



Child Welfare Information Gateway

PROTECTING CHILDREN ■ STRENGTHENING FAMILIES

FACTSHEET
FOR FAMILIES

July 2010

Adoption Options



There are many different types of adoption and choices to be made in adoption. Find information in this factsheet to help you understand the various options and determine the best route to building your family through adoption.

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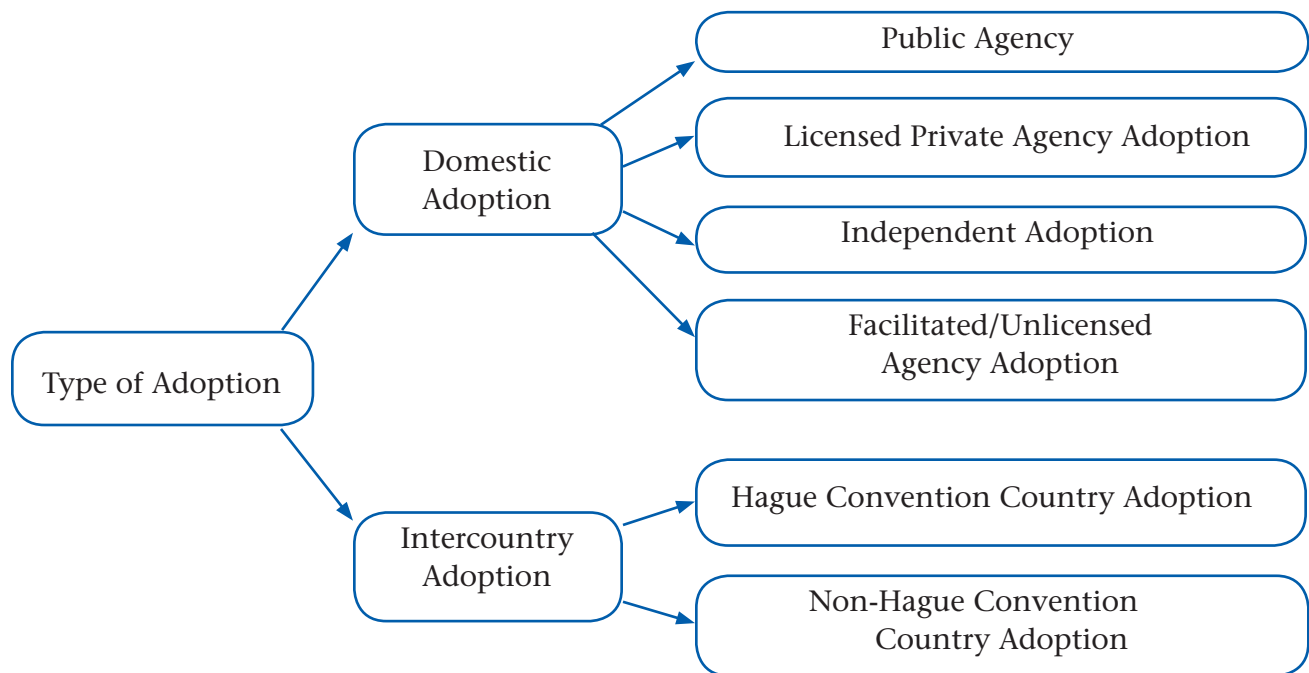
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U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau



Child Welfare Information Gateway
Children's Bureau/ACYF
1250 Maryland Avenue, SW
Eighth Floor
Washington, DC 20024
800.394.3366
Email: info@childwelfare.gov
www.childwelfare.gov

Map of Adoption Options



This flowchart is a map of adoption options. You can read straight through the factsheet to learn about all of your options, learning first about the different types of domestic adoption and then about intercountry adoption, or you can click on any of the boxes in the flowchart to find out about that specific option.

The way you choose to adopt will depend on what is important to your family, including your feelings about contact with birth family members, your flexibility about the characteristics of the child you wish to adopt, your resources, and how long you are willing to wait for your child.

