

## **COMMONLY ASKED ADOPTION QUESTIONS** **IN FLORIDA**

### **How long will it take to get a baby?**

There is a wide variety of waiting periods dependent upon a host of controllable and non-controllable factors. Generally, the average waiting period to be matched with a birth mother expecting a Caucasian child is 9 – 18 months, and a bi-racial child is 6 – 18 months. Waits can be dramatically shorter or longer depending on individual situations and client's specified parameters for adoption such as gender preference, age of adoptive parent, number of children in family, financial limitations, and state of residence of adoptive parents.

### **What is a home study?**

An independent investigation to verify your suitability as adoptive parents. A home study includes criminal and child abuse clearances, is valid for one year, and can be updated. If you need assistance in obtaining a home study, please advise our office.

### **How am I matched with a birth mother?**

The birth mother usually makes a "prospective family list" that identifies the qualities important to her in an adoptive family. She is then presented with families who have applied to our office and completed personal profiles that meet her requests. When all else is equal, preference is given to families who have waited a longer period of time.

### **What information will I have on the birth parents?**

A lengthy family, social and medical history compiled by the birth mother, and sometimes the birth father. Following your match, we will also obtain medical records from the OB/GYN and from the hospital as soon as practical given the doctor or hospital's cooperation. If requested, we can obtain criminal records or other third party documents. We cannot guarantee the health or medical history of the baby, but will keep you advised of the birth mother's medical condition as it is reported to our office.

### **What information will the birth parents have about me?**

A general family profile including photos and a letter explaining your lives. The profile does not include any identifying information. The birth parents may also request to see a photo or ask additional questions which will be answered with your approval. It is not uncommon, for example, for a birth mother to want to know the first name you select for the baby.

### **What tests will be run on the birth mother?**

In each case we request HIV testing and drug screening, in addition to all standard OB/GYN tests. You may request additional testing non-invasive testing, excluding amniocentesis, which the doctors will only perform for a medical reason. Sonograms are routinely conducted and generally assist in determination of the gender of the child.

### **What type of contact will we have with the birth parents?**

Birth parents commonly request contact with the prospective adoptive parents on the telephone, through an exchange of letters and/or to meet at lunch or the time of placement. This contact is done on a “first-name” basis. Almost always, this contact is limited to pre-birth and the hospital period, although some birth mothers request a baby dedication or one-time meeting shortly after birth. Occasionally a birth parent may request an “open adoption” which would allow her future contact with the child.

### **What should we say or not say in communicating with the birth parents?**

You should focus on being yourselves, letting the birth parents get to know you and establishing a comfort level for everyone. We want the birth parents to have concern and empathy for your situation, and for you to understand theirs. You should not be interrogative, ask for personal or confidential information which you personally would be uncomfortable providing, or question medical history. If you have a question in this regard, please consult with our office.

### **Will the birth mother receive counseling?**

We strongly advocate counseling for the birth mother, and insist on it to the extent possible. Some birth mothers are not willing to attend counseling and, of course, cannot be forced to do so.

### **How and when will we know the baby is born?**

We answer our telephones 24-hours per day for all emergency situations. We suggest that you obtain a cellular telephone after being matched with the birth mother so we can get a hold of you at any time, especially if the birth mother requests that you be present for delivery.

### **When will the consent for adoption be signed?**

Pursuant to Florida law, the consent will be signed by the biological mother no sooner than 48 hours after delivery unless the birth mother is being discharged earlier by her doctor. With a c-section, the wait may be slightly longer as we must ensure that the birth mother is free of narcotic medication. A biological father or legal father may sign his consent to adoption at any time following birth.

### **Can a birth parent change his/her mind once the consent for adoption is signed?**

In an adoption concerning a child under the age of six months, the consent for adoption is permanent and irrevocable from the moment it is signed, and can only be overturned based upon fraud or duress.

