

ADOPTION ADVOCATE

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Chuck Johnson, *editor*
Ryan Hanlon, *editor*
Melinda Clemmons, *editor*

Expectant Parents' Adoption Planning Bill of Rights

BY CHRISTIE MAC SEGARS

The choice of adoption for an expectant parent experiencing unintended pregnancy is a beautiful and viable option. As adoption professionals, we all have story after story we can share with the world of how adoption has positively impacted birth parents, adoptive parents, and children. However, we must acknowledge that there have been times when an expectant parent's rights and wishes have not been honored—and when this happens, it should concern all of us who advocate passionately for our clients and champion the cause of adoption. Establishing a set of best practice standards through an expectant parent Bill of Rights that we as adoption professionals all adhere to will help promote this option and will help improve outcomes when adoption is chosen. Below are 10 “rights” of every woman (or man) who makes the courageous decision to consider adoption for their child:

1. Expectant parents have the right to options counseling/education.

All of the options in an unexpected pregnancy come with gains and losses. As professionals, it is our duty to ensure each expectant parent knows her options, as well as the potential benefits and difficulties of each option. This is best accomplished by embracing the idea of informed consent, being proactive in providing accurate information, and openly discussing options as they relate to their unique personal circumstances. Options counseling services should include but not be limited to:



National Council
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225 N. Washington Street
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(703) 299-6633
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- Proactively presenting options instead of waiting for the expectant parent to ask.
- Presenting risks and benefits of options.
- Assisting the expectant parent as she considers factors affecting her choices/options.

As adoption professionals, we understand the beauty in the option of adoption and want to share about it with expectant parents and our communities. At the same time, we must be faithful to provide every expectant parent with all the information she needs to make an informed decision. By helping her think through both a parenting and adoption plan, she can feel confident she has considered her possibilities and made the decision that is best for her and her child, whether she ultimately chooses adoption or parenting.

As we know, most expectant parents who choose adoption are doing so for more than financial reasons, and therefore a comprehensive examination of her circumstances must be completed. Proactively helping expectant parents assess their own finances, support system, relationship dynamics, and other strengths and challenges allows them to process information clearly and make informed decisions prior to all the emotions of the hospital room. It is the responsibility of every adoption professional to help expectant parents make a decision without regrets, which means helping them consider all their options, walking through a budget, setting goals, and imagining life as a parent and as a birthmother. Making this effort has only positive effects, both for the reputation of adoption and the benefit to birthmothers. Instead of having women place quickly, have regrets, and speak negatively about the option of adoption, they can report they had the time, space, and education to make the best decision for themselves and their child.

For more information on counseling expectant parents, see *Adoption Advocate* No. 45.¹

2. Expectant parents have the right to disclosure of services and costs.

Expectant parents in search of pregnancy services are often in a state of crisis and can be easily swayed by “bait-and-switch” tactics, even if unintended. As adoption professionals, it is our responsibility to care for the entire adoption triad, and treat each of them as worthy of honest and transparent disclosure. It is essential that we disclose to expectant parents a full explanation of pre- and post-adoption services available, as well as their costs.

¹ <http://www.adoptioncouncil.org/publications/2018/08/adoption-advocate-no-45>

This disclosure is best done in a written agreement between the adoption service provider and expectant parent, outlining the expectations of each party, and signed prior to their becoming a client. It should outline available options such as counseling, services available if they choose to parent, as well as services available to them if they choose adoption (including the ability to choose a family, meet with a family, and create their own unique adoption plan). The written agreement should also cover services available during hospital time and post-adoption (for example, reunion services). If any services have costs associated with them, these should be fully disclosed.

There is obviously no shortage of entities an expectant parent can work with to make an adoption plan, and the right to disclosure of services extends to their right to know the differences between facilitators, consultants, attorneys, and adoption agencies. Expectant parents have the right to know if the service provider is a licensed professional, an agency or individual operating legally in their state, or if they are simply acting as a “match maker” with no professionally regulated services to provide. Each entity may view placement and the adoption process differently. Expectant parents have the right to know who leads the process: Is it the expectant parent, the adoptive parents, or the organization/entity itself? They have the right to know what to expect from their adoption experience: Is their caseworker local or remote? Is the worker a licensed professional or not? What families are available for them to consider? How does this entity work with other agencies and qualified professionals?

Just as they have options for their pregnancy, these expectant parents have options for whom they work with and, therefore, how they are connected with an adoptive family. Every woman considering adoption deserves to know the risks and benefits of working with qualified social workers or counselors, licensed agencies or attorneys, or those who serve as adoption consultants.

