



WHAT IS ADOPTION?

5/06



Child and Family Services
a private nonprofit since 1850



Mission

Child and Family Services is an independent nonprofit organization dedicated to advancing the well-being of children by providing an array of social services to strengthen family life and by promoting community commitment to the needs of children.

Philosophy

...the well-being of future generations and the well-being of their communities depends on the quality of care we provide each child today.

...children need strong families and caring communities to attain their full potential

....setting the highest standards of integrity and professionalism will enable us to provide quality services to children and their families.

Standing

Founded in 1850, Child and Family Services is the oldest children's charitable organization in New Hampshire. An independent/private nonprofit, CFS is accredited by the Council on Accreditation of Children and Family Services and is a founding member of the Child Welfare League of America.

It is Child and Family Services' policy to operate without discrimination with respect to age, color, handicap, national origin, race, religion, sex or sexual orientation.

Considering adoption?

Although there are many types of adoption, including international adoptions, special needs adoptions, relative adoptions and adoptions of older children or sibling groups, this booklet specifically focuses on voluntary infant adoptions. The Adoption Program staff has written this booklet to assist women and their families who are facing an unplanned pregnancy and are considering adoption. The information provided is based on New Hampshire law and the procedures followed at Child and Family Services of New Hampshire. Adoption law varies among states and procedures vary among agencies.

What is Adoption?

All parents love their children and want to provide the best for them. Children need not only love, but also emotional security, financial stability and discipline, with loving parents to guide them through life. Adoption is a way to give your child a family if you are unable to provide what he needs. It is also a way for people who are unable to have children to have a family. It can be a wonderful choice for all involved – you can be sure your child is in a healthy happy home and you can continue to grow and develop your independence; the adoptive parent(s) can have the family they have dreamed of; and your child can have loving parents who are ready for parenthood.

A LIFETIME OF CARING

How do I start the process? Do I need both a counselor and an attorney?

Planning an adoption may be the most difficult decision you will ever make. Since it is permanent and both a legal and emotional process, it is important that you meet with an adoption attorney and an adoption counselor before you complete the plan, whether you choose an agency or a private adoption. This will help you feel comfortable with your decision and ensure a secure adoption.

If you discover you are pregnant when you are not ready to parent, you may feel panicked, scared, guilty, or angry and very much alone. Family and friends may or may not be available, and even if they are, they may be too close to the situation to be helpful. You may feel you need to make a quick decision or you may feel pressure from others. This could cause confusion and anxiety, which interferes with your ability to make a decision that is right for you and your baby.

A counselor can help you sort out your feelings, look at your options and make a decision with which you can feel comfortable. A counselor can also support you through the sometimes complicated process of choosing and meeting a family, going through the delivery and adjusting to your decision.

Even if you are sure of your plan and you have already chosen a family, your feelings may change many times throughout the pregnancy, especially as you get closer to delivery. This is normal and does not always reflect doubt in your plan. A counselor can help you understand these fluctuations and provide support during the delivery and placement.

Adoption is a legal process to transfer your parental rights and responsibilities to the adoptive family. Once the papers are signed in court, the adoption cannot be changed, except under very specific circumstances. It is a permanent legal process and it is important that you understand the legal ramifications. In both agency and private adoptions, an attorney will protect your rights and ensure that the adoption is safe and secure for you and your baby.

In an agency adoption, the agency social worker coordinates the adoption and arranges for an attorney to be available for legal consultation and to accompany you to court. In a private adoption, the attorney coordinates the adoption and can arrange for a counselor to be available for counseling. The safest and most secure adoptions, both private and agency, usually occur when you have both an attorney and a counselor.



When can I choose a family?

When you feel comfortable with your decision to plan an adoption, you may choose the family for your baby. Prospective adoptive families who have completed the homestudy process write profiles in which they write about themselves and provide you with pictures. You may choose a family early in the pregnancy or you may wait until later or even after the baby is born. The adoption plan is flexible and designed according to your needs.

What will the adoptive family know about me?

Adoptive families will know as much about you as you are willing to share. This could include your first name, a social and medical history of you and your family and a medical history of the baby.

Adoptive families want to know as much as possible about you, so they can talk openly with their children when they ask questions as they grow older. They would also like to know as much as possible about the baby's father. Adopted children usually want to know what you look like, your interests and talents, ethnic background and medical history. They are also very interested in why you made this decision and how your life has been since.

How much will I know about the adoptive family?

Most adoptions are “semi-open.” You are given profiles of prospective parents in which the adoptive family writes about themselves and provides pictures. You will have an opportunity to meet them if you wish. They usually share information about their occupations, hobbies and interests, their families and their reasons for pursuing adoption. You will also know how open they are willing to be. Most adoptive families are willing to provide letters and pictures through the years. Some will agree to visits in the early years.

