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DCS ADOPTION TIMELINE

UPDATED: MARCH 12, 2023

This timeline is provided to help you understand the process that we follow for a successful adoption. We have found that by providing this timeline to our clients it can help answer many of the commonly asked questions during the adoption process. **It is a good idea for you to print this timeline out to have it readily accessible in case you have any questions.** Please note that the online version of this timeline (shared in the “Introduction Email”) has internet hyperlinks embedded in it for you to access certain forms. You will need to access the online version in order to click on those hyperlinks. Please note that if you do print this out that it is a good idea to go back and check the version date monthly to make sure you are using the most up-to-date version of the timeline.

If at anytime you see an error in this document or maybe the process seems to have changed based on what you are being asked to do versus what is written in this document, please email grant@kirsh.com and let him know where the error, or change in process is so that he may update the timeline.

PLEASE NOTE THAT IF AT ANY TIME IN THE PROCESS YOU LOSE PLACEMENT OR ARE NO LONGER INTERESTED IN ADOPTING THAT YOU NEED TO INFORM GRANT KIRSH OF THAT IMMEDIATELY. DCS WILL NOT INFORM KIRSH & KIRSH OF THIS CHANGE.

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1 - Client Intake Process:

- a. Client has an initial zoom meeting or phone call with Kirsh & Kirsh.
- b. Client decides to work with Kirsh & Kirsh.
- c. Client makes payment of estimated adoption expenses.
- d. Kirsh & Kirsh sends initial documents to Client to complete.
- e. Client complete initial documents.
- f. Kylee Bunnell enters Client's information into our client database.
- g. Kylee Bunnell uses DocuSign to send Client data confirmation sheet and statement of understanding for client to sign off that all data has been entered correctly.
- h. Client CAREFULLY reviews information for accuracy, including typos, and then responds back to Kylee Bunnell to let her know if any revisions are needed, or if information is all correct. The petition(s) for adoption will not be drafted until this step is completed.
- i. Grant Kirsh confirms receipt of documents by sending an Introduction & Timeline email.
- j. Client downloads PDF of this timeline, print and staple it and put it on their refrigerator to make sure they can reference it when they have questions about the adoption process.
- k. Please make sure to check back to the link where you found this timeline at least once a month to make sure the version date (found in the footer) is the most up-to-date version of this timeline.

2 - Starting the Adoption Process and Filing a Petition for Adoption:

- a. Emley Kirsh begins compiling the information needed in order to draft a petition for adoption. This includes contacting DCS to ask for information such as consents to adoption (if signed) or the status of the termination of parental rights (TPR) hearing on the parents.
- b. Rachel Paolini requests the original birth certificate from the State Department of Health so that Kirsh & Kirsh can confirm parental rights, the spelling of names, and the child's date of birth. Rachel Paolini will then mail Client the original birth certificate for your records.
- c. Emley Kirsh drafts the Petition for Adoption and emails that to Client via DocuSign to review and execute.

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- d. Client reviews Petition for Adoption and either send Emley Kirsh revisions or, if everything is accurate, Client sign Petition for adoption.
- e. Assume that the petition for adoption will be filed immediately after Client(s) have signed the petition for adoption. The filed petition for adoption will not be emailed to you after it is filed.
- f. If the permanency plan is adoption or is close to changing to adoption, then it is OK for us to go ahead and get the Petition for Adoption filed.
- g. Emley Kirsh files the Petition for Adoption in the adoption court to open the adoption case.
- h. Emley Kirsh emails the DCS attorney and/or the DCS Family Case Manager (FCM) the filed Petition for Adoption letting them know the adoption case has been opened. Emley Kirsh also asks DCS to make sure to send us the TPR orders or parents' consents to adoption when they receive those items.
- i. **If you would like to review the DCS case file, please email kylee@kirsh.com to let her know you would like to review the case file.** Do not make this request though unless the permanency plan is adoption. It can take DCS months to prepare the case file for your review and the request to review the case file must be made prior to the finalization of the adoption.
- j. Please understand that at this point in the process (between the time we file the petition for adoption and when TPR is granted, or we start negotiating subsidies) **months may go by during which we do not communicate much, if at all. THIS IS OK!** There is nothing for us to work on in the adoption until it is time to start on until DCS receives the adoption subsidy eligibility determination.

