

ADOPTION ADVOCATE

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Choosing an Adoption Professional

BY KRISTEN HAMILTON AND RYAN HANLON

NCEA's "Choosing an Adoption Agency" from 2014 has been one of our most popular *Adoption Advocates*¹. It's been recommended as a resource by the *Today Show*, *NBC Dateline*, and RESOLVE: The National Infertility Organization, and has helped thousands of prospective adoptive parents and expectant parents. And for good reason, we believe! After all, this is the question we hear over and over: "How do I know which adoption professional is right for me?" It is one of the first and most important decisions to be made, and can feel overwhelming and stressful, given its significance. As it is one of the most important parts of the adoption process, it is critical that prospective adoptive parents invest the time to ensure they understand the core issues, how to evaluate their options, and how to make a wise decision. (That same principle is true for expectant parents considering an adoption plan – and something NCEA has and will continue to address in other publications.²)

Depending on the type of adoption – foster care, private domestic, or intercountry – there are a number of considerations when selecting your adoption professional. In this updated guide, *tailored to prospective adoptive parents (PAPs)*, we'll discuss what is true across the board and what is unique to different types of adoption. As a general rule, NCEA strongly

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National Council
For Adoption

225 N. Washington Street
Alexandria, VA 22314
(703) 299-6633
www.adoptioncouncil.org

¹ Johnson, C. (2014). Choosing an Adoption Agency. In N. Callahan & M. Lindsey (Eds.), *Adoption Advocate*, 74, 1-7.

² Choosing an Adoption Agency. <http://www.adoptioncouncil.org/expectant-parents/find-an-agency>

cautions PAPs and expectant parents against working with any entities or facilitators other than licensed adoption agencies or adoption attorneys who specialize in adoption. But, recognizing that an increasing number of PAPs and expectant parents are working with unlicensed adoption facilitators and adoption consultants, we also address the role these groups are having and what PAPs and expectant parents need to be mindful of should they choose to work with a facilitator or consultant.

Licensing & Accreditation

NCFA considers it imperative for PAPs and expectant parents to work with a licensed, experienced, reputable professional. Licensing requirements vary by state, but every state does clearly define which entities can place children, and what standards those agencies need to meet and maintain. Each state has a licensing division that oversees adoption and sets minimum standards for child-placing agencies. These licensing divisions set criteria for agency staff: educational qualifications, training requirements, sometimes even office/administrative staff requirements and regulations governing the storage of records.

An agency's licensure is different from accreditation. U.S. laws and regulations require that adoption agencies making intercountry placements with parents need to have Hague Convention on Intercountry Adoption accreditation/approval. This applies to all cases, including kinship adoptions, and regardless of whether the country the child is coming from is a party to the Hague Convention.

Prospective families can work with one agency for all adoption services, or may need or opt to work with one agency for the homestudy and a different agency for child placement. It will depend, in part, on what type of adoption you are pursuing, and the availability of licensed and/or accredited agencies in your state. PAPs pursuing private domestic adoptions may also choose to work with adoption attorneys, and contract with agencies for homestudy and other requirements. Adopting through an adoption agency does not prevent you from seeking out separate legal counsel if you choose.

In the last decade there has been a significant rise in the number of adoption facilitators and consultants involved primarily with infant domestic adoptions. We will discuss this further in the next section, but it is important to note that these entities operate unlicensed and in many cases without any significant oversight. PAPs and expectant parents must understand the laws and regulations of the state where they live, the risks involved in working with an unlicensed entity, and how to properly vet a potential consultant or facilitator.

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Recommendations When Selecting an Agency

Do your homework. Make sure the agency is licensed. What information can you find online about the agency? What have you heard from other adoptive families who used or considered using the agency? Agencies should also be forthcoming if you ask for references from other parents and families, and they should provide recent references – families who have worked with them in the last one or two years. Was this information easy to obtain, or was it a struggle to find answers? Are the fee arrangements (for prospective adoptive parents) transparent and understandable? Are you comfortable with the level of detail provided in the contract? Do you understand the complaint and grievance policy?