A fully open or a fully closed adoption can also be arranged. Each plan is unique and tailored to meet your needs and the adoptive family’s needs.



THE COMFORT OF KNOWING

What is open adoption?

An open adoption is a “good faith” arrangement between the birth family and the adoptive family. They cannot be legally enforced, but most adoptive families are earnest in their intention to commit to the terms of the arrangement.

An open (fully disclosed) adoption is an arrangement where all parties know each other’s full names and addresses and may have direct contact and involvement in each other’s lives. A semi-open adoption involves meeting each other, knowing first names and non-identifying information, and includes the exchange of letters and pictures through the agency or attorney. A closed adoption is an arrangement where the birth parents choose a family but do not meet or have ongoing contact.

What qualifications must an adoptive families meet before they are accepted?

Prospective adoptive families complete a homestudy during which time a social worker from a licensed child-placing agency evaluates their relationships, their readiness for adoption, their finances, infertility issues, their family supports, etc. A state criminal check is done. References are collected. This process is not meant to find “perfect” people. But it can assess whether a family is ready for adoption.

**May I select the religion I wish the family to be?
Can I be assured that my child will be brought up
in that religion?**

You can choose a family with the religion you want your child to be. You can request that she is brought up in a particular religion, but you cannot enforce your wishes if the family decided to change religions.

Are the adoptive families from other states?

You may choose whether you want the adoptive family to be from a state other than your own.

**If my baby is born with birth defects, will the
adoptive family still want to adopt her?**

Usually adoptive parents who are interested in adopting a special needs baby identify that interest in the beginning. If your baby is born with a birth defect, a reassessment of the plan needs to be made. The family will have to decide if they are comfortable with the plan. If not, you will be given an opportunity to choose another family who is open to a baby with special needs.

Will medical costs be covered for my baby and me?

If you are pregnant, uninsured, and meet income requirements, you are probably eligible for Medicaid, which will cover your medical expenses.

Will there be help with my other expenses?

In both agency and private adoptions, the adoptive parents pay most expenses, either directly or indirectly. Each situation is unique and every effort is made to minimize the financial burden on the birth parents without overburdening the adoptive parents.



What will happen in the hospital? Will I be able to see my baby in the hospital? May my parents and friends see him?

You will be treated like any other new mother. You are your baby's legal parent until you go to court to sign a Surrender of Parental Rights, so in the hospital, you may have as much or as little contact with the baby as you wish. This includes keeping him in your room, feeding and caring for him, making medical decisions (such as circumcision), and taking pictures. You may take home keepsakes, such as the crib card, ID bracelet, and a copy of the footprints. You may choose your baby's visitors.

Can I name the baby and will the adoptive family keep the name I choose?

You can name the baby and that name will remain on the original birth certificate. Some adoptive parents keep the name; some use it as a middle name; some change the name. Some birthparents and adoptive parents choose a name together. The original birth certificate document is sealed at the finalization of the adoption and replaced with a new birth certificate with the adoptive parents named as parents and with the baby's new name. You may get a copy of the original birth certificate prior to your court hearing. After finalization of the adoption, no one has access to the original birth certificate until after the child turns 18.

A LOVING CHOICE

How soon after the baby is born can she be placed in her new home?

Some babies go directly to the adoptive family's home from the hospital. This is called a legal risk placement because the baby is still legally yours until you go to court, and you can change your mind at any time before court. Even if you are 100% sure of your plan before you deliver, you may have mixed feelings after the baby is born. Since you may change your plan until you go to court, many adoptive families are not comfortable with the legal risk because it can be extremely painful for them to bring the baby home and then have her taken away.

As an alternative, agencies have private pre-adoptive families available with whom babies may stay until the adoption process is complete and you have gone to court. These families are available in both agency and private adoptions. You may visit and you may have the adoptive family visit if you choose.

The pre-adoptive home gives you an opportunity to be sure of your decision and not feel pressured by time. It also protects the adoptive family if you change your mind and decide to parent.

If my baby goes into a pre-adoptive home, how long would he be there?

You will have as much time as you need to feel comfortable before going to court. Notification of the birth father sometimes takes extra time. Depending on circumstances, the baby is in the pre-adoptive home from a few days to several weeks.

May I have a visit with my baby before I sign the adoption papers?

Yes. You may find it very comforting to visit your baby prior to your court hearing. Or you may find it too difficult. This is a very personal decision. Some adoptive families are open to a visit after a few months if that would be more comfortable.



When do I have to sign the Surrender of Parental Rights?

There is no fixed time. You cannot sign before 72 hours after the baby's birth. After 72 hours, the time is determined by when you are emotionally and physically ready. You will make this decision with your counselor and your attorney.

