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Adoption

What is adoption?

Adoption creates the legal relationship of parent and child between a child and an adult who is not the birth parent of the child. An adoption permanently ends the legal relationship between the biological parents and the child. An adoption normally takes place with the consent of the child's birth parents. Most of the time a written consent must be signed in front of a judge of the Juvenile and Domestic Relations Court before the adoption may even be filed. At the time of the consent signing, the judge makes the adoptive parents the legal guardians of the child for the duration of the adoption process.

Must both biological parents sign the consent?

Yes, even if the biological parents were never married, unless:

1. The parental rights of a parent have already been ended by a court, or,
2. The child was born out of marriage and the father is unknown or cannot be found.

An adoption can take place without the consent of either biological parent **ONLY** if the court finds it in the best interest of the child, and that keeping the relationship between the biological parent and the child would be harmful.

What if the biological parents are under age 18?

A parent under the age of 18 may consent to the adoption of his or her child.

Can the consent to adopt be taken back?

A consent to adopt may be taken back **ONLY** if there is fraud or coercion, or if the adoption parent(s) agree.

Must the child to be adopted consent?

If the child to be adopted is 14 years old or older, he or she must consent to the adoption. **UNLESS** the court finds the adoption to be in the child's best interests, then consent is not required.

What are the normal steps in an adoption?

The normal steps in an adoption are as follows:

1. A petition for adoption is filed in the Circuit Court of the county where the adoptive parents live. A name change for the child can be requested in the petition. Consents, if required, must be filed with the petition.
2. The court will order the local Department of Social Services to study the home of the adoptive parent(s).
3. If the results of the home study are favorable, the court will then give a temporary order approving the adoption.
4. There will be more home visits, at least three times in the next six months.
5. The court will then give a final order approving the adoption.

A final adoption takes away ALL parental rights of the child's biological parents. The adopting parents have all legal duties and rights in dealing with the child.

What information is needed to file a petition for adoption?

The following information usually is needed to file for an adoption.

- Full name, date of birth, and city or county & state of birth of child to be adopted.
- Child's birth certificate.
- Full name, date of birth, and city or county & state of adopting father.
- Education, health, income and occupation of adopting father.
- Family relationship (if any) of adopting father to the child.
- Full name, date of birth, and city or county & state of adopting mother.
- Education, health, income and occupation of adopting mother.
- Family relationship (if any) of adopting mother to the child.
- Date & place of marriage of adopting father and adopting mother.
- Date child to be adopted was placed in the home with the adopting parents.
- Court order that granted custody of the child to the adopting parents.
- Proposed name of the child after adoption.

Can I file for adoption without an attorney?

You may be able to do this, but it is not recommended. Adoption is difficult. You may not be able to finalize the adoption if you don't know the law.