

Frequently Asked Questions About Adoption in Washington

WARNING: Adoption is a serious legal proceeding that involves the termination of the legal parental rights of birth parents and the assumption of legal parental responsibilities by the adoptive parents. Individuals who are contemplating an adoption should consult legal and child welfare professionals before proceeding. The information contained in this document is only a general summary of Washington adoption policies and procedures. It is not intended to substitute for legal advice about any particular individual or situation.

BIRTH MOTHER RELATED

- 1. When can the mother of the baby start the adoption process?**
 - At anytime after she is pregnant she can petition the court for the termination of her parental rights.
RCW 26.33.090

- 2. Can the birth mother choose the adoptive parents?**
 - Yes. In private and open adoptions she can make this decision. Sometimes a birth mother does not want to make this choice and allows the agency go make this decision.
RCW 29.33.295

- 3. Can the birth mother see and hold the baby after the birth?**
 - Absolutely, she “calls the shots” until her rights are terminated. It is wise to craft a “birth plan” that outlines her plans for contact with the baby; however she is free to change this plan at any time.
RCW 26.33.160

- 4. What expenses can the adoptive parents pay to or on behalf of the birth mother and child?**
 - Expenses that can be paid for by law include: Medical, and legal expenses of the birth mother. All other birth mother expenses such as rent, food, and counseling must have prior court approval prior to disbursement. The expenses must be reasonably related to the pregnancy.
RCW 9A.64.030

- 5. Can a minor mother independently sign legal documents placing the child for adoption (consent to the adoption)?**
 - She has the right to sign relinquishment papers herself but her consent is not valid until after she is interviewed by a Guardian Ad Litem and the GAL files a report with the Court indicating that the minor knew what they were doing, was not forced to relinquish the child and knows the permanent consequences of an adoption. RCW 26.33.070

- 6. When does the birth mother actually sign the legal documents required for the adoption?**
 - Legal documents may be signed prior to the birth of the child but will not be presented to the court for termination until 48 hours after the child is born. If the birth parent chooses to sign the paper after the child is born they cannot be filed in court for 48 hours after having been signed.
RCW 26.33.090

- 7. Can the birth mother change her mind before signing the legal consents to the adoption?**
 - Yes, nothing is binding until the consents are signed, the 48 hours have passed and the consent is approved by the court.

- 8. Can the birth mother change her mind after signing the legal consents to the adoption?**
 - Yes, she can change her mind anytime until the papers are filed in court. Then she has up to one year to change her mind but **MUST** prove fraud, duress or mental incompetence. RCW 26.33.091

- 9. Can the birth mother communicate with the adoptive parents and child after the adoption?**
 - Yes, both parties are encourage to sign an Open Adoption agreement outlining their agreed upon contact after the baby is placed with the adoptive parents. These agreements are signed by the court and are legally binding.
RCW 26.33.295

- 10. Can a birth mother anonymously surrender a newborn child?**
 - Yes if she does so with an authorized location such as hospital, fire department. The authorized location will then call CPS and the State will take custody of the child with no legal action taken against the mother.

- 11. What happens if both the birth parents do not agree that adoption should be the plan?**
 - If the birth mother wants an adoption plan and the birth father does not, this creates a very difficult situation. Consent, voluntary release or termination of parental rights must occur for both parents before an adoption can be finalized. Therefore, an adoption would not occur until an agreement was made. RCW 26.33.160

BIRTH FATHER RELATED

- 1. Does the father of the baby have to be notified of the birth and the mother's adoption plan?**
 - Yes RCW 26.33.090

2. **How is the father of the baby notified of the mother's adoption plan?**
 - Hopefully this notification takes place prior to the birth so that the birth father can be part of the adoption plan. Otherwise, where his identity and whereabouts are known, the father is notified by personal service. Where his identity and whereabouts are not known by publication and mail to his last known address. RCW 26.33.090
3. **Can the father of the baby choose the adoptive parents?**
 - Hopefully he will participate in this process so they will together reach a mutual decision. RCW 26.33.240
4. **What happens if the biological father of the baby is not the baby's legal father?**
 - This does not give him fewer rights. He still has to be contacted and if his identity is unknown or whereabouts are unknown, he still has the right to notice as described above. RCW 26.33.26.26
5. **What happens if the husband (legal father) is not the biological father?**
 - Same as #4 above.
6. **What happens if the mother does not know who the biological father is?**
 - Notification would have to be made to all possible biological fathers, as stated above. RCW 26.33.110
7. **What happens if the mother refuses to give the name of the biological father?**
 - Typically before the court would allow publication to "John Doe" it may want to question the birth mother. The court cannot force her to reveal this information. RCW 26.33.050
8. **Can the biological father of the baby give notice that he intends to plan for the baby before the baby is born?**
 - Yes. If the birth father desires to parent there will be no adoption plan. RCW 26.33.090
9. **Can the birth father change his mind before signing the legal consents to the adoption?**
 - Yes, nothing is binding until the consents are signed, the 48 hours have passed and the consent is approved by the court. RCW 26.33.090
10. **Can the birth father communicate with the adoptive parents and child after the adoption?**
 - If he has signed a Communication Agreement that was filed in court with the adoptive parents allowing such communication, yes. If no communication agreement is signed then it is up to the discretion of the adoptive parents.

