

Strides of Child Adoption

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Abstract

Adoption is a way to give children the security, a sense of belonging and the unconditional love they need. Adoptive parents have permanent, legal parental rights and responsibilities to the children they adopt. Adoption is intended to effect a permanent change in status and as such requires societal recognition, either through legal or religious sanction. Adopting a child is not a easy procedure. To adopt a child, individual or couple have to understand the various steps and procedures which prevents many legal and ethical problems in future. Many of us are still not aware of what all has to be done before adopting a child or what are the measures to be taken by the prospective parents before they undergo the process of adoption. Adoption laws are common across India and must be distinguished from guidelines followed in adoption procedures, which do differ from one state to another.

Keywords: Adoption; Parents; Agency; Law; Social Security.

Introduction

Adoption is a process whereby a person assumes the parenting of another, usually a child, from that person's biological or legal parent or parents, and, in so doing, permanently transfers all rights and responsibilities, along with filiation, from the biological parent or parents. Unlike guardianship or other systems designed for the care of the young, adoption is intended to effect a permanent change in status and as such requires societal recognition, either through legal or religious sanction [1].

Adoption is a lifelong commitment to a child. When children in foster care cannot be safely returned home to their parents, an adoption plan is possible. Children of all ages may be adopted; however, most waiting

children are over the age of 5 and may fall under one or more of the following categories:

- Part of a sibling group needing to be placed together
- Part of a racial, ethnic, or cultural minority
- Have physical, mental, developmental or emotional disabilities

Children needing adoptive homes look like other children and come in all shapes and sizes. They are like other children, each with their own special personality, abilities, interests, and potential. Many children waiting for adoption have special needs related to the abuse or neglect they've experienced, including the grief and loss of being taken from their birth family. Sometimes the birth parents decided they could not take care of their children and turned over custody to the state.

Since most children living in foster care who are available for adoption are school aged, families seeking to adopt a baby may also wish to contact a private adoption agency licensed by the state. These agencies work with birth parent (s) who choose to place their baby with an adoptive family.

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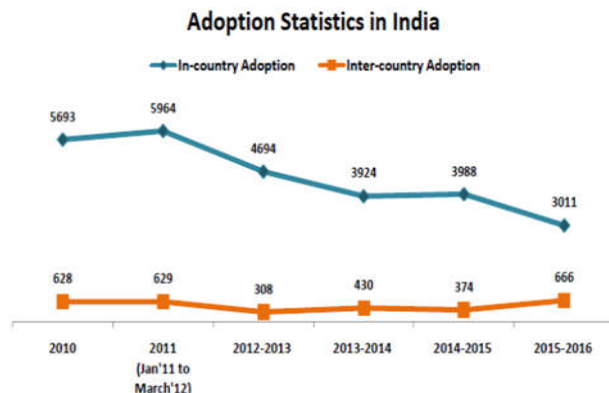
Adoption is a way to give children the security, a sense of belonging and the unconditional love they need. Adoptive parents have permanent, legal parental rights and responsibilities to the children they adopt.

These children also need parents who can:

- Accept their sense of loss and need to heal
- Share their sense of humor
- Be self-confident, but not afraid to ask for help or support when needed
- Work with social workers, teachers, therapists and community partners
- Be willing to keep them connected to their birth family when appropriate
- Support racial and cultural diversity
- Accept and nurture a child not born to them
- Be patient, yet persistent [2]

Statistics on Child Adoption

As per data available with Central adoption resource authority (CARA), the In-country adoption number has come down from 5693 in 2010 to 3011 in 2015-16. The Inter-country adoption has not changed much between 2010 and 2015-16. The worrying aspect is that the number of In-country adoptions has come down continuously.



As per government data, more female children have been adopted compared to the male children in the last 3 years. While 4475 male children have been adopted between 2013-14 and 2015-16, 6448 female children have been adopted in the same period. Number of adopted children with special needs stood at 334 in 2015-16 [3].

Steps of Child Adoption

Research and Carefully Consider the Type of

Adoption That Fits.

There are many information resources, including local public libraries and the Internet. Prospective adoptive parents should consider the emotional and social implications of each type of adoption. Individuals should evaluate their ability to tolerate risk. Because adoption laws in the state where prospective adoptive parents live govern their options, it is essential that individuals know what types of placement are allowed. Individuals pursuing an adoption across state lines must comply with the laws in both states before a child can join their family

Choose an Agency

All adoptions are facilitated through private adoption agencies. A private adoption agency is supported by private funds and must be licensed or approved by the state in which it operates. It may also receive public funds if it has a contract with the state to provide adoption services. Private agencies facilitate the adoption of infants and foreign-born children. They also facilitate "public agency adoptions" (or the adoption of children from the foster care system). Prospective parents may also wish to check with local adoptive parent support groups for their recommendations of reputable agencies.

Understand the Fees Involved

Prospective parents should ask agencies about their fees and payment schedules. Parents should also ask what services are covered by the fees. Most will allow prospective parents to pay fees in installments due at particular points during the adoption process. If the fee policy is clear from the beginning, misunderstandings can be avoided. If a child has no special needs, adoptive parents may only be asked to pay legal fees, which are often quite reasonable.

Be Prepared to Wait

Adopting a child requires a waiting period. It may take at least one year after the home study is completed, and could take two to five years. It is difficult to estimate the waiting period because birth parents usually select and interview the family they wish to parent their child. Applicants who want to adopt a child with special needs can begin reviewing photo listings to learn more about waiting children and to look for children who might be right for their family. Inter-country adoptions may take over a year, but the wait and the process will be somewhat more predictable. For any type of adoption, even after a

child is found, prospective parents may have to wait weeks or months while final arrangements are made.

