Considering Adoption in ND

Lutheran Social Services of North Dakota
The Village Family Service Center
Catholic Charities North Dakota

This document was made possible through a Bremer Foundation grant.

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Preface

Lutheran Social Services of North Dakota, The Village Family Service Center and Catholic Charities North Dakota are North Dakota Licensed Child Placing Agencies that are committed to: 1) helping families further their knowledge and understanding of adoption; and 2) ensuring that all North Dakotans whose lives have been touched by adoption have access to quality pre– and post-adoption services. One way we do this is by publishing the Considering Adoption in North Dakota handbook. It is intended to:

1. Help people who are thinking about building their families through adoption to consider all the options available to them, understand the implications of each, and choose the one that is right for them.
2. Help people who have already built their families through adoption to connect with the post-adoption services, supports, and resources available to them.

This handbook is not intended to be a comprehensive guide to adoption, but rather a reference tool to get you started. We hope it will inform, facilitate, and enrich your adoption journey.

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Introduction

People come to consider the option of adoption for many reasons. For some, infertility does not allow a biological child to be born and the desire to become a parent is so strong, adoption provides the opportunity. For others, it is about contributing to the "community" of children and expanding their family in order to meet the child's needs. Others may have a genetic condition they do not want to pass on, or wish not to bring another child into this world, rather adopt an existing child.

If infertility creates in you the sense of how unfair the world is, anger, and jealousy, you may not be ready for adoption. Counseling and reading may be good in helping you self-reflect on what it is you need at this time. After all, adoption is first and foremost about what a child needs. Once you realize parenting is what you want, and giving birth to a child genetically linked to you is not the most important thing, then you are ready for adoption.

What about your family, friends, and community? What will their response to adoption be? Day to day interaction with these people could create difficulties for you and your child. You, as most families, need the support of others, in good times and in bad.
We encourage you to explore and learn about

Post Adoption Services

Adoption is not a one-time event. It is an experience that unfolds throughout the lifetimes of all members of the adoption triad. Because of this, you are likely to encounter some, or all of the following reasons to seek adoption-specific resources to support your learning and your development as a family: The need for specialized knowledge, the need for additional parenting tasks because of adoption, the need for peer support and the need to be a resource for others.

All North Dakota Licensed Child Placing Agencies provide some level of post-adoption support. These services may range from being available to answer your questions over the phone, provide adoption search services for any member of the adoption triad in accordance with North Dakota law, or make a referral to other community services.

Post-Adoption Services has been identified as one of the greatest needs for North Dakota adoptive families. The agencies involved in this project are working with statewide partners to offer and develop more comprehensive services.

To learn more about post adoption services in North Dakota, families are encouraged to visit http://www.ndpostadoption.com.

Tax Credit

Beginning with their 2003 taxes, many parents who adopt a child with special needs can claim a flat tax credit of $10,160 for every adoption finalized after January 1, 2003, without having to document any adoption expenses. According to the IRS, "An eligible child is a child with special needs if he or she is a citizen or resident of the United States and a state determines that the child cannot or should not be returned to his or her parents' home and probably will not be adopted unless adoption assistance is provided to the adoptive parents." Therefore, families of children who are eligible for adoption assistance would be able to claim the tax credit. Please see IRS Publication 968 for more information on the adoption tax credit at http://www.irs.gov/pub/irs-pdf/p968.pdf or call 1-800-829-3676 to order it.

This federal tax credit will be a valuable resource to families as they raise adopted children with special needs. The credit can help cover some of the costs of providing services and support to meet children's special needs. Prospective adoptive families should keep this credit in mind as they consider the resources available to them to help them care for their children with special needs.

adoption. It is not the right choice for everyone. Adoption is more than a one day event, rather, it is a life time experience.

Whether just beginning to consider the options of adoption, or ready to take the next step, you will eventually need to decide on which type of adoption is the right "fit" for you. Think about the characteristics of a child that would best fit into your family, from age to gender to needs. Also consider the characteristics of the process that vary, from cost to time in the process to openness. Please continue reading to learn more about your options.