Federal legislation sets the framework for adoption in the United States; States then pass laws to comply with Federal requirements. Within each State, adoption is regulated by State laws, so you will find

many references to “your State” in this factsheet.

Military families interested in adoption and stationed outside their home State or overseas may want to read Information Gateway’s *Military Families and Adoption*: www.childwelfare.gov/pubs/f_milita.cfm

Relatives interested in adopting a related infant or child may follow any of the four paths outlined here, depending on the circumstances. Specific information about adopting a related child can be found on the ACF website:

<http://tinyurl.com/23z3pmn>

Type of Adoption

One of the first decisions many prospective adoptive parents make is whether to adopt a child from the United States or from another country. Some of the considerations in deciding between domestic and intercountry adoption include the importance of having access to your child's medical and genetic history and how much contact you might want with your child's birth family, now or in the future.

Domestic Adoption

In domestic adoption, you may choose to work with a public agency, a licensed private agency, an attorney ("independent adoption"), or an adoption facilitator (if allowed by laws in your State) or unlicensed agency. Public and licensed private agencies are required to meet State standards and have more oversight to ensure quality services. Unlicensed agencies and facilitators often do not have the same State oversight; consequently, there may be more financial, emotional, and legal risk for adoptive and birth families using unlicensed services. Many public and private adoption agencies offer free orientation sessions that will allow you to gain an overview of their available services prior to making any commitment to work with them.

Whether you adopt an infant or an older child, you are likely to receive more extensive history and background information about a child who lives in the United States than one who lives in another country. Domestic adoptions make it more

likely that you will be able to arrange for some degree of contact between your family and the child's birth family after the adoption (referred to as "openness"), if you choose. Even if the adoption is not "open" (i.e., there is no contact with the birth family), people adopted domestically may have an easier time locating their birth families or obtaining their genetic history if they decide to search for that information later in life.

The Child Welfare Information Gateway publications *Openness in Adoption: A Factsheet for Families* (www.childwelfare.gov/pubs/f_openadopt.cfm) and *Openness in Adoption: A Bulletin for Professionals* (www.childwelfare.gov/pubs/f_openadoptbulletin.cfm) offer additional information about potential advantages and disadvantages of open adoptions.

For more information about domestic adoption, visit the Information Gateway web section on Adopting Infants Domestically: www.childwelfare.gov/adoption/adoptive/domestic_adopt.cfm

Public Agency Adoption

Public agencies mainly handle the adoption of children in the State foster care (child welfare) system. Children in foster care have been removed from their families for a variety of reasons, including abuse or neglect, and they may have experienced trauma as a result. These children range in age from infants to teens.

There are many children in foster care waiting for adoptive families. Children ages 8 and up, children of color, sibling groups, and children with disabilities are especially in need of adoptive families. Online adoption exchanges provide photolistings with pictures and brief descriptions of children in the foster care system across a State or region.

- See Information Gateway's *State Adoption Photolisting Services Websites*: www.childwelfare.gov/pubs/reslist/rl_dsp_website.cfm?typeID=82&rate_chno=AZ-0005E
- **AdoptUsKids** provides a national website featuring children available for adoption in the United States as well as information and resources about adopting a child from foster care: <http://adoptuskids.org>
- Also, check Information Gateway's list of *State Child Welfare Agency Websites* to find your local department of social services to learn about children in your area who need homes: www.childwelfare.gov/pubs/reslist/rl_dsp_website.cfm?rs_ID=16&rate_chno=AZ-0004E

By asking questions, observing interactions, and coming to understand what is most important to your family, your social worker can work with you to determine what type of child or children would benefit from your family's style of parenting and have their needs met with your family's particular strengths.

You may also want to find out about becoming a foster or resource family, serving as a child's foster family and working with the agency to support the child's return to

his or her birth family. Sometimes a foster family can become a child's permanent adoptive family, if the court decides adoption is in the child's best interests.

In public agency adoptions, matches are generally arranged by the agency, through a meeting of several social workers and supervisors and/or by a placement committee, based on the needs of the child and the ability of the family to meet those needs.