Complete the Legal Procedures

After placement, adoptive parents must fulfill the legal requirements for adoption. Hiring an attorney may be necessary at this time, if families have not already retained one. Usually a child lives with the adoptive family for at least six months before the adoption is finalized legally. Until the adoption is finalized, the agency will provide supportive services. The social worker may visit to ensure that the child is well cared for and to write up the required court reports. After this period, the agency submits a written recommendation to the court, and parents or their attorney can then file with the court to complete the adoption.

Termination of Parental Rights (TPR)

This is a legal process involving a court hearing during which a judge issues a decree that permanently ends all legal parental rights of a birth parent to a child. This must occur before a child is considered to be legally free for adoption. Termination of parental rights can be voluntary or involuntary, that is, with or without the birthparents' agreement. In some states, there is a period during which the birthparent may appeal, if rights have been terminated without his or her consent. The length of that period varies from state to state.

Legal Risk

Legal risk is a term used to describe a potential adoption in which the child to be adopted is placed with the adoptive parents before the birth parents' rights have been terminated. An adoption is considered to be high risk if the rights have not yet been terminated, and it is expected that they may not be, because a birthparent or other relative will decide (and be approved) to parent. The adoption of newborn infants is often considered high risk. When a birthparent has consented to an adoption, there is a time period during which he/she can change his/her mind (revoke consent). This time period varies by state. To learn about laws specific to your state or jurisdiction contact your county's Department of Children and Youth. An adoption is considered low risk when the rights have not yet been terminated, but it is expected that they soon will be, and there is little likelihood of the child returning to the birth family.

Consent to Adoption

May refer to either of three different legal documents.

The first is a legal document signed by the birthparents to verify their intention to relinquish their child for adoption. It may be revoked, in some states, until the Court enters a final termination decree.

A second consent to adoption is issued by the adoption agency allowing the adoptive family to finalize the adoption after all agency and legal requirements have been met. An adoption cannot be finalized without this consent.

When a child being adopted is twelve or older, the child's consent may also be needed. This varies from state to state.

Original Birth Certificate

The original birth certificate is a certified document which indicates a person's birth information, including the birth mother's name, birth father's name if known, the date, place, and time of birth and the name given to the child at birth. When a child is adopted, an amended birth certificate is issued. The laws of the state in which the child was adopted determine who has access to the original birth certificate or other adoption records, and whether those records are sealed (unavailable).

Finalization

Finalization is the legal process which transfers custody of the child from the adoption agency, county, or state to the adoptive parents. In a court hearing, an attorney represents the family and presents the case to the judge, resulting in the adoption decree. This is the moment when the adoptee becomes the permanent, legally adopted child of the adoptive parents. This process cannot occur until the adoptive parents have had the child in their home for the time determined by state statute, usually at least 6 months.

The finalization hearing, sometimes held in the judge's chambers, usually lasts less than an hour, and is attended by the adoptive parents, the child, the family's attorney, and a social worker from the child's agency. The judge may review the family's homestudy, ask questions, and generally attempt to ensure that the child is being placed in a safe, loving home.

Adoption Decree

The adoption decree, sometimes called adoption certificate, is the document issued by the court upon

finalization of an adoption, stating that the adoptee is the legal child of the adoptive parents.

Amended Birth Certificate

This is a birth certificate issued after a child has been adopted, similar to the original birth certificate, but names the adoptive parents as the parents. An adopted child will have both an adoption certificate and a birth certificate, although he or she may have access only to the amended one.

Social Security Card

To claim your adopted child or teenager as a dependent for tax purposes, he or she must have a social security number. If your child already has a number when he or she is adopted, you may either keep the same number or have a new number assigned. If your child is receiving Social Security benefits, Supplemental Security Income payments, or if the child has worked, the Social Security Administration will not assign a new number, but will update the child's record. In any case, you will need to contact the Social Security Administration to be sure the number is registered correctly, reflecting you as the child's parent.

Open Adoption Agreement

An open adoption agreement spells out the terms of the contact between the parties in an open adoption. An open adoption agreement can specify frequency and manner of contact between adoptive and birth families, and/or between siblings placed separately. However, while it may be drawn up in the form of a contract and signed by both parties, it is not legally binding.

Adoption and Safe Families Act (ASFA)

The Adoption and Safe Families Act of 1997 (ASFA) is a federal law which was established to promote the safety, permanence, and adoption of children in foster care. The law limits the amount of time a child may stay in foster care by establishing shorter timelines

for determining when she or he must have a plan for permanency. The law states that permanency court hearings must be held for children no later than 12 months after they enter foster care and the law also states that termination of parental rights proceedings must begin for any child who has been in the care of a state agency for 15 out of the most recent 22 months. Exceptions may be made to this requirement if the child is in the care of a relative or for other compelling reasons. ASFA also promotes interstate adoptions by prohibiting state agencies from denying or delaying a child's adoptive placement when an approved family is available outside of the child's jurisdiction [4,5].

Conclusion

Adoption is a simple, private, legal process that builds happy families. The wish to adopt a child comes purely from the heart. Many of us are still not aware of what all has to be done before adopting a child or what are the measures to be taken by the prospective parents before they undergo the process of adoption. Adoption laws are common across India and must be distinguished from guidelines followed in adoption procedures, which do differ from one state to another. There are many landmark cases regarding adoption and it is changing with the need of the society.

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