Look for experienced professionals. Agency staff should be able to readily provide their background, educational qualifications, and years of experience. Families should look for specifics such as how many cases the agency has completed in the country they are interested in adopting from, how long the agency has been working in that country, and what types of children they have been placing from that country. Families should also consider the agency's expertise and consistency of service as a whole. If the program director or a particular caseworker were to change, how would that impact the experience and service to families? Is there a breadth and depth of reliability in the agency that goes beyond one person?

Expect high-quality pre-adoption orientation, education, and training. Prospective adoptive parents need and deserve quality pre- and post-adoption services and support that is based on current research and best practices. The agency might need to make a referral for some services, depending on a child's individual needs or where you live and they are located, but necessary referrals and support should always be available. The goal of adoption is not to just place a child in a family, but for a child to *thrive* in a family. A good agency will always operate under this philosophy and have resources and referrals available

Look for an agency whose information is trustworthy. The agency should always be forthcoming about all options available to PAPs and expectant parents, fully disclose the state of a particular country or program, provide estimates of the timetables involved, and list any and all fees and the timeline for required payment. It's easy to leap for the first agency that makes pie-in-the-sky promises or guarantees an expedited adoption. It is in the best interests of the PAPs, and ultimately the adoptee as well, for the PAPs to conduct due diligence when selecting an adoption professional.

Prospective adoptive parents need and deserve quality pre- and post-adoption services and support that is based on current research and best practices.

Pay attention to the level of responsiveness. How promptly does the agency respond to calls and emails? Are agency staff expected and prepared to meet the level and frequency of communication you desire?

Sample Questions for Prospective Parents to Ask an Agency

- What requirements does the agency have for prospective adoptive parents?
- What is this agency's experience and background in the type of adoption you want to pursue?
- How quickly do agency staff respond to questions or requests for information? Is communication handled in person? By phone? By email?
- How often do agency staff communicate case and program updates to prospective parents?
- What type of pre-adoption education does the agency provide?
- What does the agency offer in terms of post-adoption support services?
- How long has the agency existed, and how many placements has it made? How many does it typically make in a year? How many waiting families are there?
- What educational materials, books, websites, community organizations, etc. does the agency recommend to prospective adoptive parents?
- What fees does the agency charge, and what is the timeline for expected payment?
- Can the agency provide references from several families that have adopted through the agency? Can they produce references for the type of adoption you are considering?
- What are the state laws under which the agency must operate?



*More Resources for
Expectant and Birth
Parents at
ichooseadoption.org*

Private Domestic Adoption

Private domestic adoption is often pursued by prospective adoptive parents seeking to adopt infants. In these adoptions, birth parents relinquish parental rights directly to an agency or attorney who then places the child with adoptive parents. In most cases, birth parents choose the adoptive parents based upon profiles the parents create.

Private Domestic Adoption: Questions to Ask an Agency

- How long is the average wait time? What are the factors that influence a family's wait time?
- If we change our minds and want to pursue a different type of adoption, what would that process look like and how much would it cost? Would our homestudy transfer?
- Do you work with adoption consultants or facilitators?
- What services and supports do you offer to expectant parents pre-placement, and to birth parents post-placement?
- What happens if we become pregnant during the process?

Adoption Attorneys

Adoption attorneys have an important, helpful role in the adoption process. Not all attorneys are the same, and you are advised to do your research and reference checking prior to choosing an adoption attorney. Private domestic adoptions are regulated at the state level, and the laws and processes within each state differ. In many states, adoption attorneys work in partnership with the adoption agency to file legal documentation to the court in finalizing an adoption. In other situations an adoption attorney may represent the legal rights of the expectant parents to ensure their obligations are met. In a particularly complex or contested adoption, an experienced adoption attorney can help the adoption agency, expectant parents, or birth parents navigate a complex and complicated legal issue.