3. Expectant parents have the right to not feel pressured.

As adoption professionals, we work with women who are in a vulnerable state and must ensure their ability to make an informed decision for themselves and their child. This means resisting pressure of any kind related to their decision. Our goal is for them to be empowered, not pressured.

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Pressure can come in many forms, so it is essential that we evaluate our practices and procedures to determine if we are placing any undue pressure on expectant parents. They could feel direct or unintended pressure in many ways, including through matching procedures, expense provision, counsel driven by fear or emotion, or the desire to please someone else.

Some questions to ask ourselves:

- Do our matching procedures/timelines place pressure on an expectant parent to not change her mind?
- Do we counsel away from an emotion-based decision to parent, but towards an emotion-based decision to place by putting too much emphasis on the adoptive parents and the hurt they may feel?
- Do we use expense provision as a way to entice women to work with us? Do we use the need for financial help during pregnancy as a fear-based tactic, instead of educating the expectant parent on the resources available to her if she chooses to place or parent?
- Are there any other practices we implement to pressure an expectant parent into an adoption decision?

One practical way to create a non-pressuring environment is to have separate workers/advocates for the expectant parent and adoptive parents. The expectant parent worker's primary role is to be their advocate, and to counsel and support them regardless of their choice. Having separate workers allows for the expectant parent to not feel pressure from a waiting and hopeful adoptive parent. When an expectant parent can make a decision with education and support, but without pressure, they are able to make a decision they feel good about long-term, without regret.

4. Expectant parents have the right to change their mind.

Expectant parents have the right to change their mind about adoption within the legal time periods permitted, and they deserve to have it presented as nothing less. Guidelines for this decision vary by state law, but that does not prevent or discourage us from providing education and options counseling throughout their process. We can continue to discuss their options through birth, hospital time, and after signing (if allowed in their state).

Our practices must promote this discussion without threat or intimidation. One way to do that is through establishing separate workers for expectant parents and adoptive families, as previously discussed. In

addition to that, we can educate and prepare prospective adoptive families to understand the importance of respecting this right. Most adoptive parents, with education, desire for their expectant parent to make a fully-informed decision without regret. They understand how this benefits the open relationship in the future and how it is ultimately in the best interest of the child that they all love.

If an expectant parent does change her mind, we should connect her to resources in her community that can assist her with her parenting plan.

5. Expectant parents have the right to choose adoptive parents.

Expectant parents deserve to know there are a multitude of families waiting and hopeful for an adoptive placement; they do not have to choose their cousin's best friend or whomever is presented to them the moment they announce they are making an adoption plan. They have the right to know there are a variety of prospective adoptive families, and that not all of them are a good match, screened, trained, and motivated by the same things.

Expectant parents have the right to know how your prospective adoptive families are screened and trained, and how they differ in the desire for openness with the birthmother. As adoption professionals, our practices should help expectant parents think through their desires for their child's life, for a prospective adoptive family, and for openness—all prior to showing them profiles of waiting families. This gives the expectant parent the space to prioritize and make decisions based on factors they consider important prior to forming a relationship and feeling pressured to move forward with a family that may not meet their preferences.

6. Expectant parents have the right to legal counsel and an understanding of the law.

Each expectant parent (mother and/or father) has the right to understand their legal rights as parents under the law of their state. Adoption professionals can best accomplish this by providing birthparents their own legal counsel and clearly explaining potential benefits or conflicts of interests that could arise if she/he uses the same attorney as the adoptive parents and/or agency. This legal counsel should be provided at no cost to the expectant parent.

The law should be explained verbally and in writing (including a summary of the State's adoption code). The explanation should cover:

Each expectant parent... has the right to understand their legal rights as parents under the law of their state.

- Their rights regarding signing the consent/relinquishment.
- Rights and protections for post-placement contact.
- The father's rights.

It is best to provide this explanation as soon as possible in the process. This allows the expectant parent to make decisions and plans for the adoption with full knowledge of any potential barriers.

7. Expectant parents have the right to choose the level of openness and extent of their confidentiality in an adoptive placement.

Although open adoption has been practiced with more frequency over the last few decades, the idea of an open adoption can still evoke fear for many prospective adoptive parents. While some desire more research in the area, most adoption professionals believe there are benefits of open adoption for everyone in the adoption triad. The birth parent feels affirmed in her decision and is better able to heal. Adoptive parents are able to better care for their child through open communication about medical issues and more. The child can understand the birthmother's decision as one of love and not abandonment.

There are no standard definitions for open or semi-open adoption, though, so it is critical that clear expectations are set about what that entails. Clear post-adoption correspondence and contact agreements should clearly outline the frequency and method of contact, while at the same time acknowledging the potential for the agreement to change over time (with the child's best interest at the forefront of this decision). Whether or not the agreement is legally binding in their state should be explained to the expectant parent as well. More information on these agreements can be found in *Adoption Advocate* No. 122.²

Although making an open adoption plan is more common and fewer expectant parents are making this plan in secrecy, our society is still full of stigmas and stereotypes, and the right to confidentiality allows an expectant parent to determine how engaged in selecting the adoptive parents she wants to be.