For more information about public agency adoption, visit the Information Gateway web section on Adopting Children From Foster Care: www.childwelfare.gov/adoption/adoptive/foster_care.cfm

Licensed Private Agency Adoption

In a licensed agency adoption, the birth parents relinquish their parental rights to the agency, and adoptive parents then work with the agency to adopt. These agencies are required to adhere to licensing and procedural standards.

Many prospective parents work with licensed private agencies in order to adopt healthy infants. Waiting times for infant adoptions vary tremendously and can be as long as several years or more. In the United States, agency criteria for prospective adoptive parents are often more restrictive for infant adoptions than for adoptions of older children, again because fewer infants are available. Many agencies allow birth parents to choose a prospective adoptive family for their child based on profiles, books, or videos that prospective families create to share information about themselves. Prospective parents may have an opportunity to meet the birth parents

face to face; however, social workers may make decisions about which families' profiles are shared with expectant parents considering adoption, or agency staff may make the match of a child and prospective adoptive parent. In addition, agencies may give preference to certain types of individuals or couples (e.g., due to religious affiliation or marital status).

The National Foster Care & Adoption Directory lists public and licensed private adoption agencies and State Adoption Program Managers for every State and the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. Only licensed agencies are included.

www.childwelfare.gov/nfcad

Independent Adoption

In an independent adoption, attorneys assist prospective parents with the adoption process, which usually involves the adoption of an infant. Families adopting independently identify the expectant parents (or pregnant woman) without an agency's help. Each family's situation is different; it is impossible to predict the length of time you may wait for a child. Some adoptive parents and expectant mothers find each other and make a plan within a week, while other adoptive parents search for years.

Infants usually are placed with the adoptive parents directly from the hospital after birth. While State laws differ about the

timing of the birth parents' consent and the conditions and timing of the birth parents' right to revoke that consent, there is always the possibility that birth parents will change their minds when the baby is born. The birth parents are the child's legal parents until they consent to the surrender of their parental rights. Information Gateway's *Consent to Adoption* offers information on State laws regarding consent and revocation of consent: www.childwelfare.gov/systemwide/laws_policies/statutes/consent.cfm

If you decide to choose independent adoption, you will interact with the expectant parents or their attorney. Birth parents typically provide a written consent for the adoption that must be approved by the court. Attorneys who facilitate independent adoptions must adhere to the standards of the American Bar Association. Some attorneys who specialize in adoption are members of the American Academy of Adoption Attorneys (www.adoptionattorneys.org), a professional membership organization with standards of ethical practice.

Not all States allow independent adoptions. The following publications provide more information:

- *Who May Adopt, Be Adopted, or Place a Child for Adoption*
www.childwelfare.gov/systemwide/laws_policies/statutes/parties.cfm
- *Online Resources for State Child Welfare Law and Policy*
www.childwelfare.gov/systemwide/laws_policies/statutes/resources.pdf

- *Use of Advertising and Facilitators in Adoptive Placements*
www.childwelfare.gov/systemwide/laws_policies/statutes/advertising.cfm

Even when the birth mother and adoptive parents locate one another independently, they may still take advantage of services and/or may be required to have all or part of the process approved by a licensed agency. This is called “identified adoption.” The agency’s role is to conduct the home study for the adoptive parents and counsel the birth mother and father, if available.

Facilitated/Unlicensed Agency Adoption

Adoptive placements by facilitators and unlicensed agencies offer the least amount of supervision and oversight. A facilitator is any person who links prospective adoptive parents with expectant birth mothers for a fee. Facilitators may or may not be regulated in their State and may have varying degrees of expertise in adoption practice. Families who work with facilitators often have little recourse if the plan does not work out as they had hoped. Some States prohibit adoptions by paid facilitators. Check the adoption program or policy in your State.

For more information on facilitated adoption, read Information Gateway’s *Use of Advertising and Facilitators in Adoptive Placements*: www.childwelfare.gov/systemwide/laws_policies/statutes/advertising.cfm

Intercountry Adoption

Intercountry adoption differs in several significant ways from domestic adoption. Children eligible for intercountry adoption must have lost their birth parents to death or abandonment, or the birth parents must prove that they are incapable of caring for the children. In some cases, children adopted through intercountry adoption may have been raised in orphanages or institutional settings.