3 - TPR Mediation or Post Adoption Contact Agreement Negotiations:

- a. Under Indiana Law, if a child is over the age of two (2) years old when adopted there is an option to offer legal parents post adoption contact (written, in-person, phone/video chat) if the legal parent is willing to sign a consent to adoption. Grant Kirsh drafts the agreements and puts very fair language in the agreement that states that the legal parent has the burden of scheduling all contact, and if they do not live up to the terms of the agreement then the agreement becomes void. Offering a legal parent post adoption contact can significantly speed up the adoption process. Marion County is the only county in the state that regularly schedules TPR mediations for this purpose. Other counties do not even bring this idea up to legal parents. Please know that working on a post adoption contact agreement would trigger the mediation clause of the engagement letter which would mean you would be responsible for the extra

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fees associated with Kirsh & Kirsh completing this work. Please make that payment using this link www.IndianaAdoption.com/pay and then email annie@kirsh.com, grant@kirsh.com and kylee@kirsh.com letting them know you have made that payment and that you would like to schedule a Zoom consultation to discuss a post adoption contact agreement (see the next step immediately below),

- ii. **MARION COUNTY CASES:** If your case is a Marion County case please make sure to let Grant Kirsh know if a TPR mediation has been scheduled and also email kylee@kirsh.com to schedule a Zoom at least one week prior to your mediation so that we can come up with a game plan for mediation.
- iii. **ALL OTHER COUNTIES IN THE STATE:** If you feel that this is something you want to explore please email kylee@kirsh.com and let her know you would like to schedule a Zoom to talk to me about the idea of offering one, or both, legal parents a post-adoption contact agreement.

4 - Adoption Subsidy Negotiations:

- a. If DCS has filed for TPR on the legal parents, or the legal parents have signed consents, then this is the appropriate time for your FCM to apply for adoption subsidies. Your FCM might tell you they need to wait until TPR is granted to apply for adoption subsidies. This is not accurate, but it is somewhat up to the FCM when they will apply. DCS' policy states that a TPR petition must only be PENDING in order to apply for subsidies. TPR does not need to be GRANTED prior to applying for adoption subsidies.
- b. **We do not schedule the final adoption hearing until AFTER subsidies have been agreed upon.** This is important for you to remember. Because we typically file our adoptions in Hamilton County, Kirsh & Kirsh is able to get into court quickly once we have subsidies agree upon and DCS has provided the final documentation required to finalize the adoption.
- c. FCM will tell Client that FCM needs to send to you, or come to your home, to give you "paperwork for the adoption". This is really the adoption subsidy application and other documents relating to applying for subsidies. The adoption subsidy application form is referred to as the AAP. On the AAP form, about ½ way down on the first page, are some checkboxes that you need to check off.

Below are the boxes that you need to check off:

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- ✓ “AAP or SAS Payment”
- ✓ “Non-Recurring Adoption Expenses”
 - ✓ “To be paid to the attorney representing the adoptive parents in adoption.”
- ✓ “Medicaid”

- d. FCM will ask client to get fingerprinted again for the adoption subsidies or they may say “you need to get fingerprinted for the adoption”. You must pay for this out of pocket and the cost is about \$35-40/person. Please confirm cost with your FCM. Everyone over the age of eighteen (18) years old who lives in your home must get fingerprinted.
- e. **ELIGIBILITY DETERMINATION**: Once Client (and all adults in the home) is fingerprinted and FCM completes the adoption subsidy application paperwork FCM then sends the AAP to the Central Eligibility Unit (CEU) so they can make an eligibility determination for adoption subsidies. **Please follow up with your FCM to make sure they send the “AAP to CEU”**. FCM should know what those acronyms mean. Kirsh & Kirsh sees in some of the smaller counties that the FCM forgets to sometimes send the AAP to CEU. This can cause months of delays.
- f. CEU has 45 days to make their eligibility determination once FCM sends the AAP to CEU. Typically, if a child is two (2) years of age or older they will automatically qualify for subsidies.
- g. CEU will make the eligibility determination and then send that information to you. **DO NOT FILL ANYTHING OUT IN THE ELIGIBILITY DETERMINATION PACKET INCLUDING THE SUBSIDY DOCUMENTATION CHECKLIST**. Please just forward that information on to Grant Kirsh and then continue to the next step.
- h. We next wait for a subsidy negotiator to contact Grant Kirsh and Kylee Bunnell to get started with adoption subsidy negotiations.
- i. The subsidy negotiator will contact Grant Kirsh and Kylee Bunnell and make a subsidy offer of 50% of the current per diem without Client having to provide any financial information.
- a. Option 1 – ACCEPT 50%
- i. Client accepts 50% subsidy offer **WITHIN ONE (1) WEEK OF DCS MAKING THE OFFER OR ELSE CLIENT MUST MOVE TO OPTION 2**.
 - ii. Subsidy negotiator emails Grant Kirsh & Kylee Bunnell subsidy agreement.

