

Are You Pregnant and Considering Adoption?

Know Your Rights.

Knowledge

Is

Power.

We at Pact seek to empower all pregnant and expectant parents with information about their options at every step; and their rights when interacting with medical, social work, and adoption professionals.



For more information, or if any of your rights are being violated, contact:

Pact, an Adoption Alliance
24/7 Call or Text: 510.301.5584
Toll-free: 800.750.7590
Email: adoptions@pactadopt.org



Women facing an unplanned pregnancy should be free to make the decision that is right for them without pressure or bias. It is coercive and therefore unethical for any adoption professional to present adoption as the “best” option. All options for those facing an unplanned pregnancy have pros and cons. Pregnant women should be empowered to make the decision that is best for them by being offered accurate information with regard to all available options.

YOU HAVE THE RIGHT TO:

1. Receive counseling to explore *all* your options — parenting, adoption and abortion.
2. Receive a referral for an abortion.
3. Explore the option of parenting your child without judgment, regardless of your age, marital status, or socioeconomic status.
4. Receive referrals for economic resources such as emergency shelters, low-income housing, health insurance, food stamps, cash aid, subsidized utilities and help with childcare if you wish to parent your baby but don't currently have the resources to do so.
5. Receive referrals for issues such as domestic violence, substance use treatment and mental health treatment to help you have a safe and healthy pregnancy and prepare to parent your baby if that is what you choose.
6. Talk to multiple adoption placement providers to decide which is the best fit for you.
7. Learn about the option to have family member(s) or people in your network become the guardian(s) or adoptive parent(s) of your child.
8. Change your mind at any time prior to the signing of legally binding documents about which option is right for you.

In adoption, “birth” parent is a term applied to women and men who are the biological parent of a child placed for adoption. Pact believes that expectant parents considering adoption can be pressured — sometimes openly, sometimes subtly — to think of themselves as “birth” parents before they have signed any legally binding papers, which is why we use the term expectant parents up until the legal paperwork is done. Paperwork signed prior to the birth of a child is not legally binding and no expectant parent can be asked to make a commitment to an adoption plan until after their baby is born.

Research has shown that adopted people, as well as birth and adoptive parents, have greater emotional health when there is ongoing contact

YOU HAVE THE RIGHT TO:

1. Be referred to as a “mother” or “father,” or “expectant mother” or “expectant father”, not a “birth mother” or “birth father,” until your child’s adoption has occurred.
2. Be honestly educated about the short- and long-term emotional consequences of adoption — for you and for your child.
3. Be educated about open adoption and the benefits for everyone involved.
4. Decline to work with adoption professionals who do not have available families that fit the criteria you have for your child’s adoptive parents, including race, ethnicity, religion, age, gender identity, marital status and willingness to maintain ongoing contact with you—to name a few.
5. Interview multiple pre-adoptive families before making a commitment to either adoption or a specific family.
6. Know the fees that the adoption agency, facilitator, or attorney will charge the pre-adoptive parents

with birth family after placement has occurred. Some states have legally binding “post-adoption contact agreements” which are designed to ensure that both birth and adoptive parents have legal recourse in the event there is a breakdown in ongoing communication and/or contact after an adoption placement occurs.

Research has shown that adopted people, as well as birth and adoptive parents, have greater emotional health when there is ongoing contact with birth family after placement has occurred.

7. Terminate your relationship with an adoption professional *at any time*, regardless of whether any papers have been signed, or any funds have been received.
8. Understand which living and pregnancy expenses can be covered while you are considering adoption, and what will happen if you accept financial help but decide not to place your child.
9. Request counseling from an independent therapist or mental health counselor and/or legal counsel not affiliated with the adoption professional you are working with.
10. Learn which states offer legally binding contact agreements and whether you can finalize your child’s adoption in such a state.
11. Understand the steps you can take if the adoptive parents ignore or attempt to change the contact agreement after placement or if you wish to change the agreement.

Medical professionals and other helping professionals like social workers or counselors must respect the fact that you are legally the parent of your baby during the birthing experience and while recovering, and therefore *have the same rights as any other new parents.**

YOU HAVE THE RIGHT TO:

1. Be treated as your baby’s mother and father, with the same rights as any other mother or father, up until you sign paperwork (usually right before leaving the hospital) authorizing the pre-adoptive family, or adoption professional, to act as guardian and/or take legal custody of your baby.
2. Determine your birth and hospital plan including: who will be present before, during and after labor; who will be first to hold your baby; whether you will breastfeed; whether you want to name your baby; and deciding how much time you want with your baby in the hospital.
3. Be addressed respectfully by staff members, with the title you prefer. Some options include — mother or father, first mother or first father, birth mother or birth father.
4. Make decisions about the kind of medical care your baby will receive after birth, or designate someone else to have those rights.
5. Take photographs and videos of your baby and with your baby.
6. Receive mementos and special items from the hospital such as your baby’s wristband, a lock of their hair, a copy of their footprint, etc.
7. Leave the hospital with your baby if you need more time to decide.

** There may be an exception if the child welfare system is involved and the state has taken custody of your baby.*

You will be asked to sign legal documents at several points in the process. Some of these documents are legally binding. No one can force you to sign any document.

Expectant parents sometimes find themselves at odds with each other. Mothers can pursue adoption without the father's consent, though the courts may stop it. Fathers can refuse to sign any documents if they want to parent. This can be a painful situation, especially when each person thinks they are doing the right thing for their baby. It is better for the child in the long run for both parents to agree to the same decision, whether that is parenting or adoption.

YOU HAVE THE RIGHT TO:

1. Understand the different legal rights for mothers and fathers, especially if you are in disagreement about adoption.
2. Be free from pressure to sign any documents while pregnant or still recovering from childbirth, especially if you are under the influence of medications which affect your thinking, mood, judgment, or decision-making.
3. Have all documents explained until you understand what they mean before signing.
4. Ask for additional time to review documents, however, you may need to create an in-between plan for your baby's care.
5. Decline to sign any documents which you do not agree with or understand.
6. Be informed on the process of revoking your signature, especially how to do so, and how much time you have.
7. Have your own legal representation, separate from the pre-adoptive family's attorney or the attorney employed by the agency.

Choosing adoption is one of the biggest decisions of your life. It's important to know what to expect afterward, as that knowledge may affect your decisions now, prepare you for the common emotions, and help you recognize when to seek professional support.

Separating from your baby may bring up big feelings — grief, regret, or longing for your baby. These feelings may come and go. But if they get stronger and last longer, you may need to seriously examine whether adoption was the right choice.

YOU HAVE THE RIGHT TO:

1. Have your baby returned to you, without explanation or apology, before you have signed relinquishment papers and/or had your parental rights terminated. The timing for this depends on the state and the legal type of adoption you had started.
2. Seek unbiased legal counsel if you have signed relinquishment papers and wish to have your baby returned to you. The timeframe and criteria for changing your mind can be short and in some states is non-existent, so you will need to act quickly.
3. Ask your adoption placement professional for resources and referrals to help you preserve your family and parent your baby.
4. Receive referrals for adoption-competent therapy with an independent counselor not affiliated with the adoption professional.
5. In some states, receive help with living expenses for six to eight weeks while you are recovering from birth and getting back on your feet.
6. Receive help and mediation from your agency or facilitator in navigating your open adoption with your child's adoptive parents