The Language of Adoption

Adoption
"A means of providing some children with security and meeting their developmental needs by legally transferring ongoing parental responsibilities from their birth parents to their adoptive parents; recognizing that in so doing we have created a new kinship network that forever links those two families together through the child who is share by both." (Definition from Adoption and the Family System, by Miriam Reitz and Ken Watson.)

Adoption Disruption
Termination of an adoption prior to legal finalization.

Adoption Dissolution
Termination of adoptive parent rights following legalization of the adoption.

Adoption Finalization
The legal process of obtaining a decree of adoption from the court, giving adoptive parents full parental rights and obligations.

Agency Fees
Fees paid to an adoption agency for the

adoptive parents that are not immediate relative to be licensed as foster parents in order to care for the child.

Attorneys are not allowed to match children and prospective parents in ND, nor are doctors, nurses, ministers, etc. Attorneys can facilitate the legal process and/or the legal finalization process. The child-placing agency is expected to provide the assistance with coordinating birth parent services, birth parent allowable expenses, interstate compact, etc, ensuring a smooth transition with the adoption. A private attorney will be necessary to assure you the advocacy and legal advise necessary.

Birth Parents:
Often portrayed in the media using negative, stereotyping images, and a sensationalized story; the impression is birth parents are unpredictable, spiteful persons who thrive on manipulating adoptions and adoptive parents. The reality is birth parents have usually encountered difficult circumstances that lead them to the decision they cannot parent their birth child. They feel they are too young, not living in the safest environment, or other circumstance exist which leads them to choose a painful and selfless alternative to ensure the best for their child. Choosing adoption requires strength, and thoughts of the child before themselves.

- In a voluntary termination, birth parents are choosing adoption as a positive option for their birth child(ren). In a ND Infant adoption, the state would be given custody, and the licensed child-placing agency would be responsible for case management. In an Identified adoption, the custody is given directly to the identified adoptive parents. In an Interstate adoption, custody of the child would be given to the other states licensed child placing agency.
- In an involuntary termination, the county and state are choosing adoption as a positive option for the child(ren).

Perspective adoptive parents and birth families will want to consult with their social worker to be sure they are a part of, informed of, and understand the plan for the legal termination of birth parents rights process. A plan doesn't mean things won't change, yet it keeps all parties informed and involved so when changes do occur, parties are aware of and understanding of the risks.

Should a child be placed with prospective adoptive parents prior to the termination of parental rights, this is called a "legal-risk" placement, and must be done in conjunction with the foster care system. ND requires prospective

services they provide. These fees differ from legal, medical, assessment fees, and birthparent reimbursement fees.

Consent or Relinquishment; also referred to as Surrender
Forfeit of parental rights by the birthparents. Some states regulate the amount of time which must elapse between the child's birth and relinquishment and the period of time in which a relinquishment can be revoked.

Identified Adoption
An adoptive placement where the birthparents have identified adoptive applicants with whom they wish to place their child for the purpose of legal adoption.

Dossier
A collection of documents required by some international courts. Dossiers must usually be authenticated by the local consulate.

Guardian Ad Litem
A court appointed representative who seeks to determine a minor's best interest.

Home Study
A series of pre-adoptive meetings between a prospective adoptive family and an adoption social worker which results in a written report recommending the appropriateness of the family for placement of an adoptive child.

INS I-600A Petition— "Application For Advance Processing of Orphan Petition"
A petition is filed with Immigration and Naturalization Service before a child is actually identified to speed the processing of the I-600 petition once a child is assigned.

INS I-600 Petition— "Petition to Classify an Orphan as an Immediate Relative"
A petition which must be filed with Immigration and Naturalization Services to allow the immigration of an identified child into the US for the purpose of an adoption.