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- iii. Client then must either print and sign the subsidy agreement or electronically sign the agreement using their electronic signature. If Client elects to sign the agreement electronically you may NOT just type your name into the signature field. It must appear as your handwritten signature would appear. Client then scans and emails the document back to Kylee Bunnell. If Client takes photos of the pages of the subsidy agreement to send to Kylee Bunnell, Client must make sure you can see the entire page in the photo.
 - iv. Kylee Bunnell will send the client-signed subsidy agreement to DCS. DCS will sign it and email the fully executed version back to Kylee Bunnell.
- b. Option 2 – REJECT 50% and try to negotiate for more.
- i. It is up to Client to confirm the child's CANS score is accurate. If Client is not satisfied with the CANS score it is up to Client to take that up with DCS. **Kirsh & Kirsh does not handle evaluating or reevaluating CANS scores.**
 - ii. Client must then pull together all requested financial information to try to negotiate a higher subsidy amount.
 - iii. If Client elects to take this option of negotiating subsidies DCS will base their subsidy offer on Client's financials more than child's needs.
 - iv. Taking this option could add 2-3+ months to the adoption process depending how long adoption subsidy negotiations take.
 - v. The subsidy negotiator, through Grant Kirsh and Kylee Bunnell, will ask Client to provide financial information to the subsidy negotiator. It is also a very good idea to start making sure to use debit or credit card for EVERYTHING you spend money, rather than using cash. The reason for this is that you must provide to DCS documentation on EVERYTHING you spend money on to maximize your recurring subsidy amount. This includes ALL your expenses, not just what you spend on the child(ren) you are adopting. By putting everything on your card, you can then provide a few months of bank statements to DCS that will show DCS everything you spend money on. They do not like to see boxes of receipts, so for this reason, bank statements are very helpful. Using cash to pay for things is much harder to track. If you do not show DCS documentation on every dollar you spend, then DCS will assume you did not spend that

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money and it must be sitting in your bank account, and therefore presume you have more money to take care of the child(ren) you are adopting. DCS will refer to this amount as your “monthly surplus”. This will cause DCS to offer you less in recurring adoption subsidies.

- vi. Here is a PDF of all of the information that DCS will request in their electronic financial information sheet - <https://www.indianaadoption.com/wp-content/uploads/2022/05/Subsidy-Negotiation-Reference-Sheet.pdf>
- vii. Client will fill out DCS’s electronic financial information sheet that Kylee Bunnell sends and collect all of the required documents the subsidy negotiator requests. **THIS IS EXTREMELY IMPORTANT:** No one will follow up with you about filling out this electronic form that Kylee Bunnell sends you from DCS. If you do not fill it out then your case may sit for months or years with no forward progress. It is completely up to you to complete this online form.
- viii. Once ALL of the requested financial information has been submitted by Client a back-and-forth negotiation takes place between Client (through Grant Kirsh & Kylee Bunnell) and the subsidy negotiator.
- ix. Once there is an agreement on the subsidy amount Client signs subsidy agreement.
- x. If an agreement on adoption subsidies cannot be reached, then a face-to-face meeting with DCS can be requested to try to get them to increase their subsidy offer. Please note that there may be additional legal fees due if you decide to proceed to a face-to-face meeting or you decide to appeal the subsidy offer. Please refer to the engagement letter you just completed.
- xi. When Client and DCS agree on adoption subsidies DCS will send Grant Kirsh and Kylee Bunnell the subsidy agreement which Kylee Bunnell forward to Client for review and execution.
- xii. Client then must either print and sign the subsidy or electronically sign the agreement using their electronic signature. If Client elect to sign the agreement electronically you may NOT just type your name into the signature field. It must appear as your

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handwritten signature would appear. Client then scans and emails the document back to Kylee Bunnell.

xiii. Kylee Bunnell will send the client-signed subsidy agreement to DCS. DCS will sign it and email the fully executed version back to Kylee Bunnell.

- j. Kylee Bunnell will email Client the fully executed adoption subsidy agreement and request final legal fee payment, final name change requests and current home address.
- k. Even if you think you are already set up as a vendor with DCS follow the instructions on this website to ensure you are correctly set up as a vendor so that your adoption subsidy payments can be processed after the adoption is finalized: <https://indianaadoption.com/dcsvendor/>.
- l. **Please remember that we do not schedule the final adoption hearing until AFTER subsidies have been agreed upon.** Your FCM might ask that we set a final hearing before subsidies are agreed upon. We no longer do this because most of the time DCS does NOT email us the documents we need before the final hearing and then the final hearing date must be continued. This can be horribly detrimental to your family because you will have made plans and invited people to attend to only find out the day or two prior that the hearing has been continued.
- m. Kylee Bunnell will email Client requesting child information for final hearing gifts.
- n. If you have not received the special Adoption Day boxes from Kirsh & Kirsh, P.C. within two (2) months of Kylee Bunnell requesting the information in the step above, please email kylee@kirsh.com to let her know.
- o. **ANNUAL SUBSIDY MODIFICATION:** Whatever amount you agree to for the recurring subsidy is not necessarily what you are stuck with forever. Every twelve (12) months Client is allowed to go back to DCS to request a subsidy modification (<https://www.indianaadoption.com/subsidy-modification/>)

5 - Final Payment of Legal Fees: FINAL LEGAL FEE PAYMENT: This is the point in time at which Client needs to make final legal fee payment, if Client has not already done so. This payment is required prior to the final hearing being scheduled. Please refer to the 2nd page of your engagement letter to see how much you owe. Keep in mind that if there are subsidies, DCS will pay \$1,500 (per child). Client is responsible for the rest. **Making this final payment now will prevent any delay in getting your final hearing scheduled.** Click

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on this link (<https://www.indianaadoption.com/pay>) to make the final payment. Please make sure to email grant@kirsh.com and annie@kirsh.com when that payment has been made.

