

# ADOPTION OVERVIEW

## What is an Adoption?

Adoption is when someone other than the biological parent of a child assumes legal responsibility for the child. The adopted child is granted the same inheritance rights as a biological child.

## Who May Be Adopted?

Anyone. Even an adult can be adopted. But either the parent or the adopted child must be an Arkansas resident in order to adopt in Arkansas.

## Who May Adopt?

Generally, the following people may adopt someone else:

- A husband and wife together although one or both are minors.
- An unmarried adult.
- The unmarried father or mother of the individual to be adopted.
- A married person without the other spouse joining as a petitioner. An adoption by a step-parent is one example.

*When the State Department of Human Services (DHS) arranges an adoption, stricter guidelines apply:*

All applicants seeking to adopt someone currently in foster care through the Department of Human Services must be at least 21 years old and no older than 65. Married applicants must be able to demonstrate a stable relationship.

## What Types of Adoptions Are There?

There are many types of adoption. Private agencies can handle them. So can public agencies, such as DHS' Division of Children and Family Services in Arkansas. There are also International Adoption Agencies.

A common type of adoption is when a relative adopts a child. This is called **relative adoption**. It would include adoption of a child who is related to the adoptive parents by blood or marriage. Two examples of this are step-parent adoption and grandparent adoption.

## What is the Process of Adoption?

The adoption process varies depending on the type of adoption. So does the length of time that it takes. Typically, though, a private-agency adoption will move faster.

The adoption process may include the following:

1. **Petition for Adoption:** The person seeking the adoption must file a petition with the clerk of the court.
2. **Consent or Waiver of Consent:** The adoption may be granted only if the natural mother and father consent to it. But the court may decide their consent is not required. This could happen, for example, if a court has terminated their parental rights. It also could happen if the parents have abandoned or not supported the child for more than 1 year.
3. **Sworn Affidavit:** The petitioner must file an affidavit detailing expenses or payments related to the adoption. (Does not apply to adult or relative adoptions.)
4. **Certified Statement from the Putative Father Registry:** In cases where the child to be adopted was born to an unmarried woman, this statement says that no information about the supposed father is listed on the State's registry. If there is information, this statement could say that he was notified of the adoption hearing.
5. **Home Study:** State law requires an inspection of the parents seeking to adopt. A child-welfare agency or social worker will check the suitability of the home. The parent seeking to adopt and everyone in his/her household age 18 and older must submit to a criminal background check. Further, everyone in the adoptive household over the age of 10 will be checked against the child abuse/neglect registry. The study can be waived for adult and relative adoptions.
6. **Child Study Report:** A report on the child to be adopted may be done as well. This, too, may be waived for relative adoptions.

7. **Hearing and Placement:** There can be no hearing until notifications and report requirements have been met.

### **Final Decree of Adoption:**

The court will not issue a final decree of adoption until the child has lived in the adoptive home for at least six months after placement or for at least six months after the petition for adoption is filed. This does not apply to stepchild adoption.

The final decree of adoption legally creates a parent-child relationship between the petitioner and the adopted child. The child is legally considered a blood relative of the adoptive parent for all purposes, including inheritance and any child-support orders.

Meanwhile, the final decree also severs all legal relationships between the child and his or her biological relatives. This includes the legal relationship with his or her biological parents. Because of this, the decree also erases any inheritance the adoptive child would get from the biological parents, unless the birth parents expressly name the child as an inheritor.

### **GLOSSARY (ADOPTION TERMS):**

**Abandonment:** The act of intentionally not contacting or supporting the child for a long period of time, usually at least 1 year.

**Adoption:** When someone becomes the legal parent of a child not born to them. The adoptive parent assumes all legal responsibilities for supporting the child.

**Closed Adoption:** A type of adoption where there is no interaction between the birth parents and the adoptive parents. There is usually no identifying information shared between either side. Arkansas does allow closed adoptions.

**Consanguinity:** The relation of people who descend from the same ancestor.

**Home Study:** An investigation into the adoptive parents. This usually covers financial and marital status, criminal history, lifestyle habits, and physical and mental health.

**Open Adoption:** A type of adoption where the adoptive parents and child interact with the birth parents.

**Putative Father:** The man alleged to be the father of a child. The claim can be made by either the mother or the father. Despite the claim, there may not be enough evidence or information to determine fatherhood.

**Putative Father Registry:** A database of men who have acknowledged they have fathered a certain child. The registry also includes men who have indicated merely the possibility of paternity.

**Relative Adoption:** An adoption in which a child is related by blood to the adoptive parent, such as a grandparent. It also includes adoptions in which a child is related by marriage to the adoptive parent, such as a step-parent.

*For more information, visit the Arkansas Department of Human Services' Arkansas Adoption Resource Exchange at:*

<http://www.state.ar.us/dhs/adoption/adoption.html>

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