Education for both expectant parents and prospective adoptive parents is crucial for the establishment of a healthy relationship. Some expectant parents may choose to have a closed adoption but later request communication. For this reason, it is best practice for adoptive parents to still provide regularly scheduled updates to the agency, even in a closed

² <http://www.adoptioncouncil.org/publications/2018/08/adoption-advocate-no-122>

adoption. If the birth parent does contact later, the adoptive parents are already comfortable with sharing updates and the birth parent immediately receives her waiting correspondence.

8. Expectant parents have the right to coverage of maternity-related expenses.

The medical expenses related to pregnancy, childbirth, and post-partum care are extensive, but most states and some private health plans allow for coverage for these expenses when expectant parents have an adoption plan. This eases some of their burden in the unexpected pregnancy, and helps protect against fraud and coercion.

As adoption professionals, we are to actively assist expectant parents with these expenses, while safeguarding against pressure or coercion in any way. It is also our responsibility to ensure these expectant parents are established for long-term success, knowing that by law we cannot provide financial services indefinitely. It is best practice to connect them to government and/or community resources for insurance, housing, transportation, food, etc., before providing these expenses directly. There are instances when these community resources are not available, appropriate, or sufficient to meet the needs of the expectant parent. However, helping her set a budget, build life skills, and connect to local resources as much as possible are among the most valuable tools we can provide.

9. Expectant fathers have the right to be involved, when appropriate.

Expectant mothers clearly have a difficult choice when it comes to their decision regarding their unexpected pregnancy. As with previous rights discussed, this decision must be made with counsel, education, and personal choices along the way. Many of these rights extend beyond the expectant mother. When an expectant father desires to be involved, he has the right to be, including pre-birth counsel and education, help in choosing a family, and post-birth counsel and openness.

The challenging part is the adoption professional's responsibility to reach out to the expectant father when he is not already part of the adoption plan. When the expectant mother is unable or unwilling to identify the father or does not wish for the father to be contacted, and contact is not required by law, we must do our due diligence to assess the reasons behind her desire for no contact along with the benefits that may come with his engagement.

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As adoption professionals, we need to educate the expectant mother on the potential benefits and risks of involving the father, and encourage contact and his involvement when appropriate. For more information on fathers' rights see *Adoption Advocate* No. 96.³

10. Expectant parents have the right to post-adoption care.

We must acknowledge that there are women who made an adoption plan without the pre- or post-adoption care they deserved who are now in a place of deep grief and some in a state of regret. Not only is this disappointing for these women, it's detrimental to the perception of adoption to expectant parents and the community.

As discussed previously, we cannot ignore the difficulties associated with each option in an unexpected pregnancy. We know that adoption can very often be in the best interest of the expectant parent and child, but even if it is the "right" choice, it does not come without grief and loss. Even an open adoption comes with challenges. As adoption professionals, we must be proactive in providing post-adoption care to the entire triad and across time, as it is needed.

Post-adoption care should include, at a minimum:

- Intentional and scheduled grief counseling.
- Connection to other birthparents.
- Assistance in navigating the open relationship.

Prioritizing this care for birthparents promotes their long-term health and is beneficial to the wider adoption community.

Conclusion

The community of adoption professionals has continued to improve our services based upon experience, research, and learning from birthparents, adoptive families, and adopted individuals. The provision of quality services to expectant parents considering an adoption plan is among the most important roles we take on. Ensuring that adoption professionals have the training, experience, maturity, and ethical framework to provide these services is critical for adoption service providers. The work we do to treat expectant parents with dignity, respect, patience, and empathy will result in the long-term ability of all members of the adoption community—and the wider community—to hold the practice of infant domestic adoption in high regard.

ABOUT THE AUTHOR

Christie Mac Segars holds a Bachelor's degree from Samford University and a Masters in Social Work from the University of Alabama. She serves as the VP of Domestic Ministries at Lifeline Children's Services and has over 15 years of experience in child welfare. Lifeline is licensed as a child-placing agency in 12 states and ministers to expectant parents in the majority of these. Lifeline was founded in 1981 as a ministry to women in unintended pregnancies. Christie Mac is grateful for their commitment to serving expectant parents holistically, and taking the hope of Christ to vulnerable children and families. She and her husband, Croft, have three daughters, Ila, Elizabeth, and Harris.



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³ <https://www.adoptioncouncil.org/publications/2016/06/adoption-advocate-no-96>