

The following is input from Fairfax County Department of Family Services regarding changes to adoption laws for General Assembly Subcommittee meeting June 22, 2005:

The Fairfax County Department of Family Services does not support the proposed “designated adoption” which would allow a birth mother to choose between a parental placement adoption with the requirement of a simultaneous meeting between birth family and the adoptive family or an agency adoption, waiving the requirement of the meeting and sharing of identifying information. Our agency’s trend mirrors the national picture, which is increased openness between birth and adoptive families. Research supports this trend by indicating that openness in adoption is beneficial to all members of the adoption triad – the adoptee, birth parents and adoptive parents. As is true with almost all of the parental placement adoptions conducted by this Department, a relationship has already been established between the birth parents and the adoptive parents. The families are aware of the requirement for sharing identifying information and are knowingly and willingly entering an open adoption situation.

Fairfax County Department of Family Services is in agreement with the proposal put forth to reduce the time allowed for the Report of Investigation from 90 days to 60 days. In addition, the Department also supports removal of the requirement for the twenty-one day review period by the Commissioner of the Virginia Department of Social Services.

Fairfax County Department of Family Services supports the proposal to condense Virginia’s adoption laws into one chapter.

The Fairfax County Department of Family Services supports the proposal to allow adult adoptees access to their original birth certificates. Many other states are beginning to open birth records to adults.

Rationale: The birth certificate contains an adoptee’s personal information, therefore he/she should be entitled to access this data, particularly in situations where the individual’s birth parents are deceased or cannot be located. In other search situations, the Department would like to be able to directly contact adult adoptees over age twenty-one to share non-identifying information when a search has been initiated by the birth parent. As it currently stands, if a birth parent requests information or contact, the Department is required to contact the adoptive parents for permission to notify the adoptee. If the adoptive parents are not in agreement, the Department cannot move forward with exchange of non-identifying information. Possible exceptions would be if there is an open adoption assistance case (hence, the suggestion of the age 21 requirement), developmental delays of the adult adoptee or incapacitation. *Fairfax County Department of Family Services would recommend that adults whose parental rights were terminated but were never legally adopted also be covered by the search statute. At the present time, youth with termination of parental rights not placed for*

adoption are not covered by the search statute and may not apply to search for birth family members.

In the past year, a new challenge has arisen in the area of adoptive home approval regarding the new barrier crime legislation. In July 2003, individuals with certain non-violent felony charges were barred from being approved as adoptive or foster parents. The Department has encountered situations where the new barrier crime legislation has interfered with permanency for a child. As written, the barrier crime legislation allows for little flexibility or latitude, even if the placement is in the best interest of the child. In these instances, the convictions were for nonviolent offenses and had occurred more than 10 years prior to the application for foster or adoption with no additional charges or convictions since that time. The applicants could not be approved given the current legislation. Instead of increasing the pool of appropriate families for waiting children, this legislation has restricted families who are able to adopt. This legislation has also had an impact on relatives who are interested in adopting family members.

Fairfax County Department of Family Services does not support provision of adoption assistance for international or parental placement adoptions.

Rationale: Children adopted internationally or through non-agency adoptions are able to access therapeutic and case management services through the Comprehensive Services Act and other community based services. Attention should be given to training about adoption assistance for agencies providing the subsidies and to families supported by those programs. Frequently, families that have adopted children from more than one agency report that local jurisdictions vary greatly in the implementation of adoption assistance policy. This creates barriers for families in obtaining services to which they are entitled and may inhibit parents' ability to make decisions about service delivery for their children. Many families are ill informed about their right to appeal subsidy decisions and may not receive the support they need to adequately meet the special needs of their child.

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