

Adoption Network Law Center

Monthly Update Newsletter



May 2004

ICPC "101"

By Adoption Network Law Center Legal Department

There is a high probability that your Birthmother will be a resident of a state other than your state of residence. If so, an ICPC (Interstate Compact on the Placement of Children) will be required.

The Interstate Compact on the Placement of Children was first enacted in the state of New York in 1960 and was based on a need to regulate the Interstate movement of children so as to afford children placed out of state the same protections and services that would be provided if they remained in their home state and to assure that a child falling within the provisions of the Compact, "receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications to provide a necessary and desirable degree and type of care".

The ICPC is in the nature of a contract among the states that has been enacted in all of the United States and the District of Columbia. In California, the ICPC requirements are found in Section 7900-7912 of the Family Law Code.

The most common application of the ICPC requirements occurs when a child is born or expected to be born in one state, called the "Sending State" and the Prospective Adoptive Parent(s) reside in another state, called the "Receiving State".

To comply with the provisions of the ICPC, thereby enabling the Adopting Parent(s) to return to their home state with the child, it is necessary for a special Interstate Compact Application (100A) to be prepared for and signed by the Birthmother and transmitted to the appropriate office in the "Sending State" and through that Office to the Compact Administrator in the "Receiving State".

Most states require that the 100A Application be accompanied by: a medical-social history of the Birthparents; a narrative

statement signed by the Birthmother expressing her intent to place her child with the Prospective Adoptive Parent(s) and an acknowledgment by the Birthmother that she has received certain identifying information about the Adoptive Parent(s) such as age, ethnicity, religion, physical appearance and health history.

In most cases, the Birthmother has either personally met with and/or spoken to the Prospective Adoptive Parent(s) and will make reference to that in her written statement.

The 100A Application and supporting documents (which may vary from state to state) are reviewed and evaluated by the Compact Administrator in their respective state before approval is given by the "Receiving State" to allow the child to be transported to the state of residency of the Adopting Parent(s) for the express purpose of adoption planning. The Petition for Adoption will normally be filed on

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REMINDER!

Please be sure to inform ANLