

Frequently Asked Questions about Adoption in Alabama

BIRTH MOTHER RELATED

1. When can the mother of the baby start the adoption process?
 - A. The birth mother can start the adoption process as soon after conception as she wishes.
2. Can the birth mother choose the adoptive parents?
 - A. The birth mother can choose the adoptive parents any time after conception. In Alabama she can sign her consents before birth. Said consent should be signed before a probate judge. After birth it can be signed in front of a notary.
3. Can the birth mother see and hold the baby after the birth?
 - A. The mother can see and hold the child after birth. Usually the birth mother is given a two-page questionnaire as to what her desires are in the handling of the baby and what her connection with the child will be in the hospital. This questionnaire is provided to the hospital social worker.
4. What expenses can the adoptive parents pay to or on behalf of the birth mother and child?
 - A. In Alabama the adoptive parents can pay for the necessary medical, legal, and living expenses of the mother. These expenses must be reasonable. There are no differences between expenses paid by an agency and an independent adoption. All of them must be necessary expenses involved with the pregnancy.
5. Can a minor mother independently sign legal documents placing the child for adoption (consent to the adoption)?
 - A. The mother can sign a Consent for Adoption either before or after birth, as previously stated in answer to Question 2. The mother and father sign identical but separate consents. The Alabama consent form is described in Alabama Statute and another state's form cannot be used. Alabama does not require the parents of the biological mother and father to sign, even if the natural parents are minors. However, if either birth parent is a minor, an attorney will be appointed to discuss their decision and the consent form before they can sign.
6. When does the birth mother actually sign the legal documents required for the adoption?
 - A. See answer to Question 5.
7. Can the birth mother change her mind before signing the legal consents to the adoption?
 - A. The birth mother can change her mind, if she has not signed any consents to adoption.
8. Can the birth mother change her mind after signing the legal consents to the adoption?

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- A. The birth mother can change her mind up to five (5) days from the time of birth, if signed before birth and five (5) days after signature, if signed after birth. She can also attempt to withdraw her consent from day six (6) to day fourteen (14), if she can show just cause, with reason being it would be in the best interest of the child.
- 9.** Can the birth mother communicate with the adoptive parents and child after the adoption?
- A. The birth mother can request that the adoptive parents communicate with her and meet with her, if desired.
- 10.** Can a birth mother anonymously surrender a newborn child?
- A. The birth mother can sign a consent and not know the name of the adoptive couple and the adoptive couple may not know the name of the mother.
- 11.** What happens if the birth parents do not agree that adoption should be the plan?
- A. If one of the birth parents does not agree that an adoption should be the plan, then either parent may be able to object and stop the adoption.
- 12.** Will the birth mother be asked to file an affidavit in her adoption papers regarding future contact or the release of identifying information to the adoptee or adoptive parents?
- A. One provision of the Alabama consent allows the birth mother to agree to release identifying information to the adopted child, upon the child's attaining the age of 19. If she checks she agrees to that release, then the child will be able to open the file. If she checks she does not agree, then the child will not be able to open the file, except for medical information.

BIRTH FATHER RELATED

- 1.** Does the father of the baby have to be notified of the birth and the mother's adoption plan?
- A. Alabama does not require the father to be notified as to the mother's adoption plan; however, he is to be given notice of the adoption subsequent to birth, when the Petition for Adoption has been filed. If it is an interstate adoption, the father should be interviewed for family history, and this preferably should be done before the birth of the child.
- 2.** How is the father of the baby notified of the mother's adoption plan?
- A. The father is not necessarily notified of the mother's adoption plan prior to birth; he would be notified of the pending adoption when it is filed in court to give him the opportunity to consent or object. It is the best practice to ask the father prior to birth to sign a consent or a denial, and also as stated above to get the family history for the adoptive couple. After the adoption is filed, the father is either served by personal service, certified mail, or publication.
- 3.** Can the father of the baby choose the adoptive parents?
- A. The father and the mother can choose the adoptive parents; however, if they disagree as to which adoptive parents, the father or the mother can object to the adoption and disrupt the adoption.