Interstate Compact
A uniform law which establishes procedures for the interstate placement of children as well as defining the responsibilities of all involved persons. In the event of a disrupted adoption, the interstate compact provides a solution to assigning responsibility to the child's birth rights of biological parents before placement and forbids non-agency assisted adoptions in agency-only states. A treaty

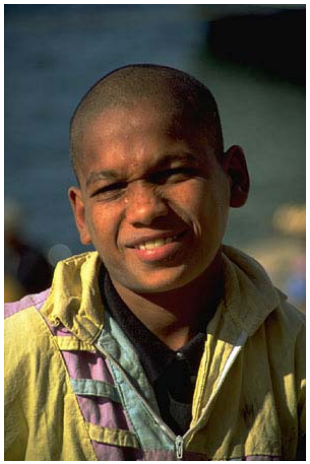
International older children and special needs children:
Similar to ND's children, these children in other countries have particular *needs*, whether their age, belonging with siblings, medical, emotional, physical; they have often experienced multiple losses and institutional care. Unlike North Dakota's Children, older children with special needs typically do not qualify for adoption assistance.

Termination of Parental Rights:
Many prospective adoptive parents are concerned about the legal issues freeing the child for adoption. The state of ND is very cautious and conservative when it comes to people's rights. If you are adopting a child from another state or country, you will want to know the legal termination process. Your social worker will be helpful in explaining this to you, or providing helpful questions to ask of your networking agency.

ND Law requires both the birth mother and birth father's rights be terminated. If the father is uninvolved or not known, the law provides for him to be legally served by the sheriff or his name and rights published in the county newspaper of record.

There are two basic types of termination: Voluntary and involuntary.

When Adopting Internationally:



Children are often cared for in hospitals or orphanages. This type of institutional care may not be conducive to what is considered normal development here in the USA. Foster care homes are also used. It is a good idea to ask many questions about the type of care your child has been in, so to be ready to meet the needs of you new child.

International Infants:
The *legal system* within countries who allow their children to be adopted abroad is complex. Countries may require a certain time frame or conditions to exist before they will consider an infant available for international adoption.

The Hauge Convention on Children: The International Adoption Act impacts the adoption process as not all countries have ratified and implemented the standards of the Hauge.

Children adopted abroad must qualify as an *orphan,* defined by the U.S. Citizenship and Immigrations Services. By checking their website: http//uscis.gov, you can research numbers of adoptions from other countries.

recognized by almost every state and administered by the American Public Welfare Association, 1125 Fifteen St. NW, Washington, DC 20005.

Legal Risk Adoption
The placement of a child not legally free for adoption (birthparents' rights have not been relinquished in a court of law) with a family specifically prepared for the loss or adoption of the child. This requires the potential adoptive family be licensed as foster parents.

Open Adoption
Open adoption encompasses a broad range of communication and contact plans between birthparents, adoptive parents and the adoptee prior to and after placement. Openess affirms the connectedness among all triad members. Openness in adoption allows birth and adoptive familes to mutually create their own unique adoption plan.

Orphan Visa
The visa issued by the US Consulate office located in the child's country of residence upon approval of the I-600 petition. You child's visa status will determine services required upon entry to the United States.

Placement
The date of arrival of the adopted child in the adoptive home.

Petition to Adopt
Request by adopting parent(s) to the court for approval of the adoption of a child who has been placed with them for the purpose of adoption. Generally, North Dakota requires the child be in the adoptive home for 6 months before the court can act on the petition to adopt.

Post-Adoption Services
A variety of educational and therapeutic services to support all members of adoptive families in dealing with adoption as a lifelong process. No time frames or limits are implied for these services.

Post-Placement Supervision
The limited period of time after the placement of a child and before finalization; usually a six month period during which the placement is supervised by the placing agency.

Special Needs
A child with special needs is one who is characterized by one or more of the following; a member of a sibling group to be placed together, minority ethnic background, physical or emotional challenges, and/or over the age of seven.

