eligibility for Northstar Adoption Assistance

To be eligible for Northstar Adoption Assistance, children must:

- Meet all eligibility criteria prior to adoption finalization
- Meet citizenship/immigration requirements
- Meet federal requirements based on a child's age, or have had foster care payments paid on their behalf while in foster care prior to a court ordering guardianship to the commissioner or making a child a ward of a tribe
- Be determined a child with special needs
- Have a fully executed benefit agreement in place.

Adoptive parents (and all required household members) must complete background study requirements prior to adoption finalization.

Special needs determination

The definition of special needs varies across program and policy areas. For Northstar Adoption Assistance, children must meet all three criteria of the special needs determination, which are:

- Child cannot or should not return home.
- Child has at least one of the following factors:
 - A physical, mental, emotional, or behavioral disability, including Supplemental Security Income-eligible disabilities.
 - A member of a sibling group to be adopted at the same time by the same parent(s).
 - Being adopted by the adoptive parent of their sibling, for whom they receive adoption assistance.
 - At risk of developing a disability.
- Agency has made the following reasonable efforts to place child without providing adoption assistance, but those efforts were unsuccessful:
 - Complied with adoption placement preferences under the Indian Child Welfare Act, if applicable.
 - Completed a documented search, including conducting a relative search, considering placement with a relative, and registering child on the State Adoption Exchange.

Payment amount

Children determined to be at risk of developing a disability are not eligible for payments until the commissioner has determined that a disability has manifested. All other children determined eligible for Northstar Adoption Assistance receive a basic monthly payment. Some children may also receive a supplemental monthly payment, as determined by the Minnesota Assessment of Parenting for Children and Youth (MAPCY).

Payments are not based on a family's income and do not change when family income changes. However, payments may be reduced if a child receives Retirement, Survivors, and Disability Insurance (RSDI); veterans benefits; railroad retirement benefits; and/or Black Lung benefits. Payments may also be automatically adjusted over time for a number of reasons, such as cost of living adjustments and basic payment increases as a child gets older.

Children determined eligible for Northstar Adoption Assistance while under age 6 are assigned the alternate rate, which is half of the amount a child would receive while in foster care. The alternate rate remains with a child through duration of a benefit agreement.

Ending benefits

To continue receiving Northstar Adoption Assistance, adoptive parents must stay legally responsible for the support of a child and be actually providing that support. Benefits usually end when a youth turns 18, although adoptive parents may ask for an extension, up to age 21. An extension may be granted if special requirements are met.

If a child's adoptive parents die or their parental rights are terminated, benefits may continue under certain circumstances.



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Key differences between adoption and transfer of permanent legal and physical custody

	Adoption	TPLPC
Legal rights and responsibilities	A legal parent-child relationship is established between adoptive parents and child. Adoptive parents have all rights and responsibilities that birth parents originally had. Birth parents have no parental rights and no legal parent-child relationship.	Relative custodians have primary rights and responsibilities for a child's protection, education, care, supervision, and decision making on behalf of a child. Birth parents retain a legal parent-child relationship with their child, but their rights are secondary, subject to limits imposed by relative custodians. Their rights may include visitation, access to information, and notice of accidents or serious illness.
Permanency of relationship	Adoptive parents are the permanent legal parents. Their parental rights cannot be terminated for reasons a birth parent's rights would not be terminated.	Relative custodians' responsibilities end when a child attains age 18. Birth parents or relative custodians may request modification to the TPLPC order, including requesting the court to return a child to their birth parents after a certain amount of time has passed. Relative custodians may not return a child to the permanent care of a parent from whom they were removed without court approval and notice to the responsible agency.
Child support	Birth parents do not pay child support. They may be responsible for paying arrears owed prior to the termination of parental rights.	Birth parents may have an ongoing child support obligation.
Relationships with birth family, including siblings	Adoptive parents have the right to determine ongoing contact. Birth parents and other birth relatives may enter into contact agreements with adoptive parents regarding a child, but failure to follow such agreements will not result in overturning an adoption.	Relative custodians facilitate visitation and contact with birth parents and other family members, as long as the court has not ruled against such contact. Birth parents may request modification of a court order to specify visitation schedules or request additional visitation.
Child's legal name	Adoptive parents determine a child's legal name.	A child retains their legal name, unless changed by court order.
Child's right to inheritance	A child inherits from adoptive parents as they would from a birth parent.	A child inherits from birth parents. A child has no right to inherit from relative custodians unless specified in a will.
Further involvement with county or tribal child welfare and termination of relationship	As with biological children, adopted children could enter the child welfare system due to abuse or neglect, or to receive treatment for mental health or disability. Existing child welfare laws apply, and a county or tribal agency could assume custody. County and tribal agencies may assess parental fees to pay for children's costs of care. Adoptive parents' rights cannot be terminated for reasons birth parents' rights would not be terminated.	Children who are the subjects of a TPLPC could enter the child welfare system due to abuse or neglect, or to receive treatment for mental health or disability. Existing child welfare laws apply, and a county or tribal agency could assume custody. County and tribal agencies may assess parental fees to pay for children's costs of care. Relative custodians may request modification or termination of TPLPC orders.
Tax credit	Adoptive parents may be eligible for a federal tax credit based on the year an adoption finalized.	There is no tax credit for TPLPC. However, relative custodians may be able to claim a child as a dependent.

651-431-4660

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