

Virginia Department of Social Services
Division of Family Services
Adoptions
Talking Points

June 22, 2005

ADOPTION DATA

- Virginia maintains an adoption record on every adoption where the petition for adoption is filed in a Virginia court (§ 63.2-1246).
- This information is maintained in our computerized Adoption Reports and Resource Information System (ARRIS).
- The handout you have provides data from ARRIS for children adopted in Virginia during state fiscal year 2004.
- As you can see, the majority of adoptions in Virginia are stepparent adoptions (944) or (39%).
- Public agency adoptions are the children who are adopted from the foster care system and they comprise the second highest number of adoptions (505) or 20% .
- You can see that 412 or 17% were parental placement adoptions and 333 were Inter-country adoptions. Inter-country makes up 14% of the total adoptions in Virginia.
- The Other category includes adult adoptions and adoptions where there is no indication of the type of adoption. Adult adoptions comprise approximately 90% of the "Other" category.
- 61% (1,483) of the children adopted are 5 years of age or older
- The table you have also shows that 646 of the children adopted were white, while 323 were black and 165 were bi-racial.
- Most of the adoptions were completed in the Northern Region of the state, with the Eastern region having the second highest number of adoptions.

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CENTRAL RECORDS KEEPER

- The Virginia Department of Social Services is the central record keeper for all adoptions where the petition for adoption was filed in Virginia.
- We currently have 143,336 records on microfiche dating back to 1942.
- Information from closed adoption records may be released, under specific circumstances governed by law, to adopted individuals over the age of 18, adoptive parents, and agencies providing services to the adoptee.
- We receive over 1,000 requests per year for information concerning closed adoption records.
- Sections 63.2-1245 – 63.2-1247, of the *Code of Virginia*, govern disclosure of information from closed adoption records.
- There are two different types of information that have different procedures for releasing the information from a closed adoption records.
 - These two types of information are “non-identifying” information and “identifying” information.
 - Non-Identifying information is any information in the closed file that will not lead the adoptee to the identity of the birth parents.
 - Identifying information includes names and address of birth parents, if available, and any information that could lead to the identity of the birth parents such as the names of schools attended, places of employment, etc.

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- Non-identifying information is released upon the request of an adult adoptee.
- The record is copied.
- The non-identifying information is then shared with the adult adoptee in a face-to-face interview.
- Information can also be shared by an intermediary other than VDSS or placing agency with written consent of the adult adoptee.
- When a party lives out of the state, an agency in the other state can be designated as an intermediary.
- The release of identifying information requires a search to locate the birth family member upon whom information is being requested.
- The adult adoptee sends an Adoptee Application for Disclosure to the Adoptions Unit, in the Division of Family Services.
- A Letter of Appointment is sent to the local department of social services that was initially involved in the adoption.
- The Letter of Appointment is the Commissioner's authorization for the local department of social services to complete a search for the individuals the adoptee wants located. This is usually the birth mother.
- Based on whether "good cause" exists for release of the identifying information, a disposition is made by the Commissioner and the search agency and adoptee are notified.
- Good cause" at this point means that the person on whom information is requested agrees to have their identifying information given to the adoptee requesting such information.

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- When a party lives out of the state, an agency in the other state can be designated as an intermediary to make contact with the person being searched for to obtain their consent for the information to be released.
- If the Virginia Department of Social Services fails to designate a local department of social services to conduct a search for the birth parents or denies disclosure of the identifying information, the adopted person may apply to the circuit court for an order to disclose the information.
- The adopted person may also file a petition with the circuit court when a request for identifying information is denied by the Commissioner.
- The adopted person must demonstrate “good cause”.
- “Good cause” in this step means a showing of a compelling and necessitous need for the identifying information.
- Section 63.2-1247.C, of the Code of Virginia, requires agencies to attempt to inform the adult adoptee, adoptive parents, birth parents, or adult birth siblings of critical medical, psychological or genetic information.
- Section 63.2-1247.D. allows the agency to assist birth and adoptive parents in sharing non-identifying information and pictures.
- Section 63.2-1247. E. requires the entire record to be open in parental placement adoptions where consent to the adoption was executed on or after July 1, 1994.
- Section 63.2-1247 A. allows the birth parents and adult birth siblings to apply to the Commissioner for the disclosure of identifying information, when the adoption was finalized on or after July 1, 1994 and the adoptee is twenty-one years of age.

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- Section 63.2-1247.B, allows the adoptive parent to apply to the Commissioner for the disclosure of identifying information on the birth family when the adoption was finalized on or after July 1, 1994 and the adoptee is under eighteen years of age.

INTERNATIONAL ADOPTIONS

The Department has a very small role in international adoptions.

- The Bureau of Citizenship and Immigrations Services (BCIS) has the major oversight in international adoptions.
- Adoptive families must comply with United States Immigrations procedures initiated through the Bureau of Citizenship and Immigrations Services (BCIS) to bring a child into the US for the purpose of adoption.
- BCIS has specific procedures that families must follow and certain documentation that must be provided.
- The family must petition BCIS for approval of the child's visa to enter the US.
- The required documentation includes an approved home study on the family, fingerprint checks, documentation on the child and evidence that the pre-adoptive requirements of the state of the child proposed residence have been met.
- The Department's role in international adoptions is to provide assurance to BCIS that the family meets Virginia's pre-adoptive requirements prior to bring the child into the U.S.
- The pre-adoptive requirements include the following:
 - Home Study;
 - Social and medical information on the child and birth family;
 - Legal documents on the child, including a birth certificate and documents showing the child is free for adoption; and
 - Statement of financial responsibility.

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- It is the responsibility of the prospective adoptive family to ensure that Virginia's pre-adoptive requirements are met and to meet all of the BCIS requirements.
- Upon receipt of all required information and a favorable review of the documents, the Commissioner's consent to the proposed placement is issued.
- The only instance where the pre-adoptive requirements and the Commissioner's consent for placement into Virginia are not required is when the family has a final decree of adoption granted in the country from which the child is coming.
- Re-adoption for purposes of obtaining a Virginia birth certificate is no longer necessary when the child is adopted from a foreign country that has post-adoption reporting requirements and with whom the United States has diplomatic relations.
- In these cases, Section 63.2-1220 of the Code of Virginia, allows the adoptive parents to petition the court for a "report of adoption" on a form furnished by the State Registrar for the purpose of securing a new birth certificate for the child.