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MFY Legal Services Challenges Profiteering from Adoption Subsidy Fraud

Bronx Family Court ruling gives justice for three children displaced after a broken adoption

NEW YORK, NY, January 16, 2015 – The Bronx Family Court issued a final order awarding nearly \$10,000 of immediate payments and ongoing support for a caregiver struggling to support three younger siblings displaced after a “broken adoption.” The children’s adoptive parent had continued receiving thousands of dollars in “adoption subsidies” each month even though the children had not been in her care for months.

The January 9, 2015 final order of support requires the adoptive parent to pay \$2,350 in monthly support, \$8,807.66 in retroactive support, and 50% of all unreimbursed health related expenses.

“This marks a major victory for children who often return to their extended families for care once adoptions from foster care fail,” said Jacqueline Adorno, an attorney with MFY Legal Services who handled the case. “The caregivers who rescue children from broken adoptions need and deserve support,” she said.

The order enables Christian Robles to properly care for his three siblings, aged 15-18. Mr. Robles and his siblings had lived in foster care for years. While Mr. Robles “aged out” of the system, his three younger siblings were adopted by their foster mother. The children did not feel properly cared for or supported by their adoptive parent and ran away in December 2013. Mr. Robles became their sole caregiver at that point, but the adoptive parent continued to receive and accept an adoption subsidy of \$2,200 to \$2,500 each month for children she no longer cared for or financially supported.

Mr. Robles successfully petitioned for guardianship of his three siblings but sought help from MFY in August 2014 to secure much-needed support. Under current law, there is no way to “transfer” adoption subsidy payments when children leave or are kicked out of adoptive homes unless the adoptive parent dies.

“The Administration for Children’s Services (ACS) does not monitor whether adopted children are still in the homes of people receiving payments,” said Barbara Graves-Poller, supervising attorney at MFY. “In fact, ACS continues making payments even when they know the children are no longer there and are in foster placements or homeless shelters,” she said. “The adoption subsidies can be collected by the adoptive parent until the child turns 21.”

MFY Legal Services provides free civil legal assistance to low-income New Yorkers in a wide range of issues, including housing, consumer, employment, civil and disability rights and family matters. It is the only legal services provider in the city with a dedicated program to provide legal assistance to family members (known as kinship caregivers) who care for children outside of the formal foster care system.

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