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Changes proposed to simplify adoptions

Bills aim to shorten waiting periods, make the process easier

BY TAMMIE SMITH

TIMES-DISPATCH STAFF WRITER

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An attorney who handles adoptions, Colleen Marea Quinn sometimes has a case where the mother has no idea where the father is.

All the mother may know is his first name and where they met.

But for adoption to take place, attempts have to be made to find him and give him time to object.

"If we don't know where he is but have a name, we can do an order of publication in a newspaper, which has to run for four weeks," Quinn said.

They also try searching computer databases and occasionally hire a private investigator.

"The adopting parents pay for that ultimately," said Quinn, who is with the firm Cantor Arkema P.C.

That requirement and others slow down the adoption process.

To streamline the adoption process, Virginia legislators are considering a number of bills recommended by a study group that spent several months last year looking at Virginia adoption law.

As of December, there were 1,655 children in Virginia who social-services officials hoped would find adoptive homes. Of that number, 889 were legally free to be adopted.

Some of the proposed bills simply "clean up" the adoption statutes in the state code, for instance, putting them in one section rather than scattered throughout.

Other changes calls for more substantial changes in policy.

For instance, to deal with the issue of men who can't be found, a putative-father registry would be created. The registry would put the onus on men who might be the fathers to notify the state of their whereabouts. Men who register would be notified if a child they may have fathered is put up for adoption.

A putative father is a man who is generally believed to be a child's father but has not been legally determined to be so.

In some places, such registries are part of laws called the National Proud Father Act because they allow men to actively take responsibility for children they father.

"We have had cases where the birth mother moved to another state to try to avoid the birth father being part of the process," Quinn said. "Most birth moms are honest. But we also have the issue of a birth mom signing an affidavit of unknown paternity saying 'I don't know who he is,' but she really does know. She just does not want for him to be part of the process."

On the other side, putative father registries make it easier to terminate the right of the birth father if he is not registered, Quinn said.

Some other proposals:

- Shorten some waiting times. For instance, the time a birth mother has to change her mind after consenting to the adoption would change to a total of 10 days. Currently, a woman cannot legally consent to give up a child for adoption until the baby is at least 10 days old, and then she has 15 days to change her mind, so there are at least 25 days before consent is irrevocable.
- Create a mutual-consent registry, which would allow birth parents, adoptees who have reached 21 and siblings to register and be notified if any are seeking information about any other.
- Clear up provisions dealing with abandoned children for whom neither parent is available to grant consent for adoption.
- Allow birth fathers to consent to adoption prior to a child's birth but still give them 10 days after the child is born to revoke that consent.
- Create a hybrid type of adoption that allows women to place their children with an adoption agency and chose the adopting

family but keep some aspects of their lives private. Now, women who want to select a family to do the adopting have to do parental placement adoptions, which are open adoptions in which both sides know who the other is.

"What we are trying to do is have a code that . . . encourages people to adopt more children," said Vickie Johnson-Scott, director of the Division of Family Services at the state Department of Social Services. "We want every child to have a home and a loving family."

In fiscal year 2005 in Virginia, the state Department of Social Services recorded 540 public adoptions and 72 private adoptions.

State social-services figures show the average time a child is in foster care waiting for an adoptive home is 37.8 months. That time varies with the age of the child.

Contact staff writer Tammie Smith at tsmith@timesdispatch.com or (804) 649-6572.

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