



Adopting a Child With Special Needs by Fostering First

One place to start is by reviewing our previous article, [Adopting a Child with Special Needs](#), where we provide valuable tips about adoption, including using reputable agencies to facilitate the process. The next option to consider is to foster before you adopt.

“[Studies](#) estimate that about 33 percent of kids who enter foster care have a chronic health condition, and more than half of children under five in foster care have developmental challenges,” ([How Families Are Advocating For Children With Disabilities In Foster Care](#), by Claudia Boyd-Barrett). Therefore, chances are high that if you adopt a child with special needs, they will be coming from the foster care system, so fostering before adoption can serve as a valuable resource to you in the short and long terms.

Defining “Special Needs”

The foster care system is primarily regulated at the state level, and the fostering process starts when a child in need is referred to the state Child Protective Services (CPS) for temporary placement. While parents considering adopting a child with special needs may have an idea of what those needs could encompass, it’s important to note that the specific definition of “special needs” varies by state. Generally, foster care agencies [apply the term](#) to any child who may have a harder time finding a permanent adoption placement due to being:

- *An older child*
- *Of a particular race or ethnic group*
- *Part of a sibling group who must be adopted together*
- *A child who has some type of medical condition*
- *A child who has physical, mental, or emotional disabilities*

The term can also be applied to a child that is not considered [“healthy” at birth](#). According to [consideringadoption.com](#), the most common disabilities of children in foster care are Autism, Down Syndrome, Cerebral Palsy, Fetal Alcohol Syndrome, Shaken Baby Syndrome, or other brain injuries.

Prospective adoptive parents may be wary of fostering a child before adoption because they fear they may need to reunify the child with their parents. While this is a possibility, the reality is that in most cases, the social worker assigned to the child wants to ensure a

successful placement. Therefore, it is important to discuss placement preferences with the child's social worker before taking in the child.

Benefits to Fostering First

Fostering a child with special needs before adoption can provide parents several [benefits](#), including:

- **Quicker Adoption Finalization** – Whether the prospective adoptive parents decide to foster first or go through a private agency, they will need to demonstrate their suitability for adoption. When parents are licensed to provide foster care, a child can live with them before adoption, potentially reducing the adoption finalization waiting time.
- **Better Understanding of the Child's Needs** - Parents will be able to better understand the scale and scope of the child's disability prior to adoption. In addition, they will be provided the resources and treatments available to and currently used by the child. Similarly, adoptive parents will also learn about the deficits in the child's care, thus enabling them to later negotiate adoption and financial assistance more accurately.
- **Continued Financial Support** - A child placed with a foster parent will continue to receive financial support to help meet their needs – typically until the child turns 18. Fostering before adopting will help prospective parents avoid a potential disruption in the child's assistance that could occur before they receive post-adoption financial support.
- **Lower Costs** – According to Adopt U.S. Kids, "[Families](#) who adopt from foster care usually adopt from a county, state, territory, or tribal public child welfare agency. Adopting a child from foster care is often funded by the state, and in most cases, there are few or no fees." (What is the cost of adoption from foster care? Adopt U.S. Kids)
- **Access to Health Insurance** – With the rising cost of healthcare, it can be challenging to cover the often expensive treatments children with special needs require. A benefit to fostering first is that children in foster care can keep their state-funded insurance until they are 18, and those with special needs may qualify for insurance beyond that time.

- **Respite Care** – A child adopted through foster care may qualify for state-funded respite care. If the current foster parent requires a break due to an emergency (or simply from exhaustion), they can receive respite care from another licensed foster parent. Some state agencies even offer [incentives](#) to prospective parents to take in children with special needs by including provisions for respite foster care in their contracts. ([How Respite Foster Care Works](#), Carrie Craft)

Legal Challenges When Fostering First

If you choose to foster before adopting, it's essential to be aware of legal challenges that you may face. In particular, because foster parents don't have the same legal rights as adoptive parents, in most cases, they don't have the right to participate in their child's special education. Depending upon the state, foster parents may not even have the right to know if the school has identified their foster child as having a learning or thinking difference or if they have the right to view their foster child's school records. According to [Trynia Kaufman, MS](#), "foster parents may not have the legal rights to do [the following]:

- Sign educational forms
- Consent to evaluations and services
- Request an evaluation
- Attend evaluation or IEP team meetings (unless the child's [birth or adoptive] parents say it's OK)."

([Foster Care, Special Education, and Learning and Thinking Differences: What You Need to Know](#), Trynia Kaufman, MS)

Therefore, it's important to carefully read the foster contract and contact an attorney if you have questions about navigating your rights to advocate for and administer your foster child's care.

Resources for Prospective Foster to Adoptive Parents

Lori Krick, an adoptive mother of a child with special needs she first fostered in North Dakota, has some final recommendations for prospective parents, "Get a hold of all of the resources offered to you as the adoptive family. Support groups who have children with similar conditions, counseling for the child and members of the adoptive family, and any resources in mental and physical health will help ensure greater success as your child ages."

For more information, consult the following resources or your [local and county child welfare agency](#).

- *Medical Home Portal's Foster Care of Children with Special Needs' web page including understanding foster care for children with special needs, steps to become a foster parent and more, available [here](#).*
- *Adopt US Kids, About Adoption from Foster care web page includes general information and FAQ's, available [here](#).*
- *National Conference of State Legislators' ("NCSL") list of state "Foster Care Bill of Rights," available [here](#).*
- *U.S. Department of Health & Human Services, Child Welfare Information Gateway's All-In Foster Adoption Challenge information page includes links to their blog, governors, and community partners, available [here](#).*
- *The non-profit, Understood's, blog article, Foster Care, Special Education, and Learning and Thinking Differences: What You Need to Know by Trynia Kaufman, MS, available [here](#).*
- *The website Considering Adoption, has an informational webpage entitled "Everything You Need to Know About Fostering to Adopt," available [here](#).*

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