

Agency-Assisted Adoption

Definitions

- *Identified Adoption:* This is an arrangement in which the adoptive parents (or parent) and birth parents (or parent) select one another but the baby is legally relinquished to the custody of an agency, which then places the baby in the home of the family selected by the birth parents and approved by the agency.
- *Non-Identified Adoption:* This is an arrangement in which the baby is legally relinquished by the birth parents (or parent) to the custody of an agency, which then places the baby in the home of a family selected by the agency.

Characteristics Of Identified Agency-Assisted Adoptions

The adoptive family's home study must be completed by a licensed agency before the baby can be placed in the home. The agency will provide Pact with a copy of the home study. The birth parents can usually place the child in the physical and medical custody of the adoptive parents immediately after the birth, if they choose to do so. The adoptive parents can usually take the baby home directly from the hospital. After the baby's birth (within the legal limits of the agency's state, usually 24 to 72 hours after birth), the birth parents can relinquish to the agency all parental rights as soon as they feel ready, assuming that they have had prior counseling concerning relinquishment. Typically, Pact adoptions involve relinquishment and final terminations of the birth mothers parental rights within one to two weeks of the birth of a child. The birth parents' local agency is usually responsible for obtaining the consent of the birth father or, if he is unavailable, for establishing the termination of his parental rights.

Legal Time Line For Agency Adoptions

- *Pre-birth:* The adoptive parent(s) must complete a home study prior to receiving the child into their home. This home study includes being fingerprinted to check child abuse and criminal records. The birth parents (or parent) must attend at least one and sometimes two counseling sessions with their in-state agency before their rights can be terminated.
- *Immediately after the birth:* The child can usually be in the physical of the child prior to the relinquishment being signed. In cases where there is a delay in the termination or relinquishment of all birth-parental rights, most agencies will permit an "at risk" placement, allowing adoptive parents to take custody of the child prior to full legal surrender by the birth parents. The birth parents will meet with a social worker from the licensed adoption agency of their choice in their state of residence to relinquish their parental rights to the agency. The timing of the relinquishment depends on statutes of the state in which the birth parents live, as well as on the birth parents' readiness to sign. The relinquishment may identify the adopting parents which means that the agency is required to place the child with the family designated by the birth parent(s). The surrender of parental rights is usually irrevocable either immediately or very shortly after it is signed. Once the birth mothers' rights have been relinquished or terminated, the birth parents' local agency will initiate contact

with the Interstate Compact (ICPC) offices of both states to arrange for approval of the baby's transport from one state to the other. If there is a delay in terminating parental rights, the adoptive parents may take the baby home after signing a "legal risk" waiver acknowledging that the parental rights have not yet been terminated. ICPC approval from both states is required prior to the child traveling home with the adoptive parents. This usually takes 1 to 2 weeks to accomplish, which means at least one adoptive parent must remain in the state where the child was born.

- *After the baby is home with the adoptive parents:* The adoptive parents' agency will conduct a series of post-placement meetings with the adoptive family to insure that all is going well. Typically, there are two to four meetings, spread over the first five to six months. The final report suggesting the adoption's legal approval or disapproval is filed with the court. The adoptive parents must provide the court with a financial accounting of adoption expenses. The adoptive parents will meet with a judge, usually in chambers, to finalize the adoption.

Paying for Birth Parent Expenses

Financial assistance to the birth parents must comply with the laws of both the state in which the birth parents reside and the state in which the adoptive parents reside. In many states, adoptive parents may pay pregnancy-related medical or hospital costs and necessary living expenses of the mother during her pregnancy and for a short period following. This arrangement usually permits them to pay medical costs; reasonable living expenses; counseling fees; legal costs; and travel expenses. At finalization, adoptive parents usually will have to file a detailed accounting of all their expenses, including all payments or promises of payments to birth parents.

Birth Father's Rights

Generally, birth fathers are separated into two legal categories: "alleged" fathers and "presumed" fathers. The rights of the biological father depend upon his position according to these legal definitions and vary from state to state within the following general rules.

- *Rights of presumed fathers:* The presumed father's consent is almost always necessary for an adoption. If he is not the biological father, his consent may not be required, although he still must be notified of the adoption plan. If his whereabouts are unknown, a diligent effort must be made to find him. If he is not found, his rights can be terminated in court. A man can become a presumed father by being married to the birth mother or without marrying the birth mother by receiving the child into his home and declaring that the child is his biological child.
- *Rights of alleged fathers:* To gain any right to custody of the child or to block the adoption, the alleged father must file a legal action establishing his paternity. His consent to the adoption is not required. In some states, a man cannot be considered an alleged father of a child unless he has come forward and placed his name in a state-maintained paternity registry, declaring that he is the father of the child in question.