

ADOPTION STUDY COMMITTEE TESTIMONY
May 24, 2005

MY NAME IS LINDA CULLEN AND I AM THE PROGRAM DIRECTOR FOR THE CHILDREN'S SERVICES DEPARTMENT OF CATHOLIC CHARITIES, DIOCESE OF ARLINGTON. I WANT TO THANK SENATOR O'BRIEN FOR INVITING ME TO SPEAK AT TODAY'S COMMITTEE MEETING. THE CHILDREN'S SERVICES DEPARTMENT PROVIDES SERVICES TO MEN AND WOMEN EXPERIENCING A CRISIS PREGNANCY, TEMPORARY FOSTER CARE AND ADOPTION. I HAVE WORKED IN THIS FIELD FOR OVER THIRTY YEARS AND WHILE THE OBJECTIVE TODAY IS TO LOOK AT WHETHER THE ADOPTION CHAPTER OF THE VIRGINIA CODE NEEDS REVISIONS, I FIRST WANT TO ADDRESS THE POSITIVES THAT I APPRECIATE IN OUR CODE STATUTES. I FEEL THAT VIRGINIA LAW HAS GONE TO GREAT LENGTHS TO TRY TO LOOK AT THE NEEDS OF ALL PARTIES INVOLVED IN ADOPTION – THE BIRTHPARENTS, THE ADOPTIVE FAMILY, AND MOST OF ALL, THE CHILD, BOTH AT THE TIME OF THE PLACEMENT AND IN THE FUTURE WHEN THE ADULT ADOPTEE MAY WANT TO FIND HIS BIOLOGICAL FAMILY. I HAVE WORKED WITH BIRTHPARENTS WHO PLACED THEIR CHILD FOR ADOPTION IN OTHER STATES AND THEY SIGNED PERMANENT ENTRUSTMENTS RELINQUISHING ALL PARENTAL RIGHTS WITHIN 24-48 HOURS OF THE BIRTH AND THE RELINQUISHMENT WAS IRREVOCKABLE. I THINK VIRGINIA'S LAWS THAT GIVE A BIRTHPARENT TIME TO CONSIDER HER DECISION AND SET A MINIMUM AGE OF THE CHILD AT 26 DAYS BEFORE AN ADOPTION PLACEMENT AGREEMENT CAN BE ENTERED IN AN AGENCY PLACEMENT TO BE AN IMPORTANT PROTECTION FOR VULNERABLE PERSONS. ON THE OTHER HAND, THE LIMITING OF AN ATTACK ON THE ADOPTION, FOR WHATEVER REASON, TO THE FIRST SIX MONTHS AFTER THE ENTRY OF THE FINAL ORDER GIVES A GREAT SECURITY TO ADOPTIVE FAMILIES WHO FEAR LOSING THE CHILD

THEY HAVE COME TO LOVE DEEPLY AS WELL AS GIVING A CHILD A STABLE, PERMANENT ENVIRONMENT IN WHICH TO GROW.

THERE ARE SOME CHANGES, HOWEVER, THAT I FEEL WOULD BETTER MEET THE NEEDS OF ALL PARTIES INVOLVED IN ADOPTION. IN THE THIRTY YEARS THAT I HAVE WORKED AT CATHOLIC CHARITIES, SOCIETY HAS CHANGED CONSIDERABLY AND WITH THOSE CHANGES, THE FACE OF ADOPTION HAS CHANGED ALSO. GRADUALLY FEWER AND FEWER WOMEN ASKED TO GO TO A MATERNITY HOME TO MAINTAIN CONFIDENTIALITY DURING THEIR PREGNANCY AND MORE WOMEN BEGAN TO LOOK AT PARENTING THE CHILD THEY GAVE BIRTH TO AS A SINGLE WOMAN. THOSE THAT DID MAKE AN ADOPTION PLAN BEGAN TO ASK FOR MORE INFORMATION ABOUT THE ADOPTIVE FAMILY, THEN WANTED TO BE INVOLVED IN THE SELECTION OF THE FAMILY, AND THEN ASKED TO MEET THE FAMILY. AS MORE WOMEN BEGAN TO DO PRIVATE ADOPTIONS AND ABUSES WERE NOTED – SUCH AS THE FAMILY DISAPPEARING AND THE BIRTHMOTHER HAVING NO WAY TO KNOW IF HER CHILD WAS ALL RIGHT OR NEVER ACTUALLY MEETING THE FAMILY SHE ALLEGEDLY “CHOSE”– THE PARENTAL PLACEMENT SECTIONS OF THE CODE WERE DEVELOPED. WITH A FEW MINOR CHANGES, THE PROCESS FOR THIS TYPE OF ADOPTION HAS BEEN ESTABLISHED AND HAS WORKED WELL SINCE 1989. A HOME STUDY IS REQUIRED, AS IS COUNSELING FOR ALL PARTIES, AND THE AGENCY CERTIFIES TO THE COURT THAT THERE HAS BEEN A SIMULTANEOUS MEETING WHERE ALL MEDICAL, BACKGROUND, AND IDENTIFYING INFORMATION HAS BEEN EXCHANGED.

WITH THE PASSAGE OF THE PARENTAL PLACEMENT LAW, TWO CLEARLY DEFINED METHODS FOR ADOPTION IN VIRGINIA WERE LAID OUT; THE AGENCY ADOPTION, WHERE CONFIDENTIALITY MUST BE MAINTAINED, AND THE PARENTAL PLACEMENT, WHERE THERE MUST BE AN EXCHANGE OF IDENTIFYING INFORMATION. WHAT IS NOT POSSIBLE IS FOR A WOMAN TO WORK WITH AN AGENCY DURING HER

PREGNANCY TO LOOK AT HER OPTIONS AND IF SHE CHOOSES ADOPTION, TO MAKE A PLAN FOR AN OPEN ADOPTION. I THINK THIS IS A SHORTCOMING IN OUR CODE THAT DISCOURAGES SOME WOMEN FROM CHOOSING ADOPTION.