There is generally less information about a child’s birth and family history than in domestic adoption. If you or your child have questions about the child’s birth family later in life, finding birth family members or information about them could be difficult, depending on the country, their adoption laws and policies, and the agency with which you work. Children adopted from another country, especially older children, will require sensitivity to their change in culture, including (possibly) language, food, customs, societal expectations, etc.

The placement process for intercountry adoption varies depending on the agency you choose, the child’s country of origin, and whether or not the country is a party to the Hague Convention. As a child becomes available for adoption, he or she is matched by an adoption service provider with prospective parents who can meet that child’s needs. Families often have the opportunity to review whatever information is available about a child before accepting a placement. However, in many cases very little is known about the child’s medical or other history. Some pediatricians specialize in helping parents evaluate information found in intercountry adoption referrals.

See the American Academy of Pediatrics list of pediatricians with a special interest in adoption: www.aap.org/sections/adoption/SOAFCAAdoptionDirectory2.pdf

Often, families need to travel to the child's country of origin to pick up their child. Some countries require more than one trip. The State Department (<http://adoption.state.gov>) provides the most comprehensive information regarding intercountry adoption, including the most common countries of origin. Necessary forms and frequently asked questions regarding intercountry adoption can be accessed through the U.S. Citizenship and Immigration Services Adoption webpage (click on Adoption in the center of the page): www.uscis.gov

Information Gateway's factsheet *Intercountry Adoption: Where Do I Start?* offers more detailed information on intercountry adoption: www.childwelfare.gov/pubs/f_inter/index.cfm

Since the United States ratified the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption in April 2008, a number of requirements have changed for adoptions of children from countries that are also party to the Hague Convention. The Hague Convention was enacted to safeguard children and families involved in intercountry adoption. It includes requirements for adoption service providers (agencies), home studies, parent training, and more. Prospective parents who decide to pursue an intercountry adoption need to

decide early in the process whether they will adopt from a Hague Convention country or a country that is not a party to the Hague Convention, since many requirements will differ.

To compare requirements, services, and processes for Hague and non-Hague country adoptions, read *Information Gateway's Intercountry Adoption From Hague Convention and Non-Hague Convention Countries*: www.childwelfare.gov/pubs/factsheets/hague.cfm

The U.S. Department of State also offers a chart of comparisons: http://adoption.state.gov/pdf/Side_by_side_comparison.pdf

For more information about intercountry adoption, visit the Information Gateway web section on Adopting Children From Another Country: www.childwelfare.gov/adoption/adoptive/other_country.cfm

Hague Convention Country Adoption

Parents who adopt from a Hague Convention country must use the services of a provider that is approved or accredited specifically to provide Hague Convention adoption services. Parents will need to identify the desired country before obtaining a home study, and they will have to complete at least 10 hours of approved training. Children adopted from Hague Convention countries must be determined to be "adoptable" by their country of origin

and must meet the definition of a Hague Convention adoptee. Before entering the United States, the child must obtain an immigrant visa.

To find out if the country you are considering adopting from is a party to the Hague Convention, visit the Department of State website for the list of about 75 countries: www.adoption.state.gov/hague/overview/countries.html

Non-Hague Convention Country Adoption

Parents adopting from a non-Hague country may obtain a home study before choosing the country from which they will adopt as long as the home study meets State and Federal requirements. The adoption provider (agency) must be licensed in their home State. Parents may or may not be required to complete training before adopting. The child identified for adoption must meet the U.S. Citizenship and Immigration Services definition of “orphan” and will need to obtain a visa before being allowed to enter the United States.

Regardless of the type of adoption your family decides to pursue, if you are like most families, you may need to one day access services after adoption. For information on postadoption services, see Information Gateway’s Postadoption web section: www.childwelfare.gov/adoption/postadoption