

INDEPENDENT ADOPTION AS AN OPTION

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After deciding to pursue domestic adoption as the way to build a family, adoptive parents will confront the question of whether they should try to locate their child through an adoption agency, or *independently*, without the assistance (and cost) of an adoption agency.

Independent (sometimes called private-placement or direct placement) adoption is an attractive choice for many reasons. Too often prospective adoptive parents— feeling understandably overwhelmed— just assume that pursuing adoption “on their own” will be too difficult. Despite its name suggesting that adoptive parents are “on their own” in an independent adoption, this is far from true. There are many professionals who will work closely with you to help you achieve your goal of becoming a family.

Independent adoption attracts adoptive parents for various reasons: some choose it because an independent adoption can be accomplished more quickly and inexpensively than an agency adoption; some choose this method because it provides them with the ability to have more control over the process; some non- traditional families select independent adoption because they may have difficulty locating an agency willing work with them.

If you are going to adopt independently, your first and most important step should be to locate an attorney who can advise you. Adoption is highly regulated and there are many laws and requirements which vary dramatically from state to state. You need to work with an attorney who is knowledgeable and experienced in independent adoptions. Your attorney, rather than an adoption agency, will be your primary guide in this process and should be your partner in your search for a child. Some of what you should expect from your attorney is: help to budget your resources, assistance in developing a networking plan to locate a child, obtaining assistance from other professionals as needed and, not least of all, advice regarding the legal, financial and emotional risks presented by a potential adoptive placement. Your attorney should truly be your “counselor”, someone you can rely on to help you make an important life long decision. With a good attorney to guide you, you are not alone and you are well on your way in your adoption journey.

Your attorney will inform you of your state’s requirements to become qualified to adopt.. Typically requirements include that a home study be conducted.. The home study usually includes a summary of your background and medical history, your financial ability to parent, and an assessment of whether there are any factors which could place a child at risk such as a criminal history or a history of child abuse.

Once you are qualified to adopt, you can begin the search for your child. Your search is a networking effort in which you hope to connect with an expectant parent(s) considering adoption. There are basically three methods: 1) communicating your desire to adopt among extended family and friends; 2) newspaper advertising; and 3) posting your desire to adopt on the internet. Each method has costs and benefits. For example, some may prefer to keep their desire to adopt private from family and friends until they are successful. On the other hand, a surprisingly large number of placements occur through such connections. Some people feel posting their desire to adopt on the internet is too public and makes them too vulnerable, while others see the internet as an invaluable and extremely cost effective tool for reaching expectant parents throughout the country. Finally, while newspaper advertising is expensive, it has the benefit of reaching expectant parents without access to the internet or the inclination to use it. There are advertising consultants who can assist you to develop a plan for advertising and who can place your advertisements in newspapers and online. Your attorney can help you to decide how you want to network and who can be paid to assist you.

In your networking efforts you will need a way to introduce yourself so that an expectant parent(s) considering adoption can contact you. In the vast majority of cases, adoptive parents create an "adoption profile" which is really a letter of introduction to the expectant parent. The profile should be a portrait of who you are and your vision for your child. There is no required format, but your profile should include information about your relationship with extended family, the kind of community you live in, your values, and how you spend your free time. As a rule, your profile should not include identifying information about you. In order for an expectant parent to contact you, you should provide a toll free (and unlisted) telephone number so expectant parents can communicate with you, free of charge, from any part of the country. As with advertising, there are people who can assist you to create a profile if you need help with this.

People have dramatically different experiences in terms of the time it takes for them to receive a communication from an expectant parent. When you are first contacted, you should not feel as if it is your job to learn everything about the expectant parent. Be a good listener, be empathic to her/his situation and try to answer questions about you that the expectant parent may have. Your only goal during your initial communication is for you and the expectant parent to get to know one another in the hope that you will decide to create an adoption plan together. Before committing to an adoption plan, you may choose to meet the expectant parent(s) or the expectant parent may feel they want to meet you. You should look to your attorney to provide you with guidance and coaching regarding your ongoing relationship with any expectant parent.

Once the expectant parent(s) expresses a desire to move forward towards an adoption plan, your attorney should take immediate steps to verify that the woman is pregnant, obtain copies of her medical records; and have her and the father complete a comprehensive social/ medical history form. A parent placing a child for adoption always has a right to independent legal counsel. However, depending on your state's laws, the expectant parent's desires and your particular attorney's practice this is not always required. Nevertheless, it is advisable for the expectant parent(s) to meet with an adoption professional (either an attorney or agency case worker). The adoption professional can: obtain valuable information regarding the expectant parents'

emotional and financial needs; verify that the expectant parent(s) have a bona fide interest in adoption; and help to discover whether there are any legal impediments to the adoption. The issue of the expectant parents' desire for post adoption contact may also be raised during this meeting. Armed with this information, you, in consultation with your attorney, can decide whether this potential placement is a good "match" for you.

Assuming you wish to proceed, you can plan the adoption. If the expectant parent needs assistance in obtaining housing, medical coverage, supportive counseling, or whatever the case may be, your attorney and the adoption professional assisting the expectant parent will be able to arrange for the assistance as needed. Again no expense should be paid until your attorney has approved it. Typically payments are paid through the attorney's escrow account. Your attorney should also advise you about on going contact with the expectant parent during the time you are waiting for the baby to be born. During this time you should receive updated medical records and decide on a plan for what will happen at the hospital when the baby is born.

If the placing parent(s) remain committed to the adoption after the baby is born, consent documents can be executed after any state required waiting periods. Procedures governing the consent process vary dramatically by state. In some states, the birth parents' right to revoke their consent is extinguished by the time the adoptive parents take custody of the child, while in other states the birth parents may have a right to revoke their consent for varying periods of time, even after the adoptive parent(s) take physical custody of the child. Adoptive parents adopting outside their state of residence typically have to obtain permission from the Interstate Compact on the Placement of Children before they are permitted to take the baby home to their state of residence. The time this takes varies from only a few days to as long as several weeks.

Once you take custody of your child, your attorney will file the paperwork required for you to obtain a court order declaring you the legal parent. The time this takes also varies dramatically from state to state. Once the Order of Adoption issues, the court will notify the vital records office in the state where the baby was born. The vital records office will issue an amended birth certificate naming the adoptive parents as the parents on the child birth certificate.¹

If you choose to adopt independently you will not be alone; you will be supported and assisted throughout the process. No matter which path to adoption you choose, if you stay focused on your goal and committed in your belief that you will be successful; your child will find you.

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1. Unfortunately some states will not permit both parents in a same sex couple to be named on the amended birth certificate as the child's parents. Importantly, the Order of Adoption confers the status of legal parent, not a birth certificate.