Facilitators & Consultants

Pursuing an adoption that is directed by an unlicensed facilitator or consultant offers the least amount of supervision and protection to expectant parents, prospective adoptive parents, and the children involved. Because unlicensed facilitators and consultants are not supervised by the state, their education, experience, record keeping, and policies are not regulated or evaluated to ensure their services are ethical, transparent, and in the best interests of children. Further, prospective parents and expectant parents have fewer means of recourse if the adoptive placement does not work according to their plans.

Increasingly, private domestic adoptions are being handled by unlicensed facilitators – and it is possible that prospective adoptive parents and expectant parents do not know the difference between a licensed adoption professional and a facilitator or consultant. Facilitators often have effective means of online marketing to help connect with both expectant parents and prospective adoptive parents, but avoid providing services that require licensure or accreditation. This allows facilitators to offer services where they link these parties together for the purposes of an adoption.

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If prospective adoptive parents want to engage the services of a facilitator or consultant, it is recommended that they do so under the supervision of a licensed child-placing agency. In this situation, the parents are afforded the protections and services available when using a licensed agency while seeking specialized support services. This may include:

- Consultants to help advise and create an online profile or profile book for expectant parents to review.
- Online facilitators to help with matching based on the facilitators' relationships/resources.

In a private domestic adoption, it's imperative that expectant parents get high-quality, caring, and non-coercive counseling services before, during, and after a placement. Birth parents ought to be able to continue to receive services in the weeks, months, and years following the placement if needed. Licensed child-placing agencies are better equipped to meet these needs and ensure expectant parents/birth parents are provided the services they deserve.

Intercountry Adoption

Intercountry adoption has changed dramatically during NCFCA's history. The Hague Convention on Intercountry Adoption has been widely implemented and U.S. laws on adoption have expanded, a number of countries have opened, some have closed, the profile of waiting children has changed, and unfortunately, the costs and complexity of the process have increased.³ What has not changed is that hundreds of thousands of children around the world are waiting for a permanent, nurturing family.

It is important to note that the information shared here applies to *all* forms of intercountry adoption cases to U.S. citizens living in the United States or overseas, including kinship adoptions.

The U.S. Department of State's current interpretations of U.S. regulations on intercountry adoption do not provide a path for PAPs to complete an intercountry adoption outside of working with an accredited agency or an approved individual. However, attorneys have, and can, play an important role when a family encounters complex legal matters in their case such as uncommon immigration issues, kinship adoptions, or after the placement when a family needs to complete a re-adoption.

When choosing an agency, it is best for PAPs to identify the country they want to adopt from before selecting an agency. A good way to go about



*Find an Adoption
Professional at
adoptioncouncil.org*

³ Hanlon, R. (2018). Reflection: Ten years after the U.S. joins the Hague Convention. In C. Johnson & C. Renick (Eds.), *Adoption Advocate*, 118, 1-8. <https://www.adoptioncouncil.org/publications/2018/04/adoption-advocate-no-118>

this is to check countries' eligibility requirements, find out what the profile of waiting children is like in a country (i.e. age/gender/typical special or medical needs), the expected timeline, and general costs for the adoption programs in those countries. These initial parameters will help narrow down the countries of interest, which will make it easier to identify a list of agencies to consider.

Intercountry Adoption: Questions to Ask an Agency

- Does the agency have any specific PAP eligibility requirements over and above U.S. and foreign requirements? For example, some agencies have policies such as: families must sign a statement of faith, the adoptive mother may not be or get pregnant during the process, the family must maintain birth order of children, and/or the agency will not place more than one child simultaneously.
- What is the agency's matching protocol and process? Some agencies make match decisions by committee when they have two potential family matches. The PAP should know that process in advance and be comfortable with it.
- Can the agency account for and explain its activities and available support in-country for families when they are traveling?
- If using different agencies for homestudy and placement, what requirements does each have to work with a second agency?

