Exploring "The Adoption Option"

by Mark Christensen

Families in the Kaiserslautern Military Community frequently consider going through an adoption process to build or stabilize their families, and at the Kaiserslautern Legal Services Center we frequently are asked about various adoption options. Americans overseas face some challenges to starting and completing an adoption, but the process can be extremely rewarding for the families and children involved.

First, let's look at step-parent adoptions. It is a fact that blended families are very common, and many step-parents discover they are the "real" parent of a child, even if not the biological parent. All states in the U.S. have procedures for completing step-parent adoptions; these adoptions cannot be completed overseas. The main requirements for a step-parent adoption are that the child must live in the state for the six months prior to filing for the adoption, and the child's biological parents must be notified and provide consent. When an absent parent cannot be located there are procedures for providing notification to that parent by publication. If a biological parent has not provided financial support for six months, or has not communicated meaningfully with the child for six months, in most cases the court will waive that parent's consent.

A domestic adoption is one conducted completely inside the U.S., and may result from a state or private social services agency foster parent program or private arrangement, or involve the adoption of a relative such as a cousin or niece.

An international adoption involves a child from outside the United States, and requires compliance with adoption laws from the native country of the child. Upon completion of the adoption in the source country, compliance with the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, as well as U.S. immigration law, is necessary to insure the child will be permitted to travel internationally and into the U.S. For U.S. persons, this means pre-adoption coordination with the U.S. Department of State. Most Americans who go through an international adoption utilize the services of U.S.-based agencies that specialize in these processes and have contacts or representatives in countries where international adoptions are permitted.

Both domestic and international adoptions require extensive background investigations and a home study to validate the placement of a child. Compliance with source country and U.S. law, and the Hague Convention, can be complicated. Most international adoptions include a re-adoption in the U.S. once the child travels there. Adopting parents incur many costs for applications, agencies, and the home study, as well as immigration and legal expenses. The goal of the process is an adoption decree terminating the legal relationship between the child and absent biological parents, naming the adopting parents, and changing the name of the child. This decree is then used to obtain the child's new birth certificate.

Families interested in adopting a child should determine the type of adoption (step-parent, domestic, or international) and use the Internet to get forms or find a social services or private agency for guidance. Military legal assistance offices can assist during the process with notarization and certification services, and provide advice or suggestions along the way.

If you have questions about adoption, call the Kaiserslautern Legal Services Center's Legal Assistance Office at DSN 483-8848 or Civilian 0631-411-8848 to make an appointment to see a Legal Assistance Attorney. Note: notarization and certification services are provided on a walk-in basis and do not require an appointment.