Subsidy or Adoption Assistance Program
A state and federal program committing financial support or specific services after a legal adoption. Usually a child is specified as special needs.

the child to more fully understand their history, and "why" the adoption plan was made. Openness simply means communication. Opportunities exist for adoptive and birth parents to share important information via letters, pictures, videos, telephone calls, and meetings. This may happen before the placement, throughout the process, and after the finalization. Not to be intended as a "bribe" to birth parents, or a "concession" for adoptive parents, openness completes the adoption for the child. The more the adoptive parents know and understand, the better job parenting they can provide for the child. Trust and relationships are the major components in openness. As our relationships change, so may the openness. Keeping it child focused instead of "me" focused, will allow the change to happen in a thoughtful, positive way based on the needs of the child.

Attachment:
Attachment to a specific, consistent caregiver may not have occurred, thereby creating a potential emotional delay, dangerous to the child and the new family. Educate yourself about attachment, encouraging attachment in your child, and where treatment services are available should your family need them.

Adopting a child of different race and culture than you makes your family a transracial or multicultural family. What ever "word" you use to describe the make up of your family, are you ready for that fact? How about your family, friends, and community? What opportunities does your community provide your family for sharing in and celebrating cultural diversity? How will you deal with the insensitive comments, or jokes? Parents must often deal with the issues of intolerance and racism that are completely unfamiliar and not a part of their growing up and parenting experiences.

This type of adoption CAN BE successful. Parents must address their own values and attitudes, and decide if resources and supports are available in the community. Are there any persons of diverse backgrounds as role models in your community? This will be important for your child. Developing skills to advocate for your child are necessary when you adopt. Use the Resource Guide on this website to help you connect with others for information and support.

Openness:

Openness options can create the opportunity for

Adoption Process

Application:

This provides the agency you have chosen to work with important information about you and the type of child you wish to adopt.

Preparation and Training:

The agency provides this for you to answer more questions, encourage self-reflection, and prepare you for your adoption experience.

Assessment (Home Study):

An assessment is required for all adoptions in North Dakota. This is meant to be an inspiring and educational process, although it is recognized that many perspective adoptive parents worry about being judged by agency professionals. While assessment discussions vary, basic issues are routinely covered. These include your family background, parent-sibling-extended family relationships; your education and vocation; if applicable your marriage, such as how you met, what keeps you marriage thriving, how you make decisions, manage money, and communicate with one another. Other issues relate to your motivations in adoption, views toward acceptance of a child not born to you,

incorporation of openness and culture. Applicants must participate in a criminal/child abuse background check. The assessment is completed with a written report by your agency social worker. Should the agency have concerns about your adoption plan, they will inform you immediately of what these concerns are and make recommendations.

Waiting:

The time spent waiting for a match can be difficult, filled with uncertainties and emotional stress. It is important to be proactive during this time, staying in touch with your agency, participating with a group of families, reading up on material related to adoption. Take care of yourself physically and emotionally. Families often say they get tired of the question, "have you heard anything yet?" during the waiting period. Prepare yourself for this question, and assure your friends and family you will inform them as soon as you have news.

Match/Referral:

This first "connection" between pre-adoptive parents and birth parents or the child is called a match. Depending on the type of adoption, the match will happen differently. There is a

Special Situations to Consider

Adoption and Diversity:
There are many different kinds of families in the United States. Our society has become more diverse, but not always more tolerant of change and differences. Yet, this diversity creates the opportunity to help your child understand there are many types of families: Two-parent families, one parent families, families headed by grandparents or foster parents, blended families from divorce, interracial families, international families, gay and lesbian families, families formed by surrogacy and a multitude of assisted reproductive technologies. This variety makes it easier for North Dakota adoptive families to explain that adoption is simply one of the ways families are formed in America. It also helps those around us and supporting us—like teachers, doctors, neighbors—be more supportive and understanding. Adoptive families benefit from this great diversity, and yet they must also address the realities adoption has on their lives.

the agency about how to go about that, asking questions on how to facilitate this process.

