

ADOPTION



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Introduction and Domestic Adoption

Adoption is a legal process that creates a parent-child relationship. Each state has agencies and specialized attorneys that arrange and supervise adoptions. Agencies assist birth parents in finding the right adoptive parents for their children. While infant adoption is well-known, older children are also in need of adoptive parents. Called “foster-adopt,” these children often have special needs because of age (generally over age 6), ethnicity, physical or mental handicap, a history of neglect or abuse, and/or having siblings that are also up for adoption.

Adoption procedures vary from state to state. Nevertheless, all states require adoptive parents to prepare for the adoption with a licensed child placing agency. This preparation includes an interview and a home inspection to determine whether they are “fit.” Once the placement agency and state agency are both satisfied, a court will finalize the adoption.

Adoption agencies/attorneys are listed in the phone book and the internet. However, it is preferable to get recommendations from people who have previously adopted from that attorney/ agency.

Foreign Adoptions

Many agencies facilitate adoptions for children from other countries. In most cases, these adoptions are finalized in the country where the child was born. This is dependent on the laws of the country from which the child is being adopted. Sometimes a child will have to be “re-adopted” in the US and issued a new birth certificate. Though the process can be complicated, an agency with experience in international adoptions can make it easier by walking you through the process, helping with paperwork, and helping identify children for adoption.

Adoption Tax Credit and Military Reimbursement

If you qualify, a non-refundable tax credit exists for qualified adoption expenses paid or incurred by

the taxpayer. The taxpayer can claim a credit for qualified adoption in the year it becomes final. The maximum amount of the credit is \$13,810 per child; the taxpayer may claim the entire \$13,810 of allowable adoption expenses, regardless of expenses actually incurred, for a domestic adoption of a “child with special needs.” This includes children adopted from the foster care system. The tax credit is available for each child who is adopted. The credit begins to phase out when a taxpayer has a Modified Adjusted gross Income (MAGI) of \$207,140.

Additionally, the military will reimburse active duty members for certain expenses incurred in the adoption process, up to a maximum of \$2,000.00 per child, and \$5,000.00 per calendar year. See your Finance office for details and restrictions.

Types of Agencies

Each state has a public agency that administers adoptions. State agencies run the foster systems and facilitate “foster-adopt” as well as infant adoptions. In addition, private agencies, attorneys, or personal arrangements may be used if both parties agree. It is illegal, though, for anyone to pay someone else for a child. Instead, the adoptive parents can pay medical expenses and hospitalization costs for the birth mother and child so long as those payments are made directly to the hospital or insurance. The best course of action is to work the payments through the attorney or agency you have selected to help with the adoption.

Birth Mother Changes Her Mind

In Colorado, a birth mother may consent to adoption at any time after the birth of the child. Each state has a different law for when a birth mother can revoke consent or change her mind. In some states, once a mother has consented to adoption, this choice is irrevocable. In other states, she may have up to four months. In Colorado, the mother may revoke consent for adoption at any time prior to the official decree of adoption is entered. If consent was forced

under duress or coercion, the birth mother may file a claim within 90 days of the entry of the decree of adoption to revoke consent. In some cases, this may result in an already placed child being returned to its birth mother. Though legal action can be taken, the best interest of the child should be the most important consideration. Before taking any action, please contact a legal office for assistance.

For information on placing a child up for adoption, please see www.childwelfare.gov.

Father's Rights

Many states require that the biological father be given notice of a pending adoption. In such a case, the father may object to the adoption but only if he is willing to assume full responsibility for the child. He cannot both refuse to allow the adoption to go forward and refuse to raise the child. In such a case, the state will terminate his parental rights.

Adoption Records

Adoption records are usually sealed to prevent access by the public. Provisions vary on a state-by-state basis. Some states allow an adopted child to have access to the records once they reach the age of majority (usually 18).

Colorado allows adopted adults, adoptive parents, and in some instances, children of deceased adopted adults to obtain a limited amount of non-identifying information. Additionally, adoptive parents and adopted adults may be able to obtain identifying information by filing a motion in court. Contact an experienced civilian attorney for more information.

Conclusion

If you are contemplating adopting a child, the first step should be to contact an experienced civilian attorney or an agency licensed in the state in which the adoption will take place. Once you have talked to them, you will be on the path to parenthood.

Want someone to walk you through the adoption process? Contact Peterson Family Advocacy, 719-556-8943

Sources:

<http://www.childwelfare.gov>;

<https://aflegalassistance.law.af.mil/lass/lass.html>;

<https://www.irs.gov/taxtopics/tc607>;

www.adoptivefamilies.com

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

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