

## FAQ'S ABOUT ADOPTION PROFESSIONALS

*I'm confused. There are adoption agencies, facilitators and adoption attorneys. What's the difference? Who do I really need?*

Adoption professionals, including licensed adoption agencies and adoption attorneys, are licensed and regulated by their state. Others, calling themselves adoption facilitators are not licensed, meet no educational or licensing requirements and are illegal in many states. An attorney must be involved at some point in all adoptions. In most states, a licensed adoption agency must also be involved to some extent. Facilitators are never required for an adoption.

### Licensed Adoption Agencies

Adoption agencies, sometimes also called child welfare agencies, are highly regulated by state law and must meet stringent requirements in order to be licensed. Some of these requirements include demonstrating expertise in adoption, adequate training and supervision of staff, sufficient insurance and suitable facilities.

Adoption agencies can match birth parents and adoptive parents. Birth parents often contact an adoption agency looking for potential adoptive parents. Similarly, adoptive parents with an approved home study may provide an adoption agency with their profile to share with those birth parents. The birth parents are then able to choose the family with whom they would like to place their child.

Adoption agencies are typically staffed with one or more social workers trained to work with and counsel birth parents and adoptive parents. The social workers understand the difficult issues that face both birth parents and adoptive parents, can help them work through those issues and help them access appropriate services, including medical care.

Social workers at adoption agencies perform home studies, home visits, post-placement visits and provide counseling. In some states, the law requires an adoption agency to take guardianship of a child during the adoption process and to make a recommendation to the court on finalization of the adoption.

## Adoption Attorneys

The law concerning adoption differs dramatically from state to state. What the various states have in common, however, is that their adoption laws must be followed to the letter in order for there to be a successful adoption. Indeed, in some situations, failure to precisely follow the law can result in the adoption being void or even criminal charges. Ignorance is no excuse.

An attorney experienced in adoption is an essential part of a successful adoption. At some point in the process, the court system will be involved in an adoption. It is important to involve an attorney as soon as possible. In some states, an attorney can match birth parents and adoptive parents.

The American Academy of Adoption Attorneys is made up of more than 300 attorneys across the country and in Canada who have proven themselves in the field of adoption by meeting strict admission requirements. This network of attorneys is especially helpful when there is an interstate adoption; that is, a child from one state being adopted by parents in another state.

## Facilitators

Facilitators are unlicensed, their conduct regarding adoptions is unregulated and they are illegal in many states. It is unknown how many facilitators are operating across the country. They are not required to meet any standards involving education, experience, insurance or personnel.

Some facilitators are knowledgeable and make good use of advertising, including the internet. Often, this is what the adoptive parents are paying for – advertising – and it is explicit in some of the contracts. Some facilitators have a background as adoptive parents.

As in any unregulated industry, some facilitators are unscrupulous and dishonest, preying on the adoptive parents' desire to adopt a child. They may seem nice, but demand thousands of dollars in exchange for nothing more than the hope of a match. The media has been full of stories of such facilitators promising babies who did not exist or going out of business with no notice.

While some facilitators may mean well, many simply do not have the resources or background to assure compliance with the relevant laws.

*We just talked with an adoption facilitator. She seems really nice. She said that if we send her money, she will find a healthy infant for us. Is this too good to be true?*

If it sounds too good to be true, it probably is. Try stepping aside from the situation for a moment. Like other claims that we wish to be true, these claims made by some facilitators deserve investigation. If someone you know told you that they were going to send money under these circumstances, what would you think?

Because they are unlicensed, no one monitors whether facilitators produce any results. No one knows how many families do not find the child they seek. Facilitators have no license to lose.

Adoption is not as simple as just paying a fee and having a child a few months later. Building a family through adoption is an extremely rewarding experience. It can also be very complex and emotional. Each situation is unique and requires tailored guidance, which a facilitator may not be able to provide. Adoption agencies often assign a social worker to work directly with the adoptive parents to provide personally such needed guidance. They also frequently consult with adoption attorneys to ensure that rules and regulations are being followed appropriately.

*How can we make sure to comply with all of the requirements for a legal adoption? What laws do we need to know about?*

It is never too soon to talk with an adoption attorney. The attorneys listed on the American Academy of Adoption Attorneys website ([www.adoptionattorneys.org](http://www.adoptionattorneys.org)) can provide you with a wealth of information and a network of adoption professionals to help you through the process.

Laws that can affect adoption include the Interstate Compact on the Placement of Children (ICPC), the Indian Child Welfare Act (ICWA), the Adoption and Safe Families Act (ASFA), as well as state laws concerning payments to birth parents, adoption assistance and a host of other potential issues. You can see why it is a good idea to have a legal professional in your corner.

*I'm making an adoption plan. I spoke with a facilitator who said she could handle everything and make sure I can meet my expenses during my pregnancy. I would like to have everything taken care of. Should I be concerned?*

Yes. Facilitators are not generally licensed counselors or attorneys. Therefore, the facilitator would not provide the necessary professional birth parent counseling, unless an outside party with the appropriate qualifications provided it. Nor would the facilitator be qualified to advise you on relevant legal issues, such as the amount and type of expenses for which you may be reimbursed. If you are paid more than permitted by law, for example, (and the laws vary from state to state), the adoption could be at risk.

*If we don't work with a facilitator, will we ever find a child?*

There are unplanned pregnancies occurring in this country every day. Birth parents make adoption plans for their children every day. A licensed adoption agency or adoption attorney can help guide you through the process of finding and adopting your child. Licensed agencies can be found through your state licensing department. Adoption attorneys can be found at [www.adoptionattorneys.org](http://www.adoptionattorneys.org).

*All I want is for my baby to grow up in a good home with parents who will love him as much as I do. Why is adoption so complicated?*

*All we want is to be parents and to love a child. Why is adoption so complicated?*

The adoption laws are there to protect children, as well as balance and protect the rights of the birth mother, birth father and adoptive family. As a result, there are laws addressing such things as how a birth parent's consent is obtained (to make sure that it is informed and voluntary), how notice is given to birth fathers and how children may be moved from one state to another (to make sure that children are protected all along the way). Taking steps to comply with all applicable laws is part of protecting and providing for your child.