

WHY USE AN ATTORNEY? by Robin Fleischner, Esq.

All prospective adoptive parents have the same goal: to find a child and finalize your adoption. There are many ways to find a child in the United States – through a licensed state or private adoption agency, advertising, networking, even online – but the only way to ensure that your adoption is safe and legal is to be represented by a knowledgeable adoption attorney. The good news is that there **are** babies available for adoption in the United States, and adoptive parents with guts and determination can succeed in forming a family through adoption.

Excellent resources for locating an attorney are: counseling centers, such as the IAC Center (www.iaccenter.com), support groups, such as the Adoptive Parents Committee (www.adoptiveparents.org), and the American Academy of Adoption Attorneys (www.adoptionattorneys.org).

There is an overwhelming amount of information available about adoption and almost all of the practical aspects of your adoption have legal importance. Expenses, legal qualification of agencies, terminating birth parents' rights, and locating a child are all legal issues requiring an attorney's advice. Your attorney will hold your hand throughout the process, help you choose the right method of adoption for you, screen resources, advise about potential risks, advocate for you with an adoption agency or birth parents' attorney, and comply with applicable laws so that you can finalize your adoption.

The most common question prospective adoptive parents ask me is: "Can you find me a baby?" If a birth mother contacts me, I can provide her with information on prospective adoptive parents so that she can choose a family for her baby. However, I can only charge for my legal services, not a fee for referring a birth mother to adoptive parents. Under New Jersey law, adoptive parents cannot pay a fee for finding a baby to any entity but a licensed nonprofit adoption agency. My clients also find children to adopt through their own efforts by advertising in newspapers and online, networking with family, friends, and acquaintances, and by working with licensed adoption agencies.

It is imperative for the adoptive family to obtain the birth mother's social and medical history and records, and if possible, to obtain the birth father's as well. An attorney or agency can obtain the social and medical history directly from the birth parent, as well as medical records from the birth mother's obstetrician and the baby's pediatrician at the hospital. If you are working with an agency, your attorney can advocate for you to have the agency obtain the birth mother's prenatal medical records and your child's hospital records so that you can have them reviewed by your doctor.

Your attorney will protect you with regard to the expenses in your adoption, which are limited by law. You will not pay for expenses directly. Instead, payments will be made through your attorney's or agency's trust account. Although you can pay for the

birth mother's medical expenses, most birth mothers can qualify for Medicaid and your attorney can assist the birth mother to obtain Medicaid or advocate on your behalf with an agency to assist a birth mother to obtain Medicaid. Your medical insurance will cover the baby from birth, but not the birth mother. In addition, you can pay for the birth mother's counseling, reasonable living expenses during the pregnancy, and legal expenses. In an agency adoption, you will have the additional cost of an agency placement fee.

One of the most pressing concerns for adoptive parents is ending birth parents' rights once the adoptive parents have custody of a child. New Jersey adoption laws provide for quick, informed ending of birth parents' rights. New Jersey residents generally file their adoption proceeding in their state of residence even if the baby is born in another state, and your attorney will determine the quickest way to terminate birth parents' rights, sometimes taking advantage of laws in the state where the baby is born.

If your head is swimming about adoption law, don't worry. Your adoption attorney's job is to advise you about the legal intricacies and shepherd the adoption through the legal process. Your job is to connect with a birth mother and develop a relationship of caring and trust. If you dedicate yourself to adoption, you will find your baby.

Robin Fleischner (www.adoptlawyer.com) is an adoptive parent and an attorney with offices in New Jersey and New York, whose practice is dedicated to helping adoptive parents form families through adoption. She is a member of the American Academy of Adoption Attorneys, the Adoptive Parents Committee's Board of Governors and Legal Advisory Committee, the Family Law Sections of the New York and New Jersey Bar Associations, and Concerned Persons for Adoption. Ms. Fleischner lectures and writes frequently about adoption.