



“Special Needs” Adoption: What Does It Mean?



In adoption, the phrase “special needs” can apply to almost any child or youth adopted from foster care. The term is used in State laws to indicate eligibility for Federal financial assistance, so it is a term that adoptive families hear often. However, the term “special needs” is almost universally disliked by adoption professionals and youth in foster care because of its potential to be misunderstood and its negative connotations.

What exactly does the term “special needs” mean in foster care and adoption? This factsheet presents some common questions about adopting a child or youth with special needs and provides resources that will give you detailed answers.

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- Making the Decision
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Definitions

Many people think “special needs” are medical, physical, or emotional disabilities. But within the foster care and child welfare systems, a child or youth with special needs has a factor or condition (uniquely defined by each State) that may involve any of the following:

- Ethnic or racial background
- Age
- Membership in a sibling group
- Medical, physical, or emotional disabilities
- Risk of physical, mental, or emotional disability based on birth family history
- Any condition that makes it more difficult to find an adoptive family

These broader definitions of “special needs” may be used to determine eligibility for Federal financial assistance for adoption of children and youth from the U.S. foster care system. While there’s no single Federal definition of special needs, according to title IV-E of the Social Security Act, a child or youth with special needs must also meet the following two requirements to be eligible for Federal adoption assistance:

- The child or youth cannot or should not be returned home to his or her parent(s).
- An unsuccessful attempt was made to place the child or youth without adoption (financial) assistance, except in cases where such a placement would not have been in the best interests of the child or youth.

What is my State’s definition of special needs for foster care adoption?

Definitions for every State, the District of Columbia, and Puerto Rico are listed here:

www.childwelfare.gov/adoption/adopt_assistance/questions.cfm?quest_id=1

What does the term “special needs” mean in intercountry adoption?

Agencies that place children and youth through intercountry adoption may use the term more commonly to refer to children with physical or developmental disabilities, or other conditions that make it less likely that they will find a family easily. A child or youth with special needs from another country does not qualify for Federal adoption assistance; a full explanation is in the Children’s Bureau *Child Welfare Policy Manual*:

www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=175

More information is available here:

<http://nacac.org/adoptionssubsidy/factsheets/internationaladoption.html>

Eligibility

Who may adopt a child or youth with special needs?

There is no specific legal requirement for families to be eligible to adopt a child or youth with special needs. Families often make the decision about parenting a child or youth with special needs with their adoption worker or agency, depending on their capacity to parent a particular child or youth in whom they may be interested. Here is a summary of State laws about who may adopt, be adopted, and place a child for adoption:

www.childwelfare.gov/systemwide/laws_policies/statutes/parties.cfm

I have more questions about my eligibility to adopt.

Answers about age, health, gender, background checks, sexual orientation, and more can be found here:

www.childwelfare.gov/adoption/adoptive/whocan.cfm

Making the Decision

How can I know if I can meet the challenges of parenting a child or youth with special needs?

Talking with other experienced adoptive parents is one of the best ways to determine if adopting a child or youth from foster care is the right decision for your family. You can find a foster/adoptive parent support group in your area in the National

Foster Care and Adoption Directory:
www.childwelfare.gov/nfcad

At least two States have produced self-assessment guides for prospective parents that can help you make informed decisions:
www.iowakidsnet.com/userfiles/File/Foster_Parent_Assessment_Guide.pdf
www.adoptkckids.org/files/AdoptKCKids_Self_Assessment_Guide2.pdf

I have more questions about what adoption would involve for me and my family.

There is a lot for families to think about and learn before making the decision to adopt.
www.childwelfare.gov/adoption/adoptive/before_adoption.cfm

Here are some questions you can ask your agency or caseworker, as well as information about expectations and financial concerns:
www.adoptuskids.org/resourceCenter/7steps/documents/AdoptionTips.pdf

What has life been like in the foster care system for children and youth with special needs?

Many children and youth with special needs have been removed from their families because of abuse or neglect. Many also have experienced multiple moves in foster care. “A Child’s Journey Through the Child Welfare System” can give you some idea:
<http://pewfostercare.org/research/docs/journey.pdf>

More information about common characteristics of children and youth waiting for families, including children with special needs, can be found here:
www.childwelfare.gov/adoption/adoptive/characteristics.cfm

How can I find out about children and youth with special needs who need families?

Photolisting services have pictures and descriptions of children and youth in State foster care systems who are available for adoption and waiting for families. AdoptUsKids is the only federally funded, national photolisting service for children and youth in foster care waiting for permanent families:
www.adoptuskids.org/Child/ChildSearch.aspx

This webpage lists photolistings by State:
www.childwelfare.gov/pubs/reslist/rl_dsp_website.cfm?typeID=82&rate_chno=AZ-0005E

Adoption exchanges provide adoption information and often promote the adoption of children and youth with special needs. They use print, radio, TV, and the Internet to recruit adoptive families. This webpage has links to adoption exchange websites sponsored by State child welfare agencies:
www.childwelfare.gov/pubs/reslist/rl_dsp_website.cfm?typeID=81&rate_chno=AZ-0003E

Getting Started

To adopt a child or youth with special needs in the United States, where do I start?

This factsheet gives the basics of any adoption process and offers resources for each step:
www.childwelfare.gov/pubs/f_start.cfm

Here’s a guide to the seven basic steps of the journey to adopting children or youth from the U.S. foster care system:
www.adoptuskids.org/resourceCenter/7steps/7StepJourney.aspx

What about adopting a child or youth with special needs from a foreign country?

The State Department website has information on all kinds of intercountry adoption:
<http://adoption.state.gov>

The factsheet Intercountry Adoption: Where Do I Start? covers many essential elements:
www.childwelfare.gov/pubs/f_inter/index.cfm

Financial and Health-Care Assistance

Where can I find out about recurring or nonrecurring adoption assistance?

Find information on Federal and State adoption assistance for children adopted from foster care:
www.childwelfare.gov/pubs/f_subsid.cfm

I have more questions about obtaining adoption assistance from my State.

Find answers here to 13 State-specific topics:
www.childwelfare.gov/adoption/adopt_assistance/index.cfm

This site has State-by-State adoption assistance information:
www.nacac.org/adoption/subsidy/stateprofiles.html

Here are additional resources searchable by State:
www.childwelfare.gov/nfcad

Are there tax credits for adoption?

Read the IRS explanation of qualified adoption expenses:
www.irs.gov/taxtopics/tc607.html

“Claiming the Federal Adoption Tax Credit for Special Needs Adoptions” explains more:
www.nacac.org/postadopt/taxcredit.html

Postadoption
Services

Are there services available to help my family after a child or youth is placed with us?

There are postadoption services that help with a range of issues:
www.childwelfare.gov/pubs/f_postadoption.cfm

I have more questions about postadoption issues and services.

Here are resources that include information on counseling, support groups, training, birth records, and more:
www.childwelfare.gov/adoption/adopt_parenting/

Where can I learn more about parenting a child or youth with disabilities or special needs?

Here is a list of organizations that help children and youth with disabilities and special needs and their families:
www.childwelfare.gov/pubs/reslist/rl_dsp.cfm?subjID=3&rate_chno=11-11286