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Federal Programs to Support Adoption

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With the passage of P.L. 96-272, the Adoption Assistance and Child Welfare Act of 1980, the Federal government established a clear focus on the need for permanency for children in foster care and the importance of permanency planning and timely decision-making for these children. The law increased protections for children in foster care by requiring case plans that included a description of the placement and its appropriateness, and a plan for services to facilitate the child's return home or to another permanent placement. An 18 month initial dispositional hearing requirement was legislated and an administrative or judicial case review was required at least every six months.

Several important Federal laws and programs promote the adoption of children with special needs. These include:

- **Title IV-E Adoption Assistance** - Title IV-E of the Social Security Act provides funds to States to facilitate the adoption of children with special needs who were or would have been eligible for AFDC, thereby preventing long or inappropriate stays in foster care. Federal matching funds are available to States for a one time payment for the non-recurring costs of adopting a special needs child, and for monthly subsidies to adoptive families to assist them with caring for a child with special needs. Federal funds also are used to assist States with the administrative costs of managing the program (e.g., for the recruitment and assessment of adoptive families), and for staff training.
- **Adoption Opportunities Program (Child Abuse Prevention and Treatment and Adoption Reform Act of 1978)** - The Adoption Opportunities Program works to eliminate barriers to adoption and provide permanent homes for children who would benefit from adoption. It does so by:

1. promoting adoption legislation and procedures in the States and territories of the United States in order to eliminate jurisdictional and legal obstacles to adoption;
2. promoting quality standards for adoption services, pre-placement, post-placement, and post-legal adoption counseling, and standards to protect the rights of the children in need of adoption; and
3. demonstrating expeditious ways to free children for adoption for whom it has been determined that adoption is the appropriate plan.

This discretionary program awards grants and contracts to public and private non-profit agencies.

- **The Adoption Tax Credit** - In August 1996, the Small Business Job Protection Act of 1996 was signed into law. It authorizes a \$5,000 tax credit (\$6,000 in the case of a child with special needs) for qualified adoption expenses. This tax credit is designed to help alleviate some of the financial barriers to adoption.
- **Multiethnic Placement Act of 1994 (MEPA/IEP)** - The MEPA, as amended by the Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996, was designed to prohibit denial or delay in the foster or adoptive placement of children on the basis of race, color, or national origin; increase the number of adoptive and foster care families for children in foster care; and increase the number of children who are adopted. These laws seek to ensure that the adoption process is free from discrimination and delays on the basis of race, culture and ethnicity.
- **The Court Improvement Program (CIP)** - The CIP provides State courts with the opportunity to collaborate with the other organizations and individuals responsible for promoting and protecting the well-being of children and families to review laws and procedures designed to provide rights and protection to parents, families, and children. It provides State courts with the flexibility to design assessment tools which identify ineffective laws or procedures and barriers to effective decision-making, highlight practices which are not fully successful, examine areas found to be in need of correction or added attention, and then implement reforms which facilitate the timely execution of plans for permanency.
- **The Indian Child Welfare Act (ICWA)** - ICWA established requirements and standards for child-placing agencies to follow in the placement of Indian Children for the purpose of protecting the cultural heritage of these children. These standards include: the provision of remedial, culturally appropriate services for Indian families before a placement occurs; notification of tribes regarding the placement of Indian children; and, when placement must occur, it requires that children be preferentially placed in Indian homes.



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