

Your Employee Assistance Program is a support service that can help you take the first step toward change.

Who Can Adopt?

Many years ago, only married couples were permitted to adopt. Single people and homosexual couples were excluded as a matter of course, without evaluation of their individual merits as potential parents. Today, a wider spectrum of prospective parents is considered eligible to adopt, although the process is still easier for some people than for others.

Historically and still today, conventional married couples are considered the best candidates for becoming adoptive parents. The reasoning behind this is sound, if a bit socially backwards. Married couples are considered more stable and committed to one another, thus more capable of being good, consistent parents than are unmarried people. Marriages, by definition composed of two partners, are also thought to be capable of providing greater and more stable child-care coverage than single parent situations (e.g., one partner can work while the other watches the child). Finally, marriage between a man and a woman reflects the image of the original religious marriage archetype (Adam and Eve for most people), and seems to be more blessed than other forms of coupling or those who choose to remain single. In reality, this vision is flawed. Married couples often divorce and may end up being terrible providers. There is just no practical way to determine the adequacy of marriage partners as parents purely because of their being married. In addition, homosexual couples are prevented by law from marrying in the United States, making it impossible for them to be married no matter how adequate or stable their union may be. Though there are some continuing and clear inequities present, the situation in the United States is still better than it used to be.

While preferred over any other type of applicant for adoption privileges, married couples still must pass certain criteria. Many adoption agencies often set a minimum requirement for the length of time that a couple must be married before they may pursue adoption. In addition, there may be restrictions on the number of previous marriages partners have had, the age difference between partners, or the maximum age of partners before the couple can be considered eligible to adopt.

Married couples are interviewed during the adoption evaluation process. Topics covered in these interviews include information about the quality of the relationship, how the partners handle conflict, each partner's likes and dislikes about their spouse, etc. All aspects of the couple's life together are heavily scrutinized. Further, and quite fairly, both partners must jointly apply to be adoptive parents in the United States. In the event only one spouse files to adopt, the other spouse must give their consent to the process.

Unmarried couples (partners who are not formally married) have a harder time adopting. When this is allowed at all in the United States, the states consider the adoption to be valid for only one of the cohabitating partners, who is essentially adopting as a single parent. The other partner has no legal responsibility or right to the child. If the couple should dissolve their relationship, the non-adoptive parent would have no legal rights to visitation or any involvement in the child's life. The one exception at this time is the state of Vermont, which will consider unmarried partners making a joint adoption request. Unmarried Vermont couples must still be scrutinized as described above before their joint petition would be granted

It is now possible for single people to adopt a child in the United States, although it is still much more difficult to be approved than it is for a married couple. Many agencies refuse to deal with single people based on their feeling that a two-parent family is best for the child. In addition, many birth parents prefer to place their child in a two-parent family, either for the opportunities that may be available to the child or for security reasons (i.e., if one parent dies, the second can take over raising the child). The

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gender of a single person also places a role in the adoption process, as a single female will face an easier time in trying to adopt than a single male.

Gay and lesbian singles or couples will generally face many challenges in the adoption process. First, many agencies simply refuse to consider homosexual couples as prospective adoptive parents. Second, many birth parents are often also unwilling to place their child into a homosexual family setting. Many international countries also legally restrict gays and lesbians from adopting children in their countries. Even when a gay couple is approved to be an adoptive parent, they are still generally approved as single parents; one member of the couple is actually considered the legally adoptive parent and the other has no rights or responsibilities to the child. That a homosexual couple or single person can adopt at all is evidence that progress has occurred, but there is obviously room for improvement -- considering the actual merits of a couple as prospective parents rather than on the basis of their sexuality, and in terms of recognizing the right of homosexual persons to become legally (not religiously) married partners.

Regardless of marriage status, several other factors are considered by adoption agencies in making decisions about who is qualified to marry.

Some agencies set minimum age requirements for adoption, (25 years of age or older), and many have maximum age requirements (45 or 50 years of age or younger). When considering a married couple, the agency may also look at the age of each partner and the age difference between the two. While other agencies do not have age requirements or restrictions, they may examine the age difference closely when placing an infant/toddler or special needs child, and often show preference for younger couples or single parents. International adoptions may also have age restrictions or requirements as well. These age restrictions should be considered when deciding from which countries it is appropriate to pursue adoption. Finally, birth parents also often express age preferences, either for older or younger couples, which adoption agencies will attempt to honor as closely as possible.

Adoption application procedures include a thorough background check. Both legal and financial issues are examined. Any past legal or financial issues that become known because of this check may restrict a couple from adopting. The severity and length of time of past legal convictions (such as drug or alcohol convictions) is considered in making adoption decisions; any serious offense is typically enough to halt the process entirely. For example, no one previously convicted as a sexual offender is allowed to adopt children. Those who pursue domestic adoption with a felony offense on their record will face a long, hard road. Most agencies will not consider anyone with serious convictions due to the possible liability risks that the agency could face if harm later comes to the child. Those with a felony conviction will not be authorized to adopt internationally, per U.S. regulations. Past or present financial problems can also make the adoption process difficult. A history of bankruptcy, large amounts of debt, or any failure to make child support payments can negatively affect an application. Agencies are not looking for only wealthy families to adopt, but they do want to make sure that parents have the financial stability to provide for a child.

Certain medical or psychological conditions can also negatively affect the status of an adoption application. Conditions that reflect negatively on an applicant include chronic conditions such as diabetes or AIDS, or life-threatening conditions such as cancer. Other disabilities, mental illnesses, or addictions will also reflect negatively upon an application. The presence of one or more of these conditions may not automatically stop a person from adopting. The applicants will almost certainly have to provide additional medical information as well as letters from specialist physicians to document their appropriateness as adoptive parents in spite of existing medical or psychological conditions. This supplementary information may be shared with birth parents, making the selection process more difficult to pass through. There is a legitimate need for adoptive parents to be healthy enough to care for dependent children. It is not appropriate or ethical for applicants to lie about their health status in order to make themselves look good.

The Adoption Process

The road to adoption is a long and difficult one, starting with the initial decision to pursue adoption. For some adoptive parents this decision is easily made; for others, it involves a long period of soul-searching and exploration of alternatives. The difficulties do not stop when the decision to adopt is made. Potential adoptive parents then begin a formal application process that is administrative and bureaucratic in nature, involving a great deal of paperwork, time, money, energy, and patience. This tedious process ultimately proves worthwhile when it culminates in its goal: a child is placed with adoptive parents who desire him or her, and the relationship between them is finalized.