

## ARIZONA ADOPTION LAW AT A GLANCE

### **Whose consent is required?**

- Birth mother, legal father.

### **What is required for an Alleged/Putative Father?**

- An alleged father must be given notice of the adoption plan.
- An alleged father must take proactive steps to maintain his potential rights.

### **What is the timing of consents? Can consents be withdrawn?**

- A valid consent cannot be given less than 72 hours after the birth of the child.
- Parents who are uncertain of their commitment to an adoption should not sign until they are sure.
- Consents are irrevocable once they are signed and cannot be withdrawn unless they were given under fraud, duress or undue influence.

### **How does the Indian Child Welfare Act of 1978 (ICWA) impact consent?**

- Parents of a child eligible for enrollment in any tribe are subject to the ICWA.
- In the case of a VOLUNTARY adoption where the parent does not reside on a reservation, the entire case can be handled in State Court, without involving the tribe or transferring jurisdiction.
- ICWA consents must be taken in Court after the child is over ten days old. The judge must certify that the parent understands English, understands the consents and is aware of the preferences of ICWA.

### **What is the Arizona law regarding birth parent expenses?**

- Under Arizona law, Arizona parents or their agency may pay living expenses up to \$1,000 without a court order. Any payments beyond that amount require court permission. Such restrictions may or may not apply to families from other states adopting Arizona children.
- Birth parents are NOT required to pay back anything paid on their behalf and legitimate agencies will not ask that they do so.

### **What rights does the birth parent have to contact with the child after placement?**

- Arizona law allows for the filing of a Post Placement Contact Agreement if the family lives in Arizona.
- The agreement does not provide for invalidation of the adoption if not followed and the adoptive parents can end contact if they feel that it is not “in the child’s best interest.”
- Mediation through the agency or the court is available.
- If the birth parent is looking for an open adoption, they are much more likely to be able to have visits if the family is from Arizona as few birth parents have the resources to travel to where the family lives.

### **What are the requirements to adopt in Arizona?**

- Singles or couples over the age of 18 may adopt. An unmarried couple cannot adopt together; only one parent can adopt the child and the other has no rights.
- Arizona law requires married couples be married at least 1 year. Most agencies require 2 or 3 years of marriage.
- Arizona requires court Certification to Adopt for non-relatives and distant relatives, but not close relatives.
- Certification requires an adoption study performed by an agency or independent social worker.
- Fingerprints and CPS/DCS clearances are required for ALL adults in the household. Emotional and financial stability are required, as is good overall health.
- Parents can be denied certification and the child could be removed. The child might be returned to the parent or become a ward of the state. Birth parents should be urged to avoid such a complication by making sure that she knows the family well or they have been *pre-screened before* they take her child home.

### **What is Open Adoption? What is the range of openness?**

- Closed Adoptions are very rare today. Some parents start out saying they want a closed adoption, but most move toward more openness as they begin to see a path out of their crisis. Closed adoptions involve no contact.
- Semi-Open Adoption are the most common form. Parents chose and often meet the family, but do not exchange all identifying information. Contact ranges from letters and photos sent through the agency to visits arranged through the agency and keeping in touch by phone or email to meeting independent of the agency.
- Fully-Open or Fully-Disclosed involves sharing all identifying information. Visits may occur in the home and some families even vacation with the birth families. Birth parents and family are treated like extended family.