

HE Said/SHE Said

Michael and Joy Goldstein on
Private Placement vs. Agency Adoptions – Which is Right for You?

Michael and Joy Goldstein are uniquely qualified to discuss the relative merits of private placement and agency adoptions. Since adopting three sons of their own in the early 1980's, they have dedicated their lives to helping birth parents, adoptive parents and children free for adoption. During most of that time, Michael has assisted clients in navigating the process of private placement adoption as an attorney, while Joy worked side-by-side with him as an adoption counselor. A few years ago, however, the two decided to apply for the authorizations required to open an adoption agency. Now, while Michael continues to help private clients, Joy is able to offer potential adoptive parents and birthparents all of the services of a New York and Connecticut state-authorized placement agency. We met in their offices housed in the same building in Rye Brook, NY to learn more.

Michael, why would anyone choose to use a private attorney to handle their adoption instead of going through an agency?

MICHAEL: Well, there are lots of reasons, but usually it's because the adoptive parents are willing and able to be more proactive in the process and, in that way, better manage the costs associated with adoption. Perhaps they've already identified a child free for adoption through their network of family and friends, for example, and therefore don't require the matching services that an agency provides.

JOY: Yes, that's sometimes the case. But more often than not, your clients have to follow the exact same process *for themselves* that the agency follows *on behalf of all of its adoptive parent clients* – writing ads in search of willing birthmothers, placing those ads in papers, screening the responses they receive and determining which – if any – might be right for them.

MICHAEL: You make it sound so difficult, when, in fact, we've helped thousands of adoptive parents successfully identify birthmothers over the years.

JOY: Yes – by teaching them how to do it for themselves which, of course, often meant you referring them to me or to others who could help. Actually, that's to me the biggest difference that adoptive parents will experience with an agency – we're a one-stop shop. We provide home studies, counseling, matching, post placement services...

...But not legal services. Your clients still hire a lawyer to handle the legal aspects of adoption, don't they?

JOY: Yes, but they don't have to in some counties. We fill out a lot of the paperwork that's required by the courts for finalization. So if they choose, they can obtain the forms that the court requires of adoptive parents and complete them themselves.

MICHAEL: You wouldn't recommend that they do that, Joy, would you?

JOY: No, obviously not. There's a lot of valuable advice that a good adoption attorney can offer. But, bottom line, we as an agency provide services that the state *absolutely requires* before an adoption can take place – like pre- and post-placement home studies, not services that they can choose to use or not.

MICHAEL: True. But you're not the only way that adoptive parents can obtain those services – there are plenty of private providers and, under the guidance of an attorney, adoptive parents have the power to choose the ones they want to use.

I've heard that going the private route adds another step to the legal process. Is that true?

JOY: Sometimes. In New York, for example, adoptive parents have to first be approved by a certified social worker, and then their fitness to adopt has to be endorsed by the court. In an agency adoption, the agency has already been authorized by the state to stand in for the court in approving the readiness of prospective parents.

MICHAEL: That's true, but there are a lot of potential adoptive parents that agencies won't accept as clients. Adoption attorneys are glad to assist anyone with an approved home study. In contrast, many agencies place restrictions on the age, marital status, gender or sexual orientation of the adoptive parents they'll represent.

JOY: FFTA does not discriminate!

MICHAEL: Yes – but many agencies aren't as embracing as yours is of situations that might be considered somewhat outside of the norm.

JOY: You know, when you represent birthmothers as well as adoptive parents – which, by the way, my agency can do and you, as an attorney, can't – you realize that there are so many children in need of forever families, that to exclude anyone who's qualified to adopt is a not in the best interest of the children.

Can't an attorney represent both birth and adoptive parents?

MICHAEL: Yes. But they can't represent both of them in connection with the same adoption.

JOY: So there it is... the crux of the difference between us. I'm like a matchmaker, while you run an on-line dating service. As an agency, I find babies in need of adoption, and match them with adoptive parents who best meet the hopes and dreams of their birthmothers, or I find adoptive parents with hopes and dreams of their own, and match them with a birthmother whose desires for her child are in sync with theirs. You help adoptive parents identify a child available for adoption – or you help a birthmother identify potential adoptive parents for her child. But you can't make a match. And you must favor the needs of one side over the other.

MICHAEL: It's a little easier for you to be a matchmaker – the agency business is essentially a local one. After all, your ability to perform your services is authorized by the state. My business, on the other hand, is national – and even international – in scope. More often than agencies, I help adoptive parents find children free for adoption in all 50 states and around the world.

JOY: By the way, the state requires that I do something that you're not obligated to do – and, frankly, I think it's a really important and good thing. The adoptive parents that I work with have to undergo training in basic childcare, as well as in the issues that are unique to parenting an adoptive child.

So what should adoptive parents expect when working with an adoption attorney?

MICHAEL: The attorney they choose will first refer them to social workers who can complete their required home studies, as well as provide them with whatever degree of counseling they desire. Then he or she will teach the potential adoptive parents how to go about identifying a child eligible for adoption. Once a child has been identified, the attorney will then interface with the birthmother's attorney to complete the required adoption documentation in a timely and proper fashion. In New York State, for example, a birthmother has 45-days after she gives her consent to an adoption to revoke that consent. After that, the adoption can be finalized in court.

JOY: Oh, I almost forgot – that's another place where having an agency involved may be different than working with a private adoption attorney. New York allows a birthmother 30 days to revoke her consent if the adoption is being handled through an agency.

MICHAEL: Yes, that is true. But how often have you seen those additional 15 days matter? Most of the time, the birthmother gives almost immediate consent, and then it doesn't take a *total* of 15 days, let alone 30 or 45 for her to appear in Court and make the consent irrevocable.

So Joy and Michael, why did you decide to go through the four years of red-tape and expense it took to get the state authorization required to open a placement agency?

JOY: Michael and I have a special fondness for hard to place children, including those who have been drug- or alcohol-exposed, or are black or bi-racial, or are the result of rape or incest, or are the offspring of incarcerated mothers. We wanted to be able to identify those children and then find permanent loving homes for them. We also strongly believe in providing education and counseling for everyone involved in the adoption process.

MICHAEL: Bottom line, once a child enters the foster care system, his or her chance of ever growing up in a loving, nurturing, secure and forever home is significantly reduced. Foster care is not the safety net that people so often believes it is. Joy and I personally know the fulfillment of a "forever family," and we wanted to be in a position to help mothers of unplanned pregnancies find peace in the decision to place their babies for adoption.

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Michael S. Goldstein, Esq., LCSW, is an Attorney admitted in New York and Florida and a Licensed Clinical Social Worker who has been practicing adoption law for over 26 years. Michael has an of-counsel relationship in New Jersey. He is a Founder and Current Fellow of the American Academy of Adoption Attorneys, a recipient of the 2006 Congressional "Angels in Adoption" Award, and a Co-Founder of Forever Families Through Adoption. You can reach him at (914) 939-1111 or info@adoptgold.com.

Joy S. Goldstein, LCSW, ACSW, is a New York Licensed Clinical Social Worker and Michael's wife. She has been working with Michael for more than 21 years as an Adoption Consultant. Joy is now the Executive Director and Co-Founder of the not-for-profit New York and Connecticut-authorized adoption placement agency, Forever Families Through Adoption. You can reach her at FFTA at (914) 939-1180 or adopt@foreverfamiliesthroughadoption.org.