WHILE MANY WOMEN AND MANY PROSPECTIVE ADOPTIVE PARENTS WANT TO FUNCTION INDEPENDENTLY AS THEY SEEK ONE ANOTHER, THERE ARE ALSO OTHERS WHO WANT MORE SERVICES AND REALLY WANT AN AGENCY TO BE INVOLVED IN EVERY STEP OF THE ADOPTION. MANY OF THESE CLIENTS DON'T FEEL THEY HAVE A NETWORK TO FIND AN APPROPRIATE BIRTHPARENT OR ADOPTIVE PARENT. THEY WANT SOMEONE THEY TRUST TO SCREEN FAMILIES AND LET THEM CHOOSE AMONG FAMILIES WHO WOULD BE SUITABLE. MANY OF THESE BIRTHPARENTS MAY NEED CONSIDERABLE HELP AND SUPPORT FROM THE AGENCY DURING THE PREGNANCY – SETTING UP A MEDICAL PLAN, FINDING HOUSING, FAMILY COUNSELING, AND ADVICE ABOUT SOME FAMILIES THAT MAY BE A SUITABLE MATCH FOR HER CHILD. A BIRTHMOTHER MAY HAVE SOME SPECIFIC CONCERNS ABOUT WANTING A FAMILY THAT CAN DEAL WITH SPECIAL NEEDS HER CHILD MAY HAVE IN THE FUTURE DUE TO A HISTORY OF MENTAL ILLNESS OR DRUG USE IN THE BACKGROUND. ANOTHER BIRTHMOTHER MAY NOT BE CERTAIN HOW SHE WILL FEEL WHEN SHE DELIVERS. SHE PREFERENCES THE BABY COME INTO TEMPORARY FOSTER CARE WITHOUT ALTERING HER PARENTAL RIGHTS SO SHE CAN CAREFULLY CONTINUE TO CONSIDER HER TENTATIVE PLAN WITHOUT THE PRESSURE OF KNOWING THE BABY IS WITH A FAMILY WHO WILL BE DEVASTATED IF SHE DECIDES SHE REALLY WANTS TO PARENT AFTER GOING THROUGH LABOR AND DELIVERY. THERE ARE ALSO MANY YOUNG WOMEN WE SEE EACH YEAR THAT HAVEN'T ACKNOWLEDGED THEIR PREGNANCY, SOMETIMES EVEN TO THEMSELVES, PRIOR TO GOING INTO LABOR, AND HAVEN'T MADE A PLAN FOR THE CHILD. THEY ARE AT THE VERY

BEGINNING OF THE DECISION-MAKING PROCESS AT THE TIME OF HOSPITAL DISCHARGE.

WHEN OPEN ADOPTION IS DISCUSSED, MANY PEOPLE THINK THIS IS AN OPTION BIRTHPARENTS WANT AND ADOPTIVE PARENTS AGREE TO AS A WAY TO GET A BABY. THIS IS CERTAINLY TRUE IN SOME CASES BUT WE ARE WORKING WITH MORE ADOPTIVE PARENTS WHO WERE FEARFUL ABOUT OPEN ADOPTION AT FIRST BUT THEN COME TO WANT AN OPEN ADOPTION AFTER THEY HAVE A NON-IDENTIFIED MEETING WITH THEIR CHILD'S BIRTHPARENTS AND PLACEMENT OCCURS. THE BIRTHPARENTS ARE NOT SO FRIGHTENING TO THEM AND THEY REALIZE THAT THEY ALL WANT WHAT IS BEST FOR THE CHILD. THE ADOPTIVE PARENTS COME TO REALIZE THAT THEY WANT THE POSSIBILITY OF HAVING DIRECT CONTACT WITH THEIR CHILD'S BIRTHPARENTS IN ORDER TO MEET THEIR CHILD'S NEEDS IN THE FUTURE AND BECAUSE THEY WANT TO SHARE INFORMATION WITH THE PEOPLE WHO CREATED THIS CHILD AND LOVED HIM ENOUGH TO SAY SOMEONE ELSE WAS BETTER SUITED TO PARENT HIM AT THIS TIME. FOR ALL OF THESE BIRTHPARENTS AND PROSPECTIVE ADOPTIVE PARENTS, THE INDEPENDENCE AND CERTAINTY REQUIRED FOR A PARENTAL PLACEMENT MAY NOT BE RIGHT FOR THEM BUT THEY WANT AN OPEN, AGENCY ADOPTION THAT GIVES THEM THE OPPORTUNITY TO MAINTAIN CONTACT WITH ONE ANOTHER DIRECTLY OVER THE YEARS.

THE CODE MAKES TO ADDRESS THIS, THE AGENCY ASSISTED PLACEMENT, IN 63.2-1226, IS A CUMBERSOME, DIFFICULT PROCESS THAT TRIES TO MESH THE TWO TYPES OF ADOPTION AND SUCCEEDS IN MAKING THE BIRTHPARENT AND THE ADOPTIVE PARENT GO THROUGH THE STEPS OF BOTH THE AGENCY AND THE PARENTAL PLACEMENT ADOPTION. THE BIRTHPARENT BOTH GIVES CUSTODY OF THE BABY TO THE AGENCY AND ALSO APPEARS IN COURT AT A CONSENT HEARING AFTER THE SIMULTANEOUS INTERVIEW.

**IF THE CODE STATED THAT AN AGENCY ADOPTION MAY BE
OPEN OR CLOSED, DEPENDING ON THE WISHES OF THE INVOLVED
PARTIES, AND REQUIRED**