



ADOPTION

What is adoption?

Adoption is the legal way for non-biological parents to assume a parent-child relationship with a child. Adoption usually ends the relationship between the child and the biological parents.

Who can adopt a child?

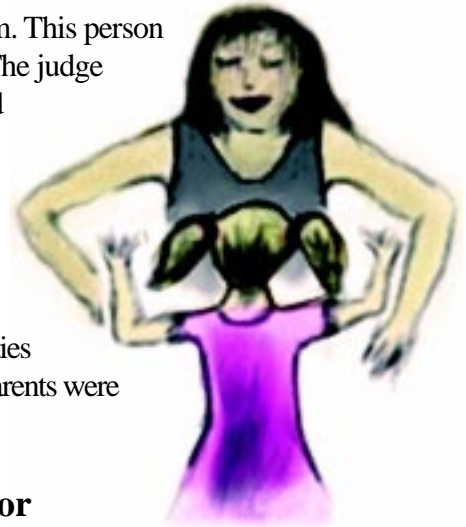
An adult can adopt an unmarried child under the age of eighteen. The adult must be at least ten years older than the child unless the adopting parent is a stepparent or married relative of the child.

Does the child have any say in the adoption?

The child is represented in the adoption proceedings by a guardian ad litem. This person makes sure that the best interests of the child are made clear to the court. The judge may talk with a child over the age of ten in order to find out what the child wants. A child over the age of twelve must consent to the adoption.

Does a minor parent need her parent's permission in order to give her baby up for adoption?

No. A minor has the right to give up his or her baby for adoption and does not need permission to do so. Minor parents have the same rights and responsibilities as adult parents. The adoption also cannot be undone because the biological parents were minors when they made the decision to give the baby up for adoption.



Is it necessary for both birth parents to agree in order for the birth mother to turn the baby over for adoption?

It depends on the legal status of the father. Generally, if the parents were married prior to or at the time of the birth of the child the father is the "presumed father" under the law. He is also the "presumed father" if he married the mother after the baby was born and he is either named the father on the birth certificate or he is required to pay child support by a court order. A "presumed father" must be notified of the proposed adoption and he has a right to veto it. However, if he vetoes the adoption he must be willing to assume full physical custody of the child himself. If the biological father is not legally entitled to "presumed father" status he must still be notified of the impending adoption. He has no right to veto the adoption unless he can gain "presumed father" status.

What if the "presumed father" is not taking care of the baby - can he still veto the adoption?

If the father leaves the baby with the mother, and makes no attempt to support or communicate with them for at least one year the court may decide that he has abandoned them. If so, he has no right to try to stop the adoption. Also, if both parents leave their child with someone else for at least six months they both may lose their right to veto an adoption.



If the biological parent is a convicted felon does he/she still have to agree to the adoption?

Yes, unless the facts of the crime show that the parent is unfit.

How do you put a baby up for adoption?

There are two main ways: agency or independent adoption.



An **agency adoption** is one where the biological parents give up the child to a private or state agency and the agency places the child with adoptive parents. The child usually is placed in foster care until the adoption is finalized.



An **independent adoption** is one where the biological parents can contact prospective adoptive parents directly or have another person, such as an attorney, priest or doctor, contact prospective adoptive parents in order to arrange an adoption. The biological parents must consent to the adoption before the baby is born. The adoptive parents often pay for maternity-related expenses and any legal fees.

Can a stepparent adopt his/her stepchild?

Yes, if the biological parents agree. However, in the case of a stepparent adoption, the biological parent who is married to the stepparent retains his/her parental rights and custody of the child.

Is it possible for an adult to be adopted?

Yes. The only requirement is that the adoptive parent must be older than the adult. This is most often done when a stepparent adopts the adult children of his/her spouse.



Fact Sheets for Teen Parents can be found on-line at: <http://www.teenparents.org>