

## **ONE ROAD TO PARENTHOOD**

**by Monica Farris Linkner, Attorney at Law**

As a guest speaker or while meeting with clients, I often start out by saying “There is life after infertility.” What I mean is, “Despite the difficult road, you will reach your goal.” For most people, the goal is to become a parent: to have a child to love and nurture. Many become parents through adoption, assisted reproductive technology, or an unexpected but definitely welcome pregnancy; some decide to find other ways to be involved in the lives of children without becoming parents. Based on my professional and personal experience, I believe that those who want to become parents eventually do so.

Adoption is a road to parenthood that is unfamiliar, and therefore anxiety-producing, to most people. We all know how parenthood is achieved the “old-fashioned way.” Almost no one grows up expecting the “old-fashioned way” will simply not work no matter how hard we try. Facing the need to find another route to parenthood is unexpected and leaves many feeling a decided lack of control over their lives. Factor in the plethora of websites, ads, publications, made-for-TV-movies, rumors and gossip currently available to assist, beguile or confound prospective adoptive parents, and the process can be daunting.

Adoption can and should be approached thoughtfully and intelligently as the important legal and social/psychological process that it is. As such, you can maximize the likelihood of a successful outcome, and start to resolve the feelings of being out of control, by being a good consumer of adoption services and working with the best adoption professionals you can find. You wouldn't hire a candy-striper to perform an IVF procedure, and you shouldn't hire you're a novice to handle your adoption!

It is important to contact either an adoption attorney or a licensed adoption agency as early as possible in the decision-making process. Attorneys and agencies are licensed professionals required to meet and maintain standards of competence and ethics, whose activities are ultimately subject to review, either by the State Bar's Attorney Grievance Commission or the agency licensing board. They should not be confused with the unlicensed “facilitators” who have popped up like mushrooms all over the internet, offering to find a birthmother for you quickly at a hefty fee. There are no training requirements, standards or oversight authorities regulating these operators, who often have no skills or qualifications other than having adopted once themselves. This is why they are prohibited by law from over half the states. They should not be relied upon to evaluate the viability of an adoption possibility, provide counseling, or handle the complex legal requirements that govern the adoption process and vary from state to state.

For referrals to an adoption attorney or agency, check with friends or relatives who have adopted; publications such as Adopting in America: How to Adopt Within One Year by Randall Hicks, The Complete Idiot's Guide to Adoption by Christine Adamec, or Adoptive Family Magazines' annual Adoption Guide (available in bookstores or at [www.adoptivefamilies.com](http://www.adoptivefamilies.com)); or websites such as the Michigan Federation for Children & Families, [www.michfed.org](http://www.michfed.org), or the

American Academy of Adoption Attorneys, [www.adoptionattorneys.org](http://www.adoptionattorneys.org). Before retaining a professional, check to see if their license is current and in good standing by calling the State Bar of Michigan in Lansing for attorneys, and for agencies by checking the Department of Human Services' website, [www.michigan.gov/dhs](http://www.michigan.gov/dhs), then clicking on Child Welfare Licensed Facilities in the box labeled Online Lookups. Ask for references, too: an attorney or agency should be able to provide you with names of clients who are willing to take such calls.

It is wise to meet with more than one attorney or agency to decide who you wish to retain. They should be able to provide an unbiased explanation of adoption procedures, clarify your options, and be willing to develop a plan tailored to your needs. They should be able to explain the Federal adoption tax credit and whether it will cover some or all of your adoption expenses. Ask how many adoptions they have handled, and the types of adoptions they handle. If you are considering an interstate adoption, do they have experience with the Interstate Compact on the Placement of Children? If international adoption is your choice, are they familiar with the Hague Convention on Inter-Country Adoptions? Find out what they charge, how their fees are structured, whether any fees are refundable and if so, under what circumstances. Are there other payments you should expect, such as birthmother living expenses during the pregnancy and postpartum period? What medical and social history information can you expect from the birthparents? How long does it take to finalize an adoption, and what risks are involved? And finally, what is your comfort level with this professional? Remember, you will be working with this person for some time during a process that will at times be emotionally intense.

Anything that sounds too good to be true probably is. A red flag should go up if the agency or attorney promises to find a birthmother for you within a very short time period, or that a particular birthmother is a "sure thing" and won't change her mind about the adoption. (Adoption, like life, has risks.) Another red flag is a requirement that you pay them a very large sum of money immediately, or any suggestion that under-the-table payments or gifts may be necessary to "sweeten the pot" for a birthparent. Adoption is a process that is highly regulated and must ultimately be approved by a court in order to be stable.

The internet has become a tremendous resource for all parties involved in adoption. It has "changed adoption to its core by speeding up the process and also providing wonderful educational tools and support resources," says Adam Pertman, executive director of the Evan B. Donaldson Adoption Institute in New York. It has pressured public agencies to work better and be more responsive to adopting families. However, it has also made it easier for scam artists to prey on hopeful but highly vulnerable adoptive parents. While the vast majority of adoptions are done ethically and well, "Anyone can hang a shingle by buying a website...there are ways to make money off of illicit adoption," Pertman says. Using caution, common sense, and an experienced adoption professional will help you navigate the road to adoptive parenthood as smoothly as possible.