



Adoption Fact Sheet

Introduction

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 rights as a biological child under the law.

Eligibility

Who May Be Adopted?

Anyone, even an adult, can be adopted. However, in Arkansas, either the parent seeking adoption or the child being considered for adoption must be an Arkansas resident.

Who May Adopt?

- a husband and wife
- 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, as in an adoption by a step-parent

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 DHS must be at least 21 years old and no more than 45 years older than the person who they seek adoption over. Married applicants must be able to demonstrate a stable relationship.

Types

Adoptions may be private or public, 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. There can be no direct payment to birth parents in exchange for terminating their rights. Prospective adoptive parents can pay incidental costs, such as medical costs, legal fees, etc.

The Process

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

The adoption process may include:

A petition for adoption: a petition filed with the clerk of the court by the person seeking the adoption.

Consent or a waiver of consent: written and given by the natural mother and father and the only way the adoption may be granted. Consent may not be required if a court has terminated the birth parents' parental rights or if the birth parents have abandoned or not supported the child for more than one year. In some cases, the child may be required to consent to the adoption.

A sworn affidavit: an affidavit the petitioner must file, detailing expenses or payments related to the adoption. (This does not apply to adult or relative adoptions.)

A certified statement from the putative father registry: a statement saying that, in cases where the child to be adopted was born to an unmarried woman, 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.

Home study: state law requiring 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 their household aged 18 and older must submit to a criminal background check. Furthermore, everyone in the adoptive household over the age of 14 will be checked against the child abuse and neglect registry. The study can be waived for adult and relative adoptions.

A child study report: a report on the child to be adopted that may be done as well. This, too, may be waived for relative adoptions.

A hearing and placement: the hearing after notifications and report requirements have been met.



The Final Decree

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 their biological relatives. This includes the legal relationship with their 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

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

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 Adoption Resource Exchange at state.ar.us/dhs/adoption/adoption.html.

This fact sheet is a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal assistance to eligible Arkansans who meet income, asset, and other guidelines. Legal assistance may also include advice and counsel, brief services, or full representation depending on the situation. For more information about civil legal aid in Arkansas, please visit arlegalservices.org. For information specific to Legal Aid of Arkansas, Inc., visit arlegalaid.org. Apply for services online or by calling 1-800-9-LAW-AID (1-800-952-9243).

The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.

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