Once I sign the adoption papers, may I change my mind?

Once you sign the Surrender of Parental Rights, you may not change your mind unless there has been legal fraud or duress during the process, and that is very hard to prove. Once the adoption is final, you may not change your mind even if there had been fraud or duress. Therefore, it is very important that you do not sign the papers until you are completely sure of your decision and understand that it is permanent.

Also any arrangement for ongoing contact with the adoptive family is a good-faith arrangement and is not legally binding. Most adoptive families are happy to provide letters and pictures and they enjoy hearing from birthparents. By meeting with you and developing an emotional connection, they will realize the importance of maintaining ongoing contact arrangements.

Do my parents have to sign papers in order for me to place my child for adoption?

Only if you are under 18 at the time of the Surrender of Parental Rights. This requirement can be waived under certain circumstances.

Will I have to go to court?

Yes. You and your attorney meet with a judge in a private hearing, sometimes in a closed courtroom, sometimes in a conference room. Your counselor may accompany you if you wish. You may also bring a parent or friend for support. The adoptive family and the baby will not be there.

Most judges ask questions during the hearing. The judge is not there to question your decision; he is there to ensure that your legal and emotional needs have been met and that you are making a voluntary decision.

The Surrender of Parental Rights – the form signed to terminate your parental rights – must be signed in front of a judge. In an agency adoption, you sign a Surrender of Parental Rights to the court, which issues an order for care, custody and control to the agency, which then consents to the adoption by the adoptive parents you have chosen. In a private adoption, you sign the Surrender of Parental Rights to the court, which issues an order for care, custody and control to the adoptive parents. Included on the Surrender is an affidavit of counseling, stating that you were offered counseling by your agency or attorney.

You will also be asked to sign an Affidavit of Mother (naming or not naming the father), and a Release of Information giving permission to your child to contact you when he is 18. These documents may be signed prior to meeting with the judge in the presence of a notary or attorney.

What information is needed from the baby's father?

Adopted children and adoptive families want as much information as possible about both you and the baby's father. It is always better if he participates in the process -- choosing the family, providing medical and social information, etc. If that is not possible, they accept whatever you can tell them about him.

Does the baby's father have to participate in the legal process?

In New Hampshire, you do not have to name the baby's father. You do not even have to tell him you are pregnant. The burden is on the man to notify the Paternity Registry at the Bureau of Child Support if he thinks he may have fathered a child for whom he is interested in taking responsibility.

That being said, you are encouraged to name him because it is always a safer and more secure adoption if he is involved in the adoption planning and the court process. He has the same rights as you have, provided he comes forward in time. He can be involved in varying degrees. He can go through the whole adoption planning, including going to court and signing the Surrender. He can be served a 30-day notice by the court that he can let expire and thus have his parental rights waived. He can be served by publication, where he is notified in a newspaper and if he does not respond, his rights are terminated. If you are legally married, your husband is the presumed father even if he is not the biological father, and his rights may have to be addressed.

Does the baby's father have to agree to the adoption?

If he is named, the baby's father has to agree to an adoption or waive his rights by not responding to the court's notice. He can be invited to participate in the process to the extent that he feels comfortable. He may meet with a counselor and an attorney if he chooses. An adoption is voluntary and both parties, if the baby's father is named, have to agree that it is the best plan for the baby.

What if the baby's father does not agree with my adoption plan?

An adoption cannot occur without the consent of both birth-parents, unless the birthfather is not named or not known, or unless he waives his rights by a 30-day notice or by publication. If a named father does not agree, another plan needs to be made that will provide a safe and secure home for the baby. This could be parenting by either parent or guardianship by grandparents, among other options.



After the adoption is finalized, will I need any further contact with the counselor or attorney?

Counseling is available for as long as you need it, but if you do not need it, then no further contact is required. In semi-open adoptions, the letters and pictures come through the agency or attorney's office, so there is often contact several times the first year and then annually around the baby's birthday. We are always available and enjoy hearing from birthparents as their lives proceed.

May I write a letter to the adoptive parents explaining to them the reasons for making an adoption plan?

Most adoptive families love having anything personal from you that you feel comfortable giving. You may write a letter to your child. You may make a family album to give him a "family tree." You may give her a stuffed animal, a locket, a music box, a special outfit, etc. Or something personal that had a lot of meaning to you growing up, like a blanket or a favorite doll.

May I have pictures of my baby?

Yes. Most adoptive families send a letter and pictures three to four times the first year then annually around her birthday.

Will my child understand why I could not raise him?