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4. What is the difference between a legal father and a named birth father? How is the process of voluntary termination different for a legal father and a named birth father?
 - A. The biological father's consent is needed as well as the legal father's consent or denial. If the legal father objects and the biological father consents, then the courts can determine that the only consent necessary is the biological father. A legal father is either married to the birth mother by ceremony or by common law marriage, named in a legitimation procedure, or declared as the father under Family Court Proceedings. A named birth father is an alleged father who is listed by the mother as the possible father. The birth father can sign the appropriate documents at the hospital to be named on the birth certificate, which makes him a presumed father. The legal and birth father can sign a Consent for Adoption, which terminates their rights voluntarily.
5. What happens if the mother does not know who the biological father is?
 - A. If the birth mother does not know the identity of the biological father, then there should be a publication for the biological father to give notice to the unknown individual.
6. What happens if the mother refuses to give the name of the biological father?
 - A. If the birth mother refuses to give the biological father's name, the biological father is treated as unknown and a publication will be done. The mother cannot be forced to divulge that information.
7. Can the biological father of the baby give notice that he intends to plan for the baby before the baby is born? What are the steps the birth father must take if he intends to parent the child?
 - A. The biological father can register with the Putative Father Registry which is statutory in Alabama. He should register prior to birth or within thirty days after birth. This would give any adoptive couple notice that he plans to claim his rights to said child. If the birth father intends to parent, he must file with the Putative Father Registry, take care of the mother during the pregnancy, and file a request for custody as well as paternity in Family Court.
8. Can the birth father change his mind before signing the legal consents to the adoption?
 - A. The biological father does not have to sign his consent at any time and, if he has signed, he can change his mind within five (5) days from the time of signature, if after birth, or five (5) days from birth, if signed before birth. He also can withdraw days six (6) to fourteen (14) with just cause.
9. Can a minor father independently sign legal documents placing the child for adoption (consent to the adoption)?
 - A. A biological father can sign his consent placing a child for adoption prior to birth or after birth. His consent is identical to the birth mother's form and he should sign a consent and the birth mother would sign a separate consent. He must be appointed an attorney as his *guardian ad litem* (GAL) prior to signing.

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- 10.** Can the birth father change his mind after signing the legal consents to the adoption?
 - A. The biological father can withdraw his consent within five (5) days from birth, if he signs before birth, or five (5) days from the time he signs, if after birth. He also can withdraw days six (6) to fourteen (14) with just cause shown.
- 11.** Describe the process for doing an involuntary termination of a legal father's or named birth father's rights.
 - A. With an involuntary termination of a father's rights in Family Court, the process is to file a Petition for Termination and by showing there are good grounds, such as abandonment or abuse, to have said father's rights terminated. In an adoption process, which is not a termination procedure, but is essentially the same thing, you would show that the father has not registered with the Putative Father Registry nor has he taken care of the birth mother during the pregnancy and or taken care of the child subsequent to birth for six months.
- 12.** Describe the process for making a diligent effort to find the birth father if the birth mother knows the identity of the birth father but he cannot be located.
 - A. In order to locate the birth father, the services of process can be certified mail, personal service, or publication if he cannot be located or if he refuses to accept said certified mail.
- 13.** Describe the process for terminating the rights of the birth father in the event of a rape.
 - A. Termination of parental rights of a birth father can occur in Family Court due to a rape by filing said petition for custody and termination. There is no provision in the Adoption Code for rape as grounds for granting the adoption and denying the father's rights.

