Adoption

Adoption is the process of legally substituting a new parent or parents for a biological parent or parents. It usually eliminates any and all rights a biological parent may have, absolutely and forever, and gives those rights without qualification or exception to the adopting parent(s). Any person, whether a minor or adult, may be adopted. Once finalized, an adoption is nearly irreversible.

There are two methods of adoption: a **private** adoption and an **agency** adoption.

- **Private** adoptions usually involve an adopting parent or parents and a child whose identity is previously known to them. The most common private adoptions are the stepparent adoption, where a stepparent adopts his or her spouse's children by a previous relationship, and the adoption by grandparents of a grandchild neglected or abandoned by the parents.

- **Agency** adoptions vary. They can be accomplished using state welfare offices, foster care programs, church organizations, commercial agencies, and placement services. To adopt through an agency, prospective adopting parents register with an agency, which then evaluates their suitability as parents and the best type of child for them. Once a child that matches the parents is found, the child will live with the adopting parents for a period of time under supervision of the agency to ensure that everything is working out. After this time passes the adoption is finalized.

Adoption usually requires several steps:

- The parental rights of the natural parents are terminated,
- A hearing is conducted to determine the adopting parents' suitability as parents, and
- A final court decree of adoption is obtained.

Parental rights can be terminated only by a court and only when there is "clear and convincing evidence" that it is in the best interests of the child. Parental rights may be terminated by 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. Death terminates the parental rights of the deceased parent, but does not terminate the right of the child to share in the estate of the deceased parent. Once the child is adopted, however, any right to inherit from the natural parents normally ends.

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. An agency investigation may be waived under certain circumstances.

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What if the natural parent or parents won't give consent?

Lack of consent can be a serious obstacle. Courts typically will not terminate someone's parental rights without his/her consent (except under limited circumstances, such as abandonment or failure to pay support for more than one year). The burden is on the adoptive parent to show it is in the best interest of the child to terminate someone's parental rights.

If a natural parent consents to an adoption can he/she withdraw their consent?

Yes, however, most jurisdictions only allow consent to be withdrawn up to a few days after it has been give. Consent can never be withdrawn after the final adoption decree has been issued.

Adoption Costs

Adoption Costs vary from state to state. The least expensive adoption is the one in which all parties consent. In any event, keep receipts fro adoption costs. Under the Adoption Expense Reimbursement Program, military personnel may be reimbursed up to $2000.00 f adoption expenses for all adoptions (except intra-family adoptions). Submit a reimbursement request for Adoption Expenses (DD Form 2675, August 1993) no later than one year following the date on which the adoption was finalized.