

International Adoption Basics

BY JENNY L. WOMACK

When adopting from a foreign country, there are many different questions that arise. The following are some of the most common questions, which address international adoption generally. If you have questions regarding a specific country, you should speak with your agency or an attorney with international adoption experience.

Are there healthy children available for adoption from other countries?

“Healthy” is not a term generally used in the context of international adoption. Many of the children would be considered “as healthy as possible,” without obvious health problems (like physical deformity, cleft palate, and so forth). However, given how these children come into care, their medical history and family history are generally unavailable or sketchy at best. Malnourishment and developmental delays should be expected, but the good news is that many children will blossom developmentally after coming to the United States.

International adoptions always involve concerns about health, development, and bonding/attachment issues. If you are considering international adoption, you should thoroughly explore these issues with your agency or social worker and consult with medical experts.

Can I adopt from any country I want?

Not all countries allow Americans to adopt. If you are interested in a specific country, you should first check the U.S. State Department’s website on international adoption (http://travel.state.gov/family/adoption/adoption_485.html) or speak with an international adoption professional.

Are there newborns available for adoption internationally?

Most children adopted internationally will be at least one year old or older. There are a few countries, including Guatemala, where younger children are available. The age at which a child becomes available for adoption internationally varies by country so you should discuss this with your agency.

How long does it take?

The international adoption process varies by country, but typically takes anywhere from 12 to 18 months. A few countries are closer to nine months and some take closer to two years.

If I have identified a child in another country, can I adopt that child?

In some countries, you may be able to adopt a child you have identified on your own, but not every country allows this. The larger question may be whether or not you are able to immigrate the child to the United States.

Under current U.S. immigration laws, there are essentially two ways a child adopted in a foreign country can receive a visa to come live in the United States. The less common situation is where the child is adopted in a foreign country and the family continues to reside in the foreign country for at least two years. The more common situation is through the “orphan petition” process. Under the current laws, the child must qualify as an

orphan, meaning either both parents are gone (i.e., deceased or unlocatable) or one parent is gone and the remaining parent is unable to care for the child and irrevocably relinquishes the child for adoption in writing. In other words, if both parents are still “in the picture,” the child does not qualify, even if both parents are in agreement with the adoption.

With the implementation of the Hague Convention on Intercountry Adoption, changes in these restrictions are expected, but most likely they will not go into effect until late 2007 or 2008.

The immigration process is complex, but an experienced agency should be able to help you through the process. If you are not working with an agency, you should seek the assistance of an experienced attorney.

When is the adoption final? Do we need to “readopt” our child once we get back to Texas?

In most countries, the adoption is completed (i.e., final) there before you return home with the child. If the child comes into the United States under an IR3 visa, then the child is automatically a citizen of the United States upon entering the country. In such cases, you do not have to “readopt” the child, but you can have the foreign adoption order registered in Texas and obtain a Texas birth certificate of foreign birth. You can also use this “registration” process to change the child’s name, should you choose to do so or in the event the foreign country did not get the child’s name correct in its proceeding (a common occurrence). If the child enters the United States with an IR4 visa, you will need to “readopt” him or her to complete the citizenship process.

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