6 - Finalization of the Adoption:

- a. In order to schedule the final hearing on, DCS must provide Grant Kirsh with:
 1. DCS' Adoption Summary
 2. DCS' Consent to the Adoption, and
 3. TPR orders or parents' consents to adoption
- b. It could take 30-45 days for DCS to get the above listed items to Grant Kirsh so it is important that Client asks FCM to provide those documents to Grant Kirsh ASAP.
- c. **At this point in the process, Kirsh & Kirsh have a lot of clients tell us that the FCM has stated that the summary is complete, or it has been "submitted". This does NOT mean it has been sent to Grant Kirsh. This usually means that the FCM has submitted it to their supervisor who needs to review it, after which it might get passed to the Local Office Director (LOD) and then to the DCS attorney before they send it to Grant Kirsh. These documents must be received by Grant Kirsh before the next step will be completed.**
- d. If you previously requested your child(ren)'s case file in step 2(h) above and have not received the case file at this point please make sure to email grant@kirsh.com and kylee@kirsh.com to let them know you have not received the case file so that they can follow up with DCS. **DO NOT ALLOW YOUR FINAL HEARING TO BE SCHEDULED IF YOU HAVE NOT RECEIVED THE CASE FILE OR GRANT KIRSH HAS NOT TOLD YOU IT IS OK TO FINALIZE WITHOUT FIRST RECEIVING THE CASE FILE.**
- e. After DCS provides the necessary documents, Kylee Bunnell then emails Client to let them know we are ready to schedule their final adoption hearing. If your adoption case was filed in Hamilton County Kylee Bunnell will ask if you would like an in-person final hearing, or a Zoom final hearing. FYI, Zoom final hearings tend to get scheduled sooner than in-person because they take less of the court's time.

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- f. Client emails Kylee Bunnell back to let her know if Client wants an in-person or Zoom final adoption hearing.
- g. Kylee Bunnell will email Client the date and time the final hearing. Client needs to make sure to let FCM know the date, time, and location of the final hearing so they can attend.
- h. Emley Kirsh will email client final hearing documents for you to review and execute. Client will want to make sure to carefully check the spelling of the child's new name as this is what will be used to create the new birth certificate after the adoption is finalized.
- i. Client and the child(ren) either:
 - a. go to court to finalize the adoption, or
 - b. attend a Zoom hearing with the adoption court to finalize the adoption.

All friends and family are welcome. The more the merrier! If your final hearing has been filed in Hamilton County, then cameras and phones are allowed in court for this hearing. Some other counties allow this as well, but it depends on whether the judge allows camera in the courtroom.

- j. At court, Grant Kirsh will provide DCS with one (1) copy of the decree and client with two (2) Certified Final Decrees of Adoption.
- k. If you are willing to post some online reviews for Kirsh & Kirsh, please email grant@kirsh.com, provide your cell phone numbers (for your partner/spouse as well) so that grant can text you the links to leave those reviews. Thank you for doing this!!!
- l. After the final hearing Grant Kirsh or Kylee Bunnell will send client an email recapping the next steps. Please make sure to respond to that email if you are willing to post an online review for us.
- m. **NEW BIRTH CERTIFICATES:** Grant Kirsh will mail the birth certificates with the child's new name to client, as soon as we receive it from the State Department of Health, typically about six (6) months after the final hearing.
- n. **NEW SOCIAL SECURITY NUMBER:** In order to obtain a new Social Security Number (SSN), client must take the new birth certificate and one of the certified final decrees (with the raised court seal) to the Social Security office so a new SSN can be issued for the child. Make sure to tell them the previous SSN was a *compromised number* and that a new SSN is required. Do not take no for an answer! Demand a new SSN for the child. This means if you need to speak to someone else or go to a

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different social security office, then you need to do that to make sure you get the child(ren) new social security numbers. If you child(ren) receive survivor death benefits then speak with social security about how changing the social security number may have an effect those benefits.

- o. **NEW MEDICAID CARD:** Client will receive a new Medicaid card within 6 months of the adoption being finalized.
- p. Adoption subsidy payments usually start about 2-6 weeks after the finalization of the adoption but will be retroactive to the date the adoption was finalized.

7 - Done!

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