

Introduction

The decision to adopt a child raises many significant legal issues. There are several different ways to adopt a child. While the end result is the same, each process is unique. The procedures and difficulty of each procedure can vary greatly.

Many people would like to adopt their stepchild or relative. Others look to adoption agencies or attorneys who specialize in adoption to assist in finding a child. Another option is to adopt a child in another country.

The procedure can range from relatively simple, such as in cases where a relative is being adopted, to complex international cases that require working with the laws of the United States and another country.

No matter what type of adoption you are trying to obtain, one of the most important issues is that if the natural parents are living, they usually must consent to the adoption. Without the consent of the natural parents, the adoption can be overturned.

Another very important legal issue to keep in mind is that while it is legal to pay for the natural mother's medical expenses, it is illegal in every state to compensate the mother for the child.

This brochure will provide more information if you are seeking to adopt a child. Please visit a legal assistance attorney for more information.

OTHER RESOURCES:

Citizenship and Immigration Services:
<http://www.uscis.gov>

US Embassy in Japan:
<https://jp.usembassy.gov/u-s-citizen-services/adoption/>

Bureau of Consular Affairs -
U.S. Department of State:
<http://adoption.state.gov/>

Legal Assistance Hours:
By Appointment Only

Notary & POA Hours:
Monday -Thursday
0900-1100 & 1300-1500



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ADOPTION

This Brochure Includes:

- Related Adoptions
- Unrelated Adoptions
- International Adoptions
- Single Parent Adoptions
- Reimbursement of Expenses



The information in this brochure is of a general nature and is not intended as a substitute for legal counsel.

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Related Adoptions

Related adoptions are very common and relatively simple. One of the most common types is when a stepparent wants to become the legal parent of a child. It is very important that the biological parent being “replaced” consents to the adoption, since they will be giving up their legal rights as a parent. If the biological parent is still alive and consents, then the process will run smoothly. However, if they do not consent, the court must find the biological parent unfit to terminate parental rights, which is more difficult. It is also important to remember that once the adoption is finalized the adopting parent has all of the rights and responsibilities of a natural parent. These rights and responsibilities continue to exist even if there is a divorce. Also, the child has all the rights of a natural child, such as inheritance rights.

Non-related Adoptions

Adoptions where the adopting parent is not related to the child are more complicated. While it is always recommended to have an attorney in legal matters, it is especially important in these types of adoptions. Non-related adoptions fall into two separate categories:

1. **Agency Adoptions:** In this type of adoption, the parents will work with an agency. These agencies are often licensed and regulated by the state. Agencies may provide support services or counseling to the adopting families or the natural parents after the adoption is complete.
2. **Private Adoptions:** Most states allow for private adoptions. The first step in these kind of adoptions is to contact an attorney who specializes in adoptions. The attorney then can find a child that is up for adoption. This is often done through a newspaper ad, or by contacting physicians who know of mothers willing to put their child up for adoption. If you are considering a private adoption, many states allow for you to pay

for the mother’s medical expenses, but you may NOT compensate the mother directly to give up the child. Compensating the mother for giving up the child is considered a “black market adoption,” and is a crime in every state.

The Court procedures for non-related adoptions vary from state to state. Many states also require that the parents attain approval from a social services agency. One of the most important procedures is attaining the consent of BOTH biological parents if they are alive. It is very common for the natural mother to sign a consent form to the adoption before the child is born. Keep in mind that these are not binding. The natural mother has the option to revoke her consent for a certain period of time after the child is born. This period varies from state to state. If the identity of the natural father is not known, the parties can still go forward with the adoption, however, if he learns of the adoption later he may object for a certain period of time. This time period varies from state to state. But typically the time period is six months from the child’s birth or adoption.

International Adoptions

Another option is to look to the international community for an adoption. When seeking an international adoption it is very important to find an agency that has worked with the child’s country in the past or an attorney. This is very important because the parents will have to work with the laws and regulations of the United States and the child’s home country.

There are two different ways an international adoption can occur. The parents can adopt the child in the foreign country and bring the child back to the United States, or they can bring the child to the United States and proceed with the adoption in a U.S. Court. Both methods require that the child’s entry into the United States be cleared with U.S. Citizenship and Immigration Services (formerly I.N.S.).

Before the child may be brought into the country, the child must undergo a medical exam, and the parents must undergo a home study by a licensed social worker. Proof is also required that the child is an orphan (both parents are dead, or voluntarily gave up the child). If the documentation appears that it may be forged, the process can be severely delayed.

Single Adoptions

Single adoptions are allowed under the law. However, sometimes it can be more difficult to obtain them. Some agencies prefer to place a child with a couple over a single person. Other agencies are willing to place children they are having a difficult time placing with a single person. As with adoptions for couples, private adoptions are always a possibility for a single person the may just involved a more time consuming process.

Reimbursement of Expenses

Under U.S. law, the Secretary of Defense carries out a program reimbursing armed forces members for certain expenses associated with an adoption. The law allows for reimbursement of adoptions by a single person, an infant adoption, an inter-country adoption, and an adoption of a child with special needs.

The benefits under this program will not be paid until after the adoption is finalized. The law limits the recovery to \$2,000 per adoption and \$5,000 per year. If two military members are married, they are still only entitled to \$2,000 per adoption and \$5,000 per calendar year.

For more specific details on the reimbursement of expenses, or any of the other issues discussed in this pamphlet, please make an appointment with the legal office to discuss your specific situation with an attorney.