Questions for International Adoption:

- What countries does your agency work with?
- What can you tell us about the countries and their adoption process?
- What is the condition and age of children coming from specific countries?
- Do you provide any humanitarian aid to these countries?
- What help with cultural issues can you give us?
- How can you help us work with the USCIS?
- What information will we receive with the referral, and how do we interpret that?

common flow during this process, no matter what type of adoption you are experiencing. Initially, you will be given all of the known information on the child, including factual birth, social, emotional, medical, educational, and care-taker history. If the child is not yet born, such as in a domestic infant adoption, you will receive birth family history and prenatal care information. You are in control over whether to accept the match. If so, the process moves forward where you can receive all of this history in writing, access medical consultations, etc. Some child referrals will present significant medical or psychological risks, requiring hard decisions on your part. Use your social worker to help you process through these decisions. For special needs adoptions, a family selection process is utilized to ensure the best match for child and family.

Placement:

Once there is an agreement about the match, a placement will be made. This will be different

for all types of adoption. Generally, the older child, the more pre-placement visiting occurs. And always remember, it is normal for plans to change, so stay flexible. The agency will have you sign formal placement paperwork.

Post Placement Support & Supervision:

North Dakota requires that six months must pass before an adoptive family can petition the court to legally finalize their adoption. During this time, families will have monthly contacts with their social worker, and at least two face-to-face meetings. Families find these contacts provide support to the transitions the family is making with routines, language, school & work, etc. The time a child lives with the adoptive family in foster care can count towards this six month time period.

Finalization:

This court process generally takes place in the county in which you reside. The agency will provide the NDDHS with a court report and summary of your adoption experience. The state forwards these documents on to the court, with a letter supporting the finalization. You will hire an attorney to represent you at the actual court hearing.

- What post-placement supports and services are available for us?

Questions for Infant Adoption:

- Are most infants your agency places born in ND or another state?
- Do birth parents choose the adoptive family? If so what does that process look like?
- What is your philosophy about openness options in adoption?
- How does the agency get birth parents to come to them?
- How often is the birthfather involved in the adoption planning?
- How old is the baby at placement?

If the child is coming from another state, these same questions apply. Your local agency worker can be helpful to you in addressing anything specific to your case as well.

If you desire to connect with a birth family on your own to do an identified adoption, talk with

- How about in the two years before that?
- Are there any restrictions on applicants?
- What does the adoption process consist of?
- Is there a waiting list to begin?
- What is the average time to wait for an assessment or a placement?
- How does the matching or referral process work?
- What type of medical, social, and developmental history on the child is given?
- Are there adoptive families who have been through this to talk to?
- What pre and post placement supports are offered?

Questions for Special Needs & Waiting Children Adoption:

- What kind of information is provided to see if you are a good fit for a child?
- How are pre-placement meetings with the child & foster parents conducted?
- What role might birth parents play in the adoption?

Types of Adoption

Currently in North Dakota there are three options open to parents who are considering adoption. They are Infant Adoption, International Adoption, and Special Needs Adoption.

Infant Adoption Program:
There are three specific types of infant adoption:
ND Infant Adoption—This is where the infant is born in ND, with the birth family seeking to make a voluntary adoption plan after decision making counseling.
Identified Adoption—This is where the infant is born in the United States, and birthparents have "identified" specific potential adoptive parents from North Dakota.
Interstate Adoption—This is where the infant is born to birthparents outside of North Dakota, who have worked with a licensed child placing agency in another state, who places the infant with North Dakota adoptive parents.

Who are the children?
These are generally healthy infants who will be or have been born to birth families living in the United States, who do not plan to parent their birth child.

Birth families will receive decision making

counseling and support through a licensed child placing agency. Should adoption become the plan for the infant, varying degrees of openness may be utilized so birth and potential adoptive parents can discuss the adoption possibility.

What are the requirements?
Adoptive applicants must be North Dakota residents, single or married, who pass a criminal background check, and are appropriately motivated to provide unconditional love to a child. Preparation and training for adoption and an assessment will be completed by the licensed child placing agency prior to placement.

