

CONSIDERING ADOPTION?

Adoption is the process of irrevocably transferring a birth parent's parental rights and responsibilities to adoptive parent(s). Its intended effect is to legally and irreversibly eliminate any and all rights of biological parents, and transfer those same rights and duties to adopting parents. Any person, whether a minor or adult, may be adopted. Once finalized, the law ceases to recognize the biological parents as parents of the adopted child.

Adoption is a viable option for military personnel who want to expand their families. Whether you are married, divorced, or single, you may be eligible to adopt. In addition, states generally do not have income requirements for prospective parents. Even if you already have children, you may be able to adopt. Most notably, servicemembers stationed overseas are eligible to adopt from the U.S. or abroad.

There are two methods of adoption: private adoption and agency adoption. Before choosing which adoption method to pursue, it is important to consider factors such as the age of the child you are seeking to adopt, whether to adopt domestically or internationally, and adoption costs.

If you are considering adoption, research as much about the process as possible. The more you know about each adoption method and process, the easier it will be to understand and navigate an adoption. If you have any further questions, please contact the Misawa Air Base Legal Office.

HELPFUL RESOURCES:

ADOPTUSKIDS

www.adoptuskids.org

CHILD WELFARE INFORMATION GATEWAY

www.childwelfare.gov

CITIZENSHIP AND IMMIGRATION SERVICES

www.uscis.gov/adoption

U.S. DEPARTMENT OF STATE

adoption.state.gov

US EMBASSY IN JAPAN

jp.usembassy.gov/services/adoption

MILITARY ONE SOURCE ADOPTION

CONSULTANT

Call 800-342-9647

DEFENSE FINANCE AND ACCOUNTING SERVICE

ADOPTION REIMBURSEMENT

[www.dfas.mil/militarymembers/
payentitlements/adoptionreimbursement.html](http://www.dfas.mil/militarymembers/payentitlements/adoptionreimbursement.html)



Do you have additional questions? If so, contact the Misawa Air Base Legal Office and request to schedule a Legal Assistance Appointment.

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ADOPTION

THIS BROCHURE INCLUDES:

- WAYS TO ADOPT
- ADOPTION COSTS
- CLOSED V. OPEN ADOPTIONS
- INTERNATIONAL ADOPTIONS
- BENEFITS & REIMBURSEMENTS



The information in this brochure is of a general nature and is not intended as a substitute for legal counsel.

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HOW ARE CHILDREN ADOPTED?

Children may be placed for adoption in a variety of ways as follows:

1. Agency Placement: The procedure for adoption used by licensed adoption agencies.
2. Direct Placement/Independent Adoption: The procedure for adoption used by the natural parents, placing their child directly into an unrelated adoptive home without the help of an agency.
3. Stepparent Adoption: The procedure for adoption in which the new spouse of a parent agrees to adopt the child of his/her spouse from a prior relationship. This relieves the non-custodial natural parent of further child support obligations.

ARE THERE MORE PROBLEMS WITH DIRECT PLACEMENT THAN AGENCY PLACEMENT?

Yes. The problems are greater with direct (or independent) placement than with agency placement. Couples considering adoption should ask themselves the following questions:

1. What do we know about the child's background, medical history, and birth parents?
2. How do we know that the legal procedures have been followed, that the proper consent forms have been obtained from the birth parents, and that the child is legally available for adoption?
3. How can we guarantee privacy and security for ourselves and for the child after the adoption and avoid interference by one or both birth parents?
4. How can we best protect ourselves and the child for the future?

When an agency places a child, every effort is made to make sure that the child is placed in a suitable adoptive home with parents well-matched to the child's background, capabilities, and medical history. The adoptive parents will be told enough about the child to inform them of these factors but not enough to identify the birth parents. The child is placed with parents so that there is no danger of recognition by the natural

parents or their friends or relatives. The adoptive parents are assured that the child can legally be adopted. Their home environment and backgrounds are checked and studied thoroughly to make sure that they are ready and able to adopt the child and provide adequately for him or her. An agency placement means that every available protection has been given to the natural parents, the child, and the adoptive parents under state law.

WHAT ARE THE LEGAL STEPS TO ADOPT A CHILD?

When adopting a child, it is necessary to file certain papers in court and, in most cases, to retain a private attorney for assistance. The procedures will vary in individual cases, depending on whether the proposed adoption is legally based on abandonment, consent by the other parent(s), or placement by an agency.

If you have a question about whether you will need a private attorney, you should consult a Legal Assistance attorney. In general, procedures for adoption are handled by a local court in the county where the adoption is to take place. There is usually a filing fee required with the adoption petition. The basic steps are as follows:

1. PETITION FOR ADOPTION: This document is signed by the adoptive parents and filed in the county where the child is living, the county in which the adoption agency is located, or the county in which the *adoptive* parents live.
2. If the adoption is by consent (either a stepparent adoption or agency placement, for example), the next step is the filing of the consent to the child's adoption by the natural parent(s) who would give such consent. There can be investigator costs associated with this phase and the adoptive parents must make a satisfactory effort to locate both birth parents. Such action can involve hiring a process server or private investigator to try to locate a missing biological parent. In some states, a child over a certain age, often 12 years, must also consent to his or her own adoption.
3. Next is the order of reference and the home study. The order of reference involves referring the case to the adoption agency or, in the case of a stepparent adoption by consent, to the county Department of Social Services (DSS) (or its equivalent) for completion and filing of a home study of the adoptive parent(s), their background and home situation, and how the child and parents interact.
4. Once the home study is completed, an interlocutory decree may be issued. This is a temporary court order

giving the adoptive parents custody of the child until the final order is issued. The interlocutory decree is NOT a final order. It will usually take up to a year between the interlocutory decree and the final decree of adoption, but this varies from state to state.

5. The final step is the filing of the final order of adoption. This makes the child a legal member of the family, just as if he or she had been born to the adoptive parents. The child is able to inherit real and personal property just like a natural child. After the final decree, the birth certificate of the child is amended and the new certificate will show the adoptive parents as the birth parents of the child.

Adoption Reimbursement

Are you planning to or in the process of adopting a child? Federal law authorizes reimbursement for certain expenses associated with adoption to a maximum of \$2000 per child and not to exceed \$5000 per calendar year.

Of course, there are requirements and limitations you must be aware of. For instance, the adoption must be arranged by qualified adoption agencies or a source authorized under state or local law. Private and stepchild adoptions must be finalized in a U.S. court.

In order to qualify for the reimbursement, service members must be serving on continuous active duty for at least 180 days and the adoption must be finalized while on active duty. In addition, the claim must be submitted while on active duty and within the timeframe specified in DoD Instruction 1341.09 (within two years of the date that the adoption was finalized for claims submitted on and after July 5, 2016; within one year for claims submitted prior to that date).

Complete policy and procedures can be found in [DoD Instruction 1341.9](#) and [Volume 7A, Appendix A](#) for the DoD Financial Management Regulation. Here you can also find what expenses can be reimbursed as well as those that are excluded.