

Attorney Assisted Adoptions in Michigan



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The Great Adoption Divide - foreign or domestic?



Considerations regarding foreign adoptions

- Policies and politics of country of origin of adoptee
- Expense to complete adoption
- Travel time for APs
- INS visa and citizenship issues for adoptee
- Cross-cultural parenting
- Less detailed/available health history of adoptee
- Less detailed/available family history or contact for adoptee

If domestic - interstate or intrastate?

- **Both very feasible**

- **If interstate**

- Select most advantageous forum
- Additional requirements for interstate adoptions
- Interstate Compact on the placement of children
- Travel for APs



- **If intrastate**

- Application of law is less complex
- Generally less expensive
- May limit pool of BPs



What type of Michigan adoptions are available?

- **Direct placement adoption**
 - with temporary direct placement
 - without temporary direct placement - interim care
- **Agency placement**
- **Special needs adoption**
 - intervention to prevent child from becoming ward of state
 - child is ward of state due to neglect/abuse
- **Intra-family adoption**
- **Stepparent adoption**
- **Guardianship as precursor to adoption**
- **Indian Child Welfare Act (ICWA) considerations**

Adoption readiness

- **Do you have a home study (aka pre-placement assessment)?**



- Required for most forms of adoption
- Prepared by an adoption agency or social worker
- Detailed study of resources, stability, relationship of APS and record of any criminal/domestic violence of APS
- Valid for 12 months; renewals available

Adoption readiness

- **Do you need to find a BP?**
 - Some agencies have a pool of BPs already available
 - Some adoption attorneys represent BPs
 - Your own networking, assisted by attorney
 - Advertising
 - Internet

Adoption readiness

- **What happens once you find out about a BP?**
 - Initial “screening” for baseline compatibility with needs of APs
 - Face-to-face meeting?
 - Identifying birth father and determining his opinion about adoption
 - Financial support for birth mother?
 - Exchange of information

Some “legal” considerations once you find a BP to partner with

- **Obtain legal counsel for birth mother in a direct placement**
 - AP almost always pays legal fees
- **Adoption counseling for BPs?**
- **What happens if either BP is a minor (under 18 years)?**

How open an adoption do you want?



- **APs frequently are initially fearful of open adoption**
- **BPs frequently want some openness**
- **“Open” is a flexible term**
 - share identities
 - direct communication during pregnancy
 - communication after placement in Aps home
- **Adoption attorney generally defers to wishes of APs and BPs**

“There are no guarantees in life.”

- **Some adoption plans are not consummated**
 - APs elect not to go forward
 - Birthmother elects not to go forward
 - Birthfather as roadblock
- **Many more adoptions are consummated than not**
- **A percentage of pregnancies do not result in live birth - keep your perspective**

Some red flags and warning signs

- **Consider your personal tolerance for**
 - Drug/alcohol/tobacco use during pregnancy
 - Birthmother having multiple sexual partners
 - History of genetic illness in BP's families
 - Genetic makeup different from APs
 - Socio-economic status different from APs

More red flags and warning signs

- **Minor BP reluctant to involve own parent/guardian**
- **Minor BP with parent/guardian opposing adoption**
- **Birthmother with no emotional support system for decision to place**
- **Birthmother pressured by family into adoption**
- **Birthmother with vacillating relationship with birthfather**
- **First time, young birthmother without counseling**
- **Birthmother with unclear personal goals**

Be prepared for paperwork



- Document gathering in support of adoption petition
- Information exchange with BPs
- Financial accountings for court

Court Process



- **Temporary direct placement papers filed within two days of temporary transfer of custody**
- **Adoption petition and supporting documents filed**
- **Court holds hearing to take birthmother's consent to adoption**
 - Birthfather either consents or court will hold hearing to identify birthfather and determine his rights
- **Once parental rights of both BPs are terminated, court makes a formal placement of adoptee with APs if the court is satisfied that such is in the adoptee's best interest**
- **Six months of court-supervised formal placement with APs**
- **Adoption finalization**

Alternatives to Adoption

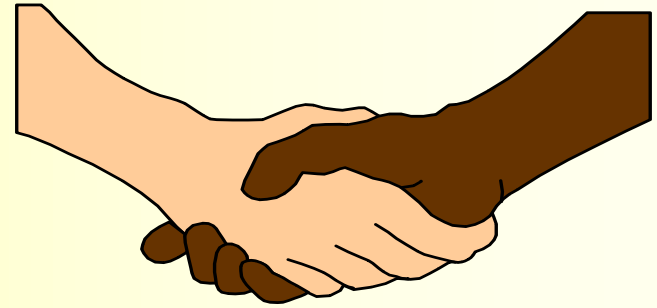
- **Limited surrogate parentage opportunities**
- **Embryo “adoption”**
- **Foster parenting**
- **Guardianship**

Using an adoption attorney



- **Personal attention and service**
 - 24/7 accessibility
- **Broad networking and referral opportunities**
- **Flexibility and customization of adoption plan**
- **Expertise in fashioning creative solutions to gaps in the adoption law**
- **Expertise in resolving sometimes complex birthfather issues**
- **Expertise in court filings and interactions**
- **Advice on issues that are corollary to adoption**

Know the Attorney



- **“Meet” the attorney before making final selection**
- **Get references regarding the attorney’s capabilities**
- **Assess your compatibility and comfort level with the attorney**

Cost



- **Most attorney assisted adoptions are comparable in price to agency assisted adoptions**
- **Variables**
 - Amount of birthmother financial support
 - Degree of BP counseling needs
 - Need for litigation to resolve birthfather issues
 - Additional procedures for interstate adoptions

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Part I

- **APs and BPs should fashion the adoption plan that suits their mutual needs within the confines of the law, without pressure from the adoption attorney to conform to a preset approach**
- **APs deserve the attorney's honest assessment of a prospective adoption plan**

The World According to Lax

Part II

- **If an adoption plan is breaking down, it's best to walk away earlier rather than hang on through protracted struggles if there is little likelihood of salvage, so that the APs don't make an excessive and futile emotional and financial investment**
- **The attorney should be vigilant in watching out for adoption scams**
- **All parties must play fair with both BPs and strictly adhere to the law**