

Choosing an Agency or Attorney

When considering whether to choose an agency or attorney to facilitate your adoption, there are a number of factors to consider. Attorney facilitated adoptions are not as strictly regulated as agency facilitated adoptions. Not all agencies or attorneys are the same, and some are more knowledgeable and capable than others. It is important to work only with attorneys or agencies which are licensed in your state.

Important Points to Consider, Broadly

An attorney who facilitates an adoption is generally retained and paid for by the prospective adoptive parents. This means the biological parent/s are not legally represented by their own counsel, unless they have their own attorney. It may be advisable for the biological parent/s to have their own attorney go over any and all paperwork and agreements prior to signing.

The term “open adoption” spans a range of options. “Open” could mean anything from exchanging pictures and letters only, to unfettered, ongoing contact between the adoptive family and the biological parent/s.

Most of the time, biological parents choose the child’s adoptive parents themselves. It is important to make an informed decision and choose a family who the biological parent believes is compatible, as this is a lifelong commitment.

Open adoption is *not a legally enforceable contract* in the State of Texas. This makes it even more important to match with a compatible family.

Adoption is a lifelong phenomenon, not a one-time event. The relationship among the parties may change over time, and like any relationship, requires hard work, commitment, an open heart, and an open mind.

Questions to Ask Adoption Agencies

- What kinds of post-partum support do you offer biological parents? Does the type and/or amount of support vary depending on whether the adoption was closed or open?
- What kinds of long-term post-adoption services do you offer? to adopted children? to adopted adults? to biological parents? to adoptive families?

Some agencies do not have thoroughly developed post-adoption programs, which could be an indicator that they are not doing everything they can to support all parties.

- Do you facilitate closed adoptions?

Although closed adoption was considered normal in eras past, it is no longer viewed to be in the best interest of the child unless contact with the biological family is considered a safety risk. Many agencies and attorneys no longer facilitate closed adoptions, or only at the explicit request of the biological parent/s.

- What types of open adoption do you offer?
- What types of preparation do you require for and/or offer to waiting adoptive families?
Are the families required to take classes? Educated about transracial adoption and the development of racial identity (if this is relevant in your case)? Complete reading assignments or counseling?
- If a survivor of sexual violence were to place a child for adoption through your agency, and you were aware of the circumstances of the pregnancy, how might that affect how you prepare adoptive families?
- Has your license ever been suspended?
- How many children do you place for adoption every year?
- Are any of your staff paid on a per-adoption basis? How are they paid?
- Does your agency have any programs in place for reunification or first-family preservation, not associated with adoption revenue?
- What types of services do biological parents receive from your agency, pre-placement?
- Who provides them with counseling? What are their qualifications?
- What options are provided to biological parents at your agency?
- Has the agency ever operated under a different name?

Questions to Ask Adoption Attorneys

In addition to many of the questions above, you might also ask:

- Does the attorney specialize in adoption, or is it one of an extremely broad range of services she/he offers?
- How long does the attorney retain records? For example, if the adoption is closed and later in life the adopted person is interested in obtaining her/his information, how long would the attorney retain this information?
- Does the attorney have a plan for her/his records should the attorney become incapacitated? Who would acquire the records, and what would the long term plan be for holding those records, if any?

Questions Specifically For Biological Parents to Ask

Is the mother allowed to 'room-in' with her baby at the hospital after birth? If so, for how long?

Are the adoptive parents generally allowed to be with the biological parent during labor? Immediately following birth? If so, for how long?

For some biological parents, this can feel pressuring. For others, it may be reassuring. Consider how you might feel about this.

What is the standard amount of time the agency or attorney waits before asking the biological parent to sign papers following the birth?

Immediately following birth, hormones and drugs can still be affecting a parent's brain, and it is important for her to be allowed time to recover in order to make a fully informed and confident decision. In Texas, this waiting period is 48 hours. However, consider how you might be feeling 48 hours following birth. This may be acceptable to you, or you may request additional time.

What type of support does the agency or attorney provide the biological parent in a case where the parent chooses to parent her child, rather than completing the adoption?

Biological parents have the right to create a different plan for themselves and their family, even if it does not include completing the original adoption plan. The parents should be supported in this.

Red Flags

- When you ask questions, do you feel shut down, disrespected, bullied, or discouraged? When you ask questions, you should get timely, thorough responses. If you are discouraged from talking to other families, researching, asking difficult questions, or investigating, the agency is probably not right for you.
- Are adoptive families and/or biological parents with concerns painted as “crazy”?
- Does correspondence lean too heavily on emotional propaganda and "rescue" rhetoric, as opposed to professionalism and an obvious commitment to best practices?
- Does anything the agency or attorney does or say make you feel icky or dirty?
- An agency or attorney that:
 - requests or requires that biological parents sign final adoption papers prior to birth, or immediately following (this is not legal in Texas).
 - offers “something different” than other agencies.
 - only facilitates infant adoptions or promises lots of babies.
 - offers the same thing for dramatically less money.
 - offers the same thing as other agencies in much less time.
 - claims to have special connections or processes in country.
 - uses the word “expedited”, which can often be a coded term for corruption or unethical practices.
 - accepts payments without receipts (common in Eastern European adoptions).

To report a complaint about an adoption agency:

Texas Department of Family and Protective Services

3635 SE Military Drive, E-550

San Antonio , TX 78223

Phone:(210) 337-3083

Fax: (512) 934-9647

Kingsman Consulting, LLC

Katy Perkins, LMSW-AP

(214) 536-8384

To report a complaint about an attorney:

American Academy of Adoption Attorneys (if the attorney is a member)

www.adoptionattorneys.org

P.O. Box 33053

Washington, DC 20033

Phone: 202.832.2222

To report an individual attempting to buy or sell a child, contact local law enforcement or the FBI

Additional Facts:

When the child is born, she/he will be issued an original birth certificate with the biological parent/s' names printed on it. Once the adoption is finalized, the child will be issued an amended birth certificate with the adoptive parent/s' names printed on it. The original is sealed for perpetuity. In order to obtain a copy of the original birth certificate, the adopted adult must either a) apply for a copy and provide the complete names of the biological parents, or, if those names are unknown to her/him, b) she/he may petition the court in the county in which the adoption was finalized and show "just cause" before access will be granted.

Adoptive parents and an adopted person (at age 18) have the right to be provided with a copy of her/his de-identified record (all identifying information removed) upon request.