

Adoption

Adoption is the legal process by which a child born to one set of natural parents becomes the legal child of another parent or couple. Adoption usually terminates all rights and obligations of the natural parents, absolutely and forever. These rights and obligations are transferred completely, without qualification or exception, to the adoptive parents. Once finalized, adoption is nearly irreversible.

Methods of Adoption:

- **Private Adoption (aka Direct Placement):** A child is adopted directly by adoptive parent or parents from the natural parent(s). This type of adoption typically involves adoptive parents that know the child or natural parents involved.
- **Agency Adoption:** Some agency, whether private, governmental, or religious, facilitates the adoption. The agency matches up parents with suitable children, then monitors the relationship for a period of time before the adoption is finalized.

Steps Towards Adoption:

- The parental rights of the natural parents are terminated.
- A hearing is held to determine the suitability of the adoptive parents.
- A final court decree of adoption is obtained.

Parental rights can be terminated only when a court determines that it is in the best interests of the child. Parental rights may be terminated either with or without voluntary consent of the natural parents. A consent signed by the natural parents is not binding until the court approves it and the adoption is finalized. Parental rights may be terminated involuntarily if a court is satisfied a parent has abandoned the child, has failed to support the child, has abused the child, or has otherwise neglected parental responsibilities.

In addition to determining whether parental rights should be terminated, the court must determine if the adoptive parents are suitable parents for the child. The court may make this determination in open court, but more commonly will ask an appropriate agency to investigate the home environment and return a confidential report to the judge.

After appropriate notice to all who might have an interest in the case, the court conducts a final hearing. Afterwards, the judge will either approve or disapprove the adoption. Once an adoption is approved, a new birth certificate with the adoptee's new name will be issued.

Private vs. Agency Adoption

Though it may seem much easier to adopt a child directly from the mother, rather than going through an agency, in fact many more problems typically arise from private adoptions than from agency adoptions.

Private Adoptions:

Pros:

- Usually no fees, waiting lists, background checks, or home studies associated with agency adoption.
- If the adoptive parents know the child to be adopted, and perhaps the natural parents, this may be the best way to proceed.

Cons:

- Bureaucratic red-tape creates barriers to adoption without agency or government approval.
- Legal barriers to separation of an infant from its natural parents.
- Possible lingering rights of or interference from natural parents – they know who you are, unlike in most agency adoptions.

Agency Adoptions:

Pros:

- Agency handles the red-tape and government paperwork.
- Agency matches up children with suitable homes.
- Agency assures adoptive parents that child can be legally adopted.
- Agency provides adoptive parents with enough info to identify the natural parents if necessary, but provides no such information to the natural parents, protecting against any future interference.
- Agency placement means that every available protection has been given to the natural parents, the child, and the adoptive parents under state law.

Cons:

- Fees, waiting lists.
- Though important, background checks and home studies can be an inconvenience, and in some cases a bar to adoption.