



# Adoption

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## **Disclaimer (a legal caution)**

North Penn Legal Services does not provide representation in adoption matters. This section is a brief informational guide.

## **Do I need an attorney to file for an adoption?**

Adoption proceedings can be complicated. You should consult with and will generally need to pay for a private attorney familiar with adoption cases. You can contact your local county bar association for a referral. Keep in mind that there is no set legal fee. And it will be best to consult two or more attorneys and ask about their fees.

## **What is Adoption?**

Adoption is the legal creation of a parent-child relationship. Adoption usually occurs with minors. However, Pennsylvania law places no restrictions on the age of a person who can be adopted.

Adoption laws vary from state to state. If you are planning to adopt a child from outside Pennsylvania or the United States, you should consult with an attorney to understand your rights.

## **Who can adopt a child?**

In Pennsylvania, any single adult or husband and wife may adopt. Pennsylvania has also ruled that same sex adoptions and second parent adoptions are legal.

## **How is the process different when the parent(s) consent vs. when they do not?**

By consent:

If the parents voluntarily agree to the adoption, the hearing process is fairly simple. The parents may sign a Consent to Adoption. If the adoption deals with a newborn child, the parents must wait at least 72 hours after the child is born. This consent expresses their intention to place the child for adoption.

Involuntary termination:

If one or both parents do not agree to the adoption, the adopting parents must file a petition to Involuntarily Terminate the rights of the biological parent(s). The adopting parents must prove that the biological parent has failed to perform parental duties for six (6) or more months, and that they have no interest in continuing to parent the child.

This burden is very difficult to meet. Pennsylvania Courts are slow to terminate a parent's rights, and will do it only by showing very good cause.

## **Are there different types of adoption?**

There are several ways to adopt a child. The most common of the different types of adoption are those through an adoption agency. Direct or "open" adoption between the biological parents and the adoptive parents, and adopting internationally are also quite common. Step-parent adoptions are also very common.

## **Are there other things I will need to do besides filing the adoption papers?**

The laws of every state require all prospective adoptive parents (no matter how they intend to adopt) to participate in a home study. This process helps educate and prepare the adoptive family for adoption and evaluates the adoptive family. In most cases, the adoptive parents must obtain a positive preplacement home study report prior to receiving a child.

Many states also require the adoptive parents to submit to child abuse and criminal record checks.

## **What happens after the child is placed with me?**

After placement, the agency or the adopting parents must file a Report of Intention to adopt the child. The rights of the natural parents of the child must then be formally terminated by the court before an adoption can be granted.

## **Can the biological parents change their mind after the adoption?**

The biological parent cannot change his or her mind after their rights have been terminated. However, there have been cases where biological parents have changed their mind after placement of the child but before the finalized adoption.

**Remember: It is important that you follow the correct legal procedures for adoption so that it cannot be challenged at a later time.**