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April 2009 Bar Bulletin

Mamma Mia! Everyone Goes Through Adoption Hoops

By Janna J. Annest

I've pictured Angelina Jolie, Madonna and Meg Ryan swooping down on a developing country, gracefully signing a fat check to an orphanage with one hand while putting Prada booties on a photogenic baby with the other, and whisking him back to the United States for a life of celebrity and privilege. I know better, but still that's the image in my head. That's also the image in People magazine.

But when "regular people" adopt from overseas, the process is anything but glamorous. It is labor intensive, disruptive, emotionally messy and dramatic. Non-celebrities — almost 20,000 annually — slog through burdensome and invasive paperwork, pay agencies and lawyers, and interrupt their lives for weeks at a time to travel overseas and bring their children home. Then there are visas, re-adoption proceedings, new birth certificates and paperwork to reclaim some of these expenses through a federal tax credit. Domestic adoptions share most of these features, minus the trip through customs.

Angelina, Meg and Madonna had to jump through these hoops too, but they're a little easier to navigate when you have personal assistants to gather information, field phone calls and schedule your travel. Whether or not they have personal assistants, all adoptive parents subject themselves to a level of scrutiny never applied to biological parents, and must accept the involvement and seek the approval of strangers in their family planning. They are motivated. No one becomes an adoptive parent by chance.

Domestic vs. International Adoption

One of the earliest forks in the road to adoption is the decision to adopt domestically or from another country. Both processes have their advantages, but they set adoptive parents on two very different courses.

International Adoption

International adoptions involve children already considered “orphans” and in the custody of the state. Very few newborns are adopted; rather, most adoptees are between six and 24 months old when they come home to the United States.

Adoptive parents often have no information about the circumstances of their child’s birth (including prenatal exposure to drugs or alcohol) or medical/genetic history. On the other hand, unlike newborns, international adoptees will have their own medical “track record” of at least a few months available for review by the adoptive parents.

Agencies arrange virtually all international adoptions. Since April 2008, those agencies have had to comply with strict licensing requirements set forth in The Hague Adoption Convention, an international agreement intended to safeguard inter-country adoptions. More than 70 countries, including the United States, are parties to the Convention.

In addition to the requirements of the Convention, each country maintains its own standards and conditions for international adoptions. Most commonly, countries will require adoptive parents to be of a certain age, married and free from serious health problems.

Certain countries also require multiple trips to the child’s birth country. For example, Russia requires two trips. On the first, adoptive parents receive an official referral from the government, meet the child and obtain information about his or her medical and social history. The second trip occurs a couple of months later, when the adoptive parents appear in a Russian court to finalize the adoption. After a 10-day waiting period, they can return home with Junior.

Most children are first adopted in their birth countries, then “re-adopted” in the United States and issued an American birth certificate with a name chosen by the adoptive parents. According to statistics maintained by the U.S. Department of Homeland Security, 19,471 immigrant orphans were adopted by Americans in 2007.

Domestic Adoption

Since 1987, the total number of adoptions in the United States has remained relatively constant, ranging from 118,000 to 127,000. These figures include both foreign and domestic adoptions, as well as step-parent and other relative adoptions. Thus, despite the publicity and perceived popularity of international adoption, more than 80% of U.S. adoptions are homegrown.

Domestic adoptions can be arranged through agencies, or adoptive parents can work independently with an attorney and a social worker. In general, agency adoptions tend to be more expensive because the agency takes care of activities that the adopting parents would manage themselves if they worked independently.

So-called “open adoptions” can mean anything from regular visits with members of the birth family to annual letters providing updates on growth and progress. A “closed adoption” refers to a completely anonymous arrangement, where no identifying information is shared between the adoptive parents and birth parents. Once the norm, completely closed domestic adoptions have become the exception rather than the rule, as study after study shows that adoptees who are at least aware of their biological parents are far more comfortable with their own identity and the fact of their adoption.

Domestic adoptions frequently involve more than one state, particularly now that adoptive parents and birthmothers can find one another in cyberspace. Thanks to the well-intended, but bureaucratic, operation of the Interstate Compact for the Placement of Children (ICPC), interstate adoptions also can

require extended trips away from home.

Until the requirements of the ICPC offices in both Washington and the child's home state have been satisfied (read: more paperwork), it is a crime to bring the child across state lines. Preparing your documentation well in advance of the baby's due date will help prevent a lengthy "staycation" with your newborn at the local Dew Drop Inn.

The differences between international and domestic adoptions are most pronounced prior to placement of the child. Once a child comes home, all adoptees and their families eventually face similar questions about why they don't look like mom or dad, why they were placed for adoption, and what it means to have non-biological relatives. Likewise, all adoptive parents have similar stories to tell their children — including Maddox, Zahara and Pax — about how badly they were wanted, how they are worth every ounce of effort, and how very much they are loved.

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