Many families are formed through adoption, so your child will grow up knowing other adopted children. In most situations, adoptive parents raise their children knowing that they were adopted and that most children are curious about their birth families. The adoptive parents will share information about you when they feel it is right for him. The more information the adoptive family has, the more equipped they are to answer questions. And if they had a chance to meet you, they are even better equipped to talk about you in a personal way. Providing a letter to your child can help him understand the circumstances of your decision and providing pictures of you and your family can help him make a connection.

Will my child be able to get information about me?

In most situations, the ongoing contact goes both ways. You may write to the family and most adoptive parents are happy to receive information you provide.

If my child died, would I be notified?

That would be up to the adoptive family. If you continue ongoing contact through letters and pictures, they would probably contact you if anything happened.

**If the adoptive parents die, will I be notified?
Could I get custody of my child?**

If you have an ongoing contact arrangement and the agency or attorney is notified that they have died, there may be an attempt to locate you to inform you, depending on the wishes of the child's legal guardian. Care for the child would depend on the legal arrangement the adoptive parents have made.

In the future, will I be contacted if my child wants to find me?

As of January 1, 2005, adopted children, once they reach age 18, may request a copy of their original birth certificate from the Bureau of Vital Statistics. A statement from the birth parents may be with the birth certificate stating their wishes regarding contact. This would give him identifying information if he wishes to locate you. You may also initiate a search after your child turns 18. In an agency adoption, either you or your child can contact the agency and they will mediate the search if you wish. In a private adoption, you may contact the court, which will refer you to the agency where the adoptive parents' homestudy was done or you may call the attorney you worked with who can provide you with information on how to proceed. In years to come, the law will probably change and searches will be easier and probably more direct. You may always contact an agency counselor for help.

Will my child be able to find me and will I be able to find him?

If you and the adoptive family keep the agency or attorney informed of changes in address, the search will be easier. There are many ways to find a person, and it will only get easier with new technology.

What is in the adoption files?

In agency and private adoptions, your file includes social and medical information on you and your baby, the court papers, correspondences and financial information. Agency files would also include counseling notes.

The adoptive family's file includes the homestudy and post-placement reports. Some agencies also keep a file for ongoing contact, where copies of letters and pictures are kept. Updates on changes of address are kept there so they can assist with the exchange of letters and pictures over the years.

Agencies keep adoption files indefinitely. This practice varies among attorneys, but most adoption practitioners also keep them indefinitely.

Files are not given out to anyone without written consent from you. The adoptive family does not have access to your file and you do not have access to theirs.

At the time of the adoption, the adoptive parents are provided with non-identifying social and medical information provided by you and the baby's father. Records are sealed, which means that no one has access to your file without a court order. This means your child and his family cannot obtain identifying information about you without your permission or a court order. Original birth certificates are also sealed at the finalization of the adoption and replaced with a new birth certificate naming the adoptive parents as the parents. No one has access to the original without a court order until the child reaches 18. At that time, he can obtain a copy of his original birth certificate from the Bureau of Vital Records.

Laws pertaining to closed records are now being challenged. By the time your child is an adult, the laws may be very different and much more open.

Adoption is a very personal and emotional process. It is a painful decision made out of love. You may go back and forth about your decision many times, and no matter how far you go in the process, you are not committed to an adoption until you are sure. It is probably the most difficult decision you will ever make, and even if it is the right choice for you, you will always have some mixed feelings. Through the process, you are always free to discuss and consider other options.

Your participation in the process and the ongoing contact will help you feel comfortable that it was the right decision for your baby at that time in your life. It will also help your child understand that both sets of parents like and trust each other, that they both love him, and that they made this adoption plan together. Adoption is never easy, but it can give you and your child the promise of a secure future.



Written by Julie Daniels, LICSW.

Copyright 2006 Child and Family Services of New Hampshire. All rights reserved.



Child and Family Services

Headquarters

99 Hanover Street ■ P.O. Box 448

Manchester NH 03105

Tel: 603-668-1920 ■ 1-800-640-6486 ■ www.cfsnh.org

PROGRAMS & SERVICES

Individual, family & group counseling

Adoption

Child advocacy

Pregnancy counseling

Runaway & homeless youth services

Child abuse prevention & intervention

Home-based family strengthening & support

Homecare services

Independent and transitional living services

Teen services

Adolescent substance abuse treatment

Elder Services

Foster care

Respite care and services

Early intervention for children with developmental concerns

Prenatal supports

Summer camp

In-school social work

Crisis care & temporary residence for at risk youth

Parent, family life and community education

Referral, information and consultation



CFS office locations: Manchester, Claremont, Colebrook, Concord, Derry, Dover, Exeter, Franklin, Gorham/Berlin, Laconia, Lebanon, Littleton, Nashua, Penacook, Portsmouth



*I was unprepared
alone and scared
but I love you more than you will ever know*

*I hope today
I'll find a way
to give you all you need to grow*



Child and Family Services