

The Role of the GAL in the  
Negotiation of Adoption  
Assistance Agreements

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Whether the funding source for adoption assistance is Title IV-E or State/County does not affect the processes both prior to and after the adoption finalization. Colorado treats all adoption assistance agreements the same.

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The most important thing to remember is that every agreement is completely unique. It should reflect the child's special needs, the family's ability to meet that child's needs as well as the family's circumstances

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### Points in Common – Seth and Connie

As you already know, in many cases, the GAL has been the most consistent party in the child's journey through the system. It is for this reason that the GAL should play an active role in moving toward permanency for that child. He/she has been there for evaluations, placements, visits and many disappointments. The GAL can be very helpful to his/her client:

1. To educate prospective adoptive parents about the adoption assistance program.
2. To ensure that the child's needs are fully updated, understood and met post-adoption.

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Only the family knows (as it should be) what their exact circumstances are. It is not necessary to have attorneys to assure that their circumstances are protected.

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Because of the GAL's extensive information about the child and his/her history, the GAL can be very helpful to the adoptive family when documenting and looking forward to the prospective needs of their adopted child.

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The give-and-take process between the county department and the prospective adoptive family should be based on mutual trust such that the agreement is truly that – an agreement between the two parties and in the best interest of the child for whom the accord is being established.

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Adding attorneys to the mix in the negotiation process does not keep the conversation between the parties to the agreement – what the child and the family needs and staying within the resources of the county department.

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The negotiation should be based on the child's needs today as well as what might be expected in the future. What many families forget is that any kind of monetary assistance based on prospective needs should not be paid today.

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Any type of monthly monetary assistance cannot exceed the payment that was (or would have been) paid, minus respite, when the child was in foster care prior to the adoption.

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**Medicaid**

- If an adopted child is Title IV-E eligible, he/she is eligible for Medicaid in any state to which the family would move following the adoption
- If the child is not eligible for Title IV-E adoption assistance (State/County), it is possible that he/she might not be eligible for Medicaid in a state to where the family might move, if that state is not reciprocal for non-Title IV-E Medicaid.
- In the latter scenario, the county is responsible for assuring that the child has medical insurance.

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The Medical and Case Services adoption assistance is one of the most flexible ways of assuring that the family and the child have the assistance that they really need.

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### Federal Adoption Tax Credit

- This is one of the best ways that GAL's might be able to be of the most assistance to the child and to his/her family. Despite the regulations listed on the IRS and NACAC web sites, most adoptive families are finding it very difficult to get this credit.
- The families have provided all of the paperwork that is listed in the IRS requirements, but families continue to be denied.
- Training to adoptive families regarding their request for the Adoption Tax Credit would be a great resource to families and their adopted children.

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