



DCS ADOPTION TIMELINE

UPDATED: FEBRUARY 24TH, 2025

This timeline is provided to help Clients understand the process that we at Kirsh & Kirsh 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 & Timeline” email) has internet hyperlinks embedded in it for Clients to access certain forms. Clients will need to access the online version in order to click on those hyperlinks. Please note that if Clients do print this out that it is a good idea to go back and check the version date monthly to make sure Client is using the most up-to-date version of the timeline.

If at any time 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.

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.

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- c. Client makes payment of estimated adoption expenses.
- d. Kirsh & Kirsh sends initial documents to Client to complete via Docusign.
- e. Client completes initial documents in Docusign.
- 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. Kylee Bunnell confirms receipt of documents by sending an Introduction & Timeline email to Client.
- j. Client downloads PDF of this timeline, prints and staples it and puts 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 Client 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. Rachel Paolini 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. If the permanency plan is adoption or is close to changing to adoption, then it is OK for Kirsh & Kirsh to go ahead and get the Petition for Adoption filed.
- c. Rachel Paolini drafts the Petition for Adoption and emails that to Client via DocuSign to review and sign.
- d. Client reviews Petition for Adoption and either sends an email to Rachel Paolini for revisions or, if everything is accurate, Client signs Petition for Adoption. Upon completion, the document will automatically be sent to Rachel to file.

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- e. Rachel Paolini files the Petition for Adoption in the adoption court to open the adoption case.
 - a. If Client decides to transfer their petition for adoption to another county, there could be additional expenses and legal fees to do so. Client must alert Kirsh & Kirsh prior to filing the petition for adoption if Client would like the petition filed in another county other than the one decided on in the initial Zoom meeting.
- f. Kylee Bunnell 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. Kylee Bunnell also asks DCS to make sure to send us the TPR orders or parents' consents to adoption when they receive those items.
- g. Kylee Bunnell will email Client the filed Petition for Adoption.
- h. **If Client 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 Client review and the request to review the case file must be made prior to the finalization of the adoption.
- i. If Kirsh & Kirsh must serve notice on a birth parent (this is a rare situation and Grant Kirsh will only bring this up if it applies to Client's case), either by process server or publication, Grant Kirsh will reach out to let Client know. There is an additional charge for this which varies depending on location and newspaper. Kirsh & Kirsh typically relies on DCS to terminate a parent's rights. If DCS plans to terminate rights of the parents, then Kirsh & Kirsh does not need to serve notices of adoption on the parents. Serving notice of adoption on parents could trigger a very expensive contested adoption. For this reason, Kirsh & Kirsh only serves notice of adoption if we plan to take the path of a contested adoption.
 - a. If process server notice is served, the birth parent has 15 days from the date of service to file a motion to contest.
 - b. If notice by publication is necessary, it will need to run once a week, for three consecutive weeks in the county that the birth parent resides or was last known to reside. The birth parent will have 15 days from the late date of publication to file a motion to contest.

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- a. If either of these events occur, Grant Kirsh will provide Client with next steps after the completion of service/publication.
- j. Please understand that at this point in the process (between the time we file the petition for adoption and when TPR is granted) **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 and Madison County are the only counties 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 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 & MADISON COUNTY CASES:** If the DCS case is a Marion or Madison 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.

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- iii. **ALL OTHER COUNTIES IN THE STATE:** If Client feels that this is something they 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 Client's FCM to apply for adoption subsidies. Client's FCM might tell them 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, or consents to adoption signed by parents, in order to apply for subsidies. TPR does not need to be GRANTED prior to applying for adoption subsidies. If TPR has been granted and a parent files an appeal of that termination, then we do have to wait for the appeal to be decided before DCS can apply for adoption subsidies. This is why we want DCS to apply for adoption subsidies as early as possible, so that we are able to get subsidies done and be in a position to finalize your adoption sooner.
- 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 agreed upon and DCS has provided the final documentation required to finalize the adoption.
- c. FCM will tell Client that FCM needs to send to Client, or come to Client's home, to give them "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.