In cases involving a child 6 months of age or older, the birth parent has 3 business days to revoke a consent for any reason. Once this period passes, if the child has been placed with the adoptive parents, the consent can only be overturned based on fraud or duress. If placement of the child with the adoptive family has not occurred, the birth parent may revoke a consent even if it is outside the 3-day revocation period.

### **What rights do birth fathers have?**

A married woman's husband and a legal father must consent to an adoption plan. An unmarried biological father's rights are contingent upon the actions that he has taken to provide for the pregnant mother and her child. Florida maintains a confidential paternity registry and registration is a condition precedent to the requirement that an unmarried biological father consent to an adoption plan.

### **Can birth mothers receive living expenses?**

Yes. Florida law permits adoptive parents to pay the actual and reasonable living expenses during the pregnancy and up to a

maximum of six weeks following delivery if the birth mother is unemployed, underemployed or suffering from a medically diagnosed disability.

**Will I receive a refund of living expenses if the birth mother does not place?**

Upon our initial interview process we request the birth mother sign a financial agreement, which obligates her to repay such monies if she disrupts the placement. In reality, very few have the resources to make repayment. The financial agreement may allow you to write off such losses as a bad debt

**How does a disrupted placement affect my position on the waiting list?**

Families that have a disrupted placement immediately go to the top of the waiting list.

**Will my insurance cover the baby?**

Most insurance companies in Florida are mandated by law to provide coverage for an adopted child. Coverage can exist from the moment of birth if the adoptive family agreed to the placement prior to the child's birth. We suggest that you contact your insurance company as soon as you have a match so that you can ensure your coverage is in place for the child's birth.

**What is post placement supervision?**

Florida law requires the individual that performed your home study continue to supervise the placement of the child in your home for 90 days and write a final report for the Court. Please be sure to notify them when you receive a placement.

**When will my adoption be finalized?**

Florida law permits finalization once the 90 days post-placement supervision period has expired and 30 days have elapsed after entry of the Final Judgment Terminating Parental Rights. Finalization generally occurs 120 days after placement but can be delayed by a birth parent's failure to cooperate or the court's crowded docket. We will notify you when your final hearing is set.

**When can I obtain a birth certificate?**

We apply for the birth certificate after finalization of the adoption, and it usually takes 4 – 6 weeks to obtain. Consequently, you should expect the birth certificate five months after placement.

**When can I obtain a social security card?**

Not until the adoption is finalized and you receive the birth certificate. You can then apply for one at your local office.

**Is there a tax credit for adoption?**

Yes, beginning in 2002 the tax credit is \$10,000. The tax credit is gradually phased out for higher income levels. Please consult with your tax advisor or the IRS to determine your eligibility.

**When and how can I take the dependency deduction?**

Check with your tax advisor, but generally in the year you accept placement of the child. If you do not yet have a social security number, an Adoption Taxpayer Identification Number can be issued in the interim. You must complete IRS Form W-7A, which can be downloaded at <http://www.irs.ustreas.government> or you can call the IRS at 1-800-829-3676.

**Is the earned income credit and child tax credit available for adoption children?**

Yes, if you otherwise qualify under the IRS rules and regulations. These are two separate tax benefits.

**How much does adoption cost?**

The costs of adoption are wide-ranging, primarily depending on the birth mother's living and medical expense needs. For a Caucasian placement, the cost ranges from \$23,000 to \$30,000, but could be as high as \$37,000. African American and bi-racial placements are usually less and handled on a case-by-case basis. Please advise us of your adoption budget in order that we can attempt to stay within your parameters.

## **What is the Indian Child Welfare Act?**

The ICWA is a federal law that was enacted in 1978 to protect American Indian children who are members of or are eligible for membership in an Indian tribe from being placed for adoption with non-Indian families. The ICWA allows for a tribe to intervene in a termination of parental rights proceeding and, in some cases, allows for jurisdiction to be transferred to the tribe.