11. **Can a minor father independently sign legal documents placing the child for adoption (consent to the adoption)?**
 - Yes-however a GAL has to review the consents with him and file a written report with the court. RCW 26.33.070
12. **Can the birth father change his mind after signing the legal consents to the adoption?**
 - Yes. As with the birth mother the birth father can change his mind anytime, without any reason, prior to being approved by the court and the court terminating his rights. RCW 26.33.090
13. **Can a Birth father anonymously surrender a newborn child?**
 - No
14. **What happens if the birth parents do not agree that adoption should be the option?**
 - There will be no adoption unless both parties agree.

ADOPTIVE PARENT RELATED

1. **Who can be an adoptive parent and who selects them?**
 - A person over 18 may petition the court for an adoption. They need to have an approved home study by a licensed adoption agency or an individual approved by the court. The first person selecting the adoptive parents is typically the birth mother, who may or may not do this in conjunction with the birth father. If the birth mother is not interested in choosing she may allow the agency to do so. RCW 26.33
2. **What information about the birth parents and the child must be provided to the adoptive parents?**
 - Before placing a child for adoption, the department, agency or adoption facilitator must provide the prospective adoptive parents with a written document containing all non-identifying information that is reasonably obtainable and that covers medical and health records and information as well as social history information.
RCW 26.33.140
3. **What procedures are followed to ensure that adoptive parents are fit to adopt a child?**
 - A Home Study is completed by a licensed adoption agency or court approved independent social worker. A statute details the information of prospective adoptive parents that needs to be reviewed.
RCW 26.33.190

- 4. Can the potential adoptive parents have the child placed with them prior to the actually obtaining custody?**
 - Yes, the child can be given to the adoptive parents prior to the termination of parental rights. Typically a court will require a signed statement by the birth mother that the placement is her desire and that she knows it does not interfere with her right to revoke her consent
RCW 26.33.370

- 5. Can the adoptive parents prevent the birth parents from communicating with the child after the adoption?**
 - It would depend on what agreements were made in the legally binding Open Adoption Agreement that was approved by the court.
RCW 26.33.295

- 6. Under what circumstances can an adopted child communicate with the birth parents?**
 - As stated above, if such communication was allowed by the court approved agreement. If the adoptee is a minor, the decision would be made by the adoptive parents. As an adult adoptee, the individual may seek out their birth parents via the Central Adoption Registry and the birth parents have provided releases to provide identifying information.
RCW 26.33.295

- 7. What information must the birth parents provide to the adoptive parents?**
 - The attorney/agency worker must make reasonable efforts to obtain non-identifying information from the birth parents which includes: health and genetic family history, any medical, psychological or psychiatric evaluations available at the time of the adoption.
RCW 26.33.350

- 8. Who supervises the adoptive placement and for how long?**
 - A licensed adoption agency representative supervises the placement for anywhere from 1-6 months depending upon the best interest of the child, and the agencies' internal policies until the court enters a final order of adoption.
 - In a private adoption, a court appointed individual is directed/authorized to prepare a post placement report. Essentially the court acts as supervisor.
RCW 26.33.210

- 9. When is the adoption final?**
 - When the Court grants the adoption petition and enters a final decree of adoption.
RCW 26.33.250

COURT SPECIFIC PROCEDURES

- 1. Who initiates the adoption process?**
 - Either the birth parents or the prospective adoptive parents can initiate adoption proceeding through an adoption agency or an attorney.
RCW 26.33.150

- 2. When are the consents filed with the court?**
 - At least 48 hours after the baby is born or after the signing, whichever is later.
RCW 26.33.100

- 3. When do the birth parents actually sign the legal documents for adoption?**
 - Any time. In Washington they are allowed to sign the consents any time prior to birth or after.
RCW 26.33.090

- 4. What happens if the birth parents do not agree on the adoption plan?**
 - Unless their rights have been terminated by a court the birth parents can change their minds and discontinue discussions.
RCW 26.33.100

- 5. Can the baby be placed for adoption without the consent of the birth mother and/or birth father?**
 - Except for very, very rare exceptions, the birth mother's consent is required before any placement is made. Actual placement can be more easily made without a consenting birthfather, but the adoption cannot proceed without either obtaining his consent or terminating his rights after proper notice is given., Consent must be provided by the parents except as noted with absent or unknown fathers.
RCW26.33.100

MISCELLANEOUS QUESTIONS

- 1. What is the process for accessing adoption files, including identifying information?**
 - a. Washington has a procedure for searches between birth parents and adoptees. Birth parents or adoptees must use a court appointed Confidential Intermediary who will facilitate any searches between parties. The adoptee must be 21 years old or have their adoptive parents' permission. For a birth parent to initiate the search the adoptee must be 21 years old. RCW 2633.340

- b. Unless a birth parent has filed an affidavit of undisclosure, the Department of Health may give a copy of the original birth certificate to an adoptee over 18 if the adoption was finalized after Oct. 1, 1993.

2. What is considered a kinship adoption? How is kinship adoption handled? Are home studies necessary? Who can conduct them? Is there a fee?

- a. Washington's adoption statutes (RCW26.33) gives no less accounting for a relative adoption. However, Washington's dependency statutes (RCW 13.34) gives placement preference to relatives.

3. Are contracts or binding agreements between birth and adoptive families regarding openness allowed?

In WA even if no identifying information is exchanged between the birthparents and the adoptive parents, a communication and contact agreement can be entered, and given the force of an order by the court (RCW 26.33.295) These agreements may share any information agreed upon by all parties.