ADOPTIVE PARENT RELATED

- 1.** Who can be an adoptive parent and who selects them?
 - A. Any adult can be an adoptive parent and they should be selected by the natural mother and father; however, in most scenarios it is the birth mother who selects them. The grandparents do not have any rights to make the determination, but they often have a substantial amount of input.
- 2.** What information about the birth parents and the child must be provided to the adoptive parents?
 - A. An interview of both parents by a licensed social worker is required and that information is the family history and medical background. It is a social assessment that is in a similar format used by all states.
- 3.** What procedures are followed to ensure that adoptive parents are fit to adopt a child?
 - A. All non-related adoptions are required to have a home study, which is quite extensive and will require child abuse clearances, finger print clearances, as well as numerous recommendations and a current medical evaluation of each resident of the home.

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4. Can the potential adoptive parents have the child placed with them prior to the actual court procedures?
 - A. Adoptive parents may have the child prior to the petitions being filed, although the Consents should be signed before the adoptive parents have the child for safety purposes.
5. Can the adoptive parents prevent the birth parents from communicating with the child after the adoption?
 - A. The adoptive parents may sign an agreement to allow birth parents to communicate with the child. If there is no such agreement, then in that event, the birth parents will have no right to communicate with the child. Even if there is an agreement, it may not be enforced by the courts.
6. Under what circumstances can an adopted child communicate with the birth parents?
 - A. An adopted child may communicate with the birth parents if the adoptive couple allows such. Again, agreements have been drafted allowing communications between the birth parents and the adoptee, but they are not enforceable in Alabama.
7. What information must the birth parents provide to the adoptive parents?
 - A. The birth parent interview will provide the information that is given to the adoptive parents.
8. Who supervises the adoptive placement and for how long?
 - A. The social worker who completed the home study on the couple will be doing post placements after the child is placed in the home. This usually takes place in about one month after the adoption is filed. There may be two home visits by the social worker.
9. When is the adoption final?
 - A. The adoption is final when a court proceeding is held in the Probate Court and the Final Decree of Adoption is issued. Usually it is final within about ninety (90) days from filing the Petition.

OTHER ADOPTION RELATED QUESTIONS

1. Who initiates the adoption process?
 - A. The adoptive parents should initiate the adoption proceeding by filing a Petition for Adoption.
2. When are the legal adoption papers filed with the court?
 - A. The Petition for Adoption should be filed in Court approximately six (6) days after birth.
3. Can the baby be placed for adoption without the consent of the birth mother and/or birth father?

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- A. A baby may be placed for adoption with the adoptive parents. Without that consent, this would be an At-Risk Placement with the possibility the child could be removed from the home. Alabama has implied consent which means six (6) months with non-significant contact either prior to birth or after birth and either by the birth mother or the birth father would allow us to complete an adoption without a written consent.
4. What happens if the birth parents do not agree on the adoption plan?
- A. If the birth parents do not agree on an adoption plan, unless you can prove implied consent as previously stated, the adoption should not go forward.
5. Who can charge a fee for bringing birth parents and adoptive parents together?
- A. Alabama requires that a pre-approval of all expenses of the adoption be submitted to the Court for said approval and a disclosure of those expenses paid in the adoption is submitted to the Court.
6. Is the use of a non-licensed facilitator, non-licensed child-placing agencies, permitted to match adoptive families and birth families?
- A. Alabama has not essentially addressed the non-licensed facilitator, or non-licensed child-placing agencies permitted to match by the couples. However, the expenditures by the adoptive parents should be pre-approved by the Court and the facilitator or agency should be licensed or certified.
7. Are independent adoptions allowed?
- A. Yes.
8. How are independent and agency adoptions different?
- A. Independent adoptions essentially mean that an agency is not involved in the placement and the expenditures are the home study, attorney's fees, and living expenses allowed by court.
9. How does an adoptee go about requesting access to their adoption file?
- A. When a child attains the age of nineteen (19), the child may petition the court to open the file. The consent signed by the birth parent will have a sentence that allows the mother or father to agree to have the file open when the child reaches the age of nineteen (19). If they have checked they wish the file to be opened, then in that event, the file will be handed to the child to review. The child can file a petition in the probate court where they were adopted to open the file. The judge will have the discretion to reveal identifying information