Adopting from Foster Care

Reunification is the primary goal for a child in the foster care system, but sadly that is not always possible. Today there are over 120,000 children in the United States foster care system who are waiting to be adopted.⁴ This means that their birthparents' parental rights have or will be terminated. Typically, these children are living with a foster family or in a group home while they wait. The majority of these children are older, part of a sibling group, and/or have a medical or other diagnosed developmental need. In 2018, over 20,000 youth aged out of the system at age 18 with no permanent family.⁵ Other children in the system will be placed for adoption upon termination of parental rights, either with their current foster family or another foster family who is seeking to adopt.

For families who are considering adopting from foster care, it can be helpful to determine if your state partners with private agencies on

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⁴ U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, Preliminary Estimates for FY 2018 as of August 22, 2019. <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport26.pdf>

⁵ U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, Preliminary Estimates for FY 2018 as of August 22, 2019. <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport26.pdf>

foster care adoptions, or if the state handles these placements directly. Prospective parents may be in a position of choosing between working with a private agency that has a contract with the state government to provide services for adoption from foster care, or working directly with the state/local government offices as a licensed foster family seeking to adopt. Either way, the family will need a homestudy, training and education, ongoing support, and post-placement resources and services. If a family opts to work directly with government agencies there is typically no cost for pre-placement and adoption services, and post-placement services and resources will vary by state and locality. If the family chooses to work with a private agency, there are a couple of things to keep in mind. There may be costs associated with the partnership of a private agency but some foster and adoptive families may prefer to work with an agency that specializes in working with particular populations (e.g., older youth, LGBTQ+ youth, children with particular special needs, etc.). A private agency is often better resourced to provide specialized pre-adoption education and a higher level of support services both pre- and post-placement. Some PAPs prefer the single point of contact that a private agency can offer from the homestudy through the post-placement seasons. Private agencies are also very skilled in matching the strengths of PAPs with the needs of children in the foster care system who are waiting for adoption.

Foster Care Adoption: Questions to Ask an Agency

As you consider adoption from foster care, you may benefit from attending an orientation session with the agency as a means of learning more information. If you are deciding between multiple agencies, consider asking the following questions:

- Do the prospective adoptive parents need to serve as foster parents prior to the adoption?
- Can you provide an overview of the pre-placement education and training you require and suggest?
- How do you match families with waiting children?
- What services are provided with the court process?
- What does the agency offer in terms of post-adoption support services?
- What role will the public child welfare agency play in your case, if you are working with a private agency?

For families who are considering adopting from foster care, it can be helpful to determine if your state partners with private agencies on foster care adoptions, or if the state handles these placements directly.

- Are there any costs for parents associated with the agency placement?
- Is there any adoption assistance/subsidy associated with the adoption?
- Does the agency have references you can contact? (It is recommended that you speak with at least three references who have completed their adoption in the last few years.)

Conclusion

Pursuing an adoption can be very exciting. It can also be overwhelming—for the prospective adoptive parents as well as for the expectant parents and foster families—to understand the different types of adoption, the diversity of services provided by adoption professionals, and the uniqueness in processes depending upon the path taken by prospective adoptive parents and expectant parents. If you find yourself in this situation—overwhelmed, but excited—take a deep breath and begin your research. The more informed you are, the better your decisions will be and the easier it will be to work with professionals along your journey.

Additional Resources

National Council For Adoption's member agencies
www.adoptioncouncil.org/who-we-are/members

Adoption of children from foster care (photolisting)
www.AdoptUSKids.org

National Foster Care and Adoption Directory
www.childwelfare.gov/nfcad
(select state licensing specialists to find the worker in your state)

Academy of Adoption & Assisted Reproduction Attorneys – Selecting an Attorney in Adoption Matters
adoptionart.org/find-an-attorney/selecting-an-attorney-adoption

State Child Welfare Agencies
www.childwelfare.gov/organizations/?CWIGFunctionsaction=rols:main.dspList&rolType=Custom&RS_ID=56

U.S. Department of State's Intercountry Adoption Process
travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process.html

ABOUT THE AUTHORS

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