In order to determine that a child placed for adoption does not fall within the ICWA, we request information from the birth parents as to whether they, or their relatives, are eligible for tribal membership. In order to comply with the ICWA, we write to any tribe that the birth parents indicate may have an interest in the child. In most cases, the child does not qualify for tribal membership and the tribe responds that it does not intend to intervene in the placement. An adoptive placement that involves a child with American Indian heritage is at risk until such time as the tribe indicates that it has no intention to intervene and until the birth parents' rights are terminated.

## **What Is the Interstate Compact for the Placement of Children?**

The ICPC is a uniform law drafted in the 1950's, which today has been enacted in all 50 states, the District of Columbia, and the U.S. Virgin Islands. The ICPC contains 10 articles, which establish the procedures for interstate placements and assigns responsibilities for all parties involved in placing a child for adoption. The ICPC applies only to children who are placed for adoption across state lines, but not to placements made by a parent, stepparent, grandparent, or other close adult relatives.

## **How does the Interstate Compact work?**

If an adoptive family is from state A (receiving state) and the baby is born in state B (sending state), ICPC applies. In this situation:

1. The family would travel to the sending state for the adoption of the child.
2. Before they are allowed to leave the sending state, the adoption entity would submit (by Federal Express) the ICPC paperwork to the sending state's ICPC office.
3. After the sending state has approved the adoption, all of the paperwork would then be forwarded (by Federal Express) to the receiving state's ICPC office.

4. Once the receiving state has approved the paperwork, the family is notified of the approval, and only then can they return to their state.

If ICPC is not followed, or the family leaves before ICPC approval, the adoption could be jeopardized and the child may be returned to the sending state.

Florida allows for the adoptive family to stay with the child during the wait.

### **What are the ICPC Safeguards?**

The ICPC offers safeguards to all parties involved in the adoption, especially the child.

- \*Requires both a home study of the adoptive family and that an evaluation of the interstate placement be completed.
- \*Ensures the sending and receiving state's laws and policies are followed before it approves the interstate placement.
- \*Assigns responsibility to the sending agency, thus guaranteeing the child's legal and financial protection.
- \*Allows the prospective receiving state the opportunity to consent to or deny the adoptive placement.
- \*Provides for continual supervision and regular reports on each interstate placement.
- \*Ensures the sending agency does not lose legal jurisdiction of the child after moving to the receiving state.

### **What time is needed to process ICPC?**

In order for ICPC paperwork to be filed, all required documents must be submitted together. ICPC cannot begin until one or both birth parents' rights have been surrendered, depending on the situation involved. In addition, some of the items required for submission are not available until the day the baby is released from the hospital, including discharge paperwork and medical records. Only when these items become available can the ICPC package be completed and sent out.

Once the ICPC paperwork has been submitted, it takes an **average of 7-10 business days** to process. This is an **average** time frame and some ICPC offices can take longer. Adoptive families should make the necessary arrangements to stay in the state for **at least 2 weeks**. Only one parent must stay with the child

We understand the adoptive family's desire to get back to their home and share their excitement and joy with family and friends as quickly as possible. We encourage you to use the time to bond with your newest family member during the ICPC process. Looking at the clock or counting the days that have passed will only make the wait seem longer. We will endeavor to minimize your wait. However, the wait for ICPC approval is generally out of the control of the agency and your attorney. You will be contacted **only** when ICPC approval has been given. Until that time, we appreciate your patience and understanding and ask that you refrain from contacting the agency or your attorney to see if ICPC approval has been granted. These requests are not favored by the Florida ICPC office.

### **Important!**

ICPC offices process each placement in the order they receive them. Both the agency and the ICPC offices use the fastest means of communication whenever possible including phones, fax and express mail service. Adoptive families will be notified immediately upon ICPC approval. We need to know where you are at all times during this wait and have as many contact numbers as possible. Clearance for you to return home **MUST** be received by you from our office, not your home study agency or the ICPC offices of your home state.

### **DISCLAIMER:**

The information provided above is an overview of Florida's adoption law. This is not a complete dissertation of the law and you should not rely solely on this document. The adoption law is new and untested; therefore, this information may change as the courts interpret the law. When you have specific questions regarding your particular adoptive placement, please address them with us.