What are the Costs and Financial Assistance?
Fees for infant adoption will vary depending on the type of placement; North Dakota infant, Identified, or Interstate. The average domestic, infant adoption has fees of $15,000, with Identified adoptions typically incurring more expense as adoptive families cover more birthparent expenses. Adoptive Applicant's employers may have incentives and reimbursements for adoption, as well as consideration for the US Tax Credit. However, there is no specific financial assistance for infant adoption.

Selecting and Working with a Licensed Child Placing Agency

Agencies providing adoption services in North Dakota must be licensed by our state's Department of Human Services. A licensed child-placing agency must be involved in each adoption that occurs. Once you have considered the type of adoption that fits best your family's needs, research agencies and what services they offer. Attend an informational or orientation meeting. You will want to find an agency whose style and philosophy suits you. You can meet the staff and talk with other adoptive parents.

Sometimes people feel inhibited about asking questions, concerned it is a "dumb" question. Many misunderstandings and potential problems can be avoided by asking these questions. Agencies want you to understand their services and standards of practice. The agency's role is to find a home for a child that is safe, stable, and happy. They want to find these types of parents and support them through the adoption process.

General Questions for Agencies:

- How many children were placed in the last year?

financial and medical needs of many of the children.

How do I Inquire?
Families interested in special needs adoption are encouraged to contact the closest AASK office. Families may also call toll-free 877/551-6054 for general program information. Informational Inquiry meetings are also held periodically throughout the state.

How do I Inquire?
Anyone interested in domestic infant adoption is encouraged to contact a licensed child placing agency in the state of North Dakota. Informational material and meetings are available for interested persons. Please refer to the back of this program for a list of North Dakota Licensed Child Placing Agencies.

International Adoptions:
Who are the children?
Children from international countries suffering from wars and poverty are potentially available for adoption. The United States Government defines an "orphan" as a child with no living parents, or one living parent who voluntarily relinquishes or abandons the child. These may be newborns, young infants, toddlers, preschoolers, and school aged children. Many of these children have experienced poor pre and post natal medical care, poor nutrition, and institutionalized care. Some children may have specific identifiable special needs, others are simply at risk due to the lack of individualized and advanced services to stimulate healthy growth and development. Examples of countries placing their children internationally are: China, Russia, Guatemala, Ukraine, and Colombia.

What are the requirements?
North Dakota residents must work with a North Dakota Licensed Child Placing Agency to prepare for the adoption as required by North Dakota law, as well as network with an international placing agency who has the direct link to the specific country of interest. Your local adoption agency can help you make this connection. Each international country will have specific requirements for adoptive applicants including age, marital status, etc.

What are the Costs and Financial Assistance?
Fees for International Adoption typically total $20,000—$25,000. They are spread across your local adoption agency, International placing agencies, United States Immigration Services, Country fees, and travel fees. There is generally no financial assistance, except that offered by employers and the United States Tax Credit.

How do I Inquire?
Anyone interested in international adoption is encouraged to contact a licensed child placing agency in the state of North Dakota, as well as do your homework on the internet and through other adoptive families. A list of North Dakota's Licensed Child Placing Agencies can be found in the back of this publication.

Special Needs Adoptions:
Who are the children?
Children of all ages need homes. These children may have physical, emotional, or psychological disabilities, may be older children, may be members of a sibling group being placed together, or may be children of a minority race. Most have suffered from neglect and/or physical or sexual abuse. Many have been in foster care placements. All of these children need a loving, permanent family. Children placed in the public foster care system are served by the Adults Adopting Special Kids (AASK) program.

What are the requirements?
Residents of North Dakota who are single or married can register to adopt. Families interested in adopting must have the ability to give a child unconditional love, patience, and commitment. They must be willing to use the community services that the child needs. All applicants must participate in the PRIDE pre-service training.

What are the Costs and Financial Assistance?
The fees are approximately $200.00. Adoption Assistance is available to help with the