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Below are the boxes that Client will need to check off:

- ✓ “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”. Client 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.
- g. CEU will make the eligibility determination and the FCM will then send that information to Client. **DO NOT FILL ANYTHING OUT IN THE ELIGIBILITY DETERMINATION PACKET.** Please forward that information on to Grant Kirsh and then continue to the next step.
- h. Kirsh & Kirsh will wait for a subsidy negotiator to contact Grant Kirsh and Kylee Bunnell to get started with adoption subsidies.
- i. Once it is received from the negotiator, Kylee Bunnell will email Client the filled in subsidy agreement for 100% of the current per diem.

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- 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. If Client agrees with the subsidy being offered, 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.
- iii. 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. Client will complete the vendor forms in this link <https://indianaadoption.com/dcsvendor/> and send to Kylee Bunnell via email so that she can send to DCS.
- l. **Please remember that Kirsh & Kirsh will not schedule the final adoption hearing until AFTER subsidies have been agreed upon.** Client's FCM might ask that Kirsh & Kirsh set a final hearing before subsidies are agreed upon. Kirsh & Kirsh no longer does this because most of the time DCS does NOT email Kirsh & Kirsh the documents we need before the final hearing and then the final hearing date must be continued. This can be horribly detrimental to Client's 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.

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- n. If Client has 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.

5 - Final Payment of Legal Fees: Client must make this payment at this point in the process in order to get their final adoption hearing scheduled. Please refer to the 2nd page of your engagement letter to see how much you owe. Keep in mind that DCS might pay \$2,000 (per child). Client is responsible for the rest. **Making this final payment now will prevent any delay in getting your final hearing scheduled.** Click on this link (<https://www.indianaadoption.com/pay>) to make the final payment. Please make sure to email grant@kirsh.com, kylee@kirsh.com and annie@kirsh.com when that payment has been made.

6 - Finalization of the Adoption:

- a. 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
 - a. Once TPR is granted, birth parents have 30 days to file an appeal. If an appeal is filed, the case will be heard by the appeals court. Appeals can take a LONG time, typically 4-7 months, or more.
 - b. If an appeal is filed, Kirsh & Kirsh is not automatically alerted by DCS. Kirsh & Kirsh will need the Client to obtain the appeal cause number from the FCM/DCS Attorney and provide it to Kirsh & Kirsh. The cause number should read something like 24A-JT-0000.
 - c. Once the case has been decided, the Court will mark the Opinion "Issued," but Clients are not in the clear yet to finalize. **DCS may tell the Client that is it okay to finalize the adoption at this point, but legally Kirsh & Kirsh cannot schedule your final hearing until MyCase shows the order marked 'Order Certified'.** This can take up to an

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additional 90 days. There is nothing that Kirsh & Kirsh, the Client, or DCS can do to speed up the court. Kirsh and Kirsh checks the appeal often and will schedule the Client's final as soon as we are able to.

- 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 has a lot of clients who 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 Client 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 Client's adoption petition was filed in Hamilton County, Kylee Bunnell will ask if Client 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.
- 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.

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- h. Rachel Paolini will email Client final hearing documents for Client to review and sign via Docusign. 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 (if your FCM is present at the final adoption hearing) and Client with two (2) to three (3) Certified Final Decrees of Adoption.
- k. If Clients is 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 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:** Kylee Bunnell 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 two to four months after the final hearing. If the child was born out of state, Rachel Paolini will request the birth certificate from that state. Every state's processing time is different, so depending on the state, it could take up to a year to receive the new birth certificate.
- n. **NEW SOCIAL SECURITY NUMBER:** 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!

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Demand a new SSN for the child. This means if Client needs to speak to someone else or go to a different social security office, then Client will need to do that to make sure you get the child(ren) new social security numbers. Count on going to Social Security four (4) to five (5) times to get this accomplished. If you go five (5) times and they will not give the child a new SSN, then call Grant Kirsh. If your child(ren) receives 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 30-60 days after the finalization of the adoption but will be retroactive to the date the adoption was finalized.

7 - Done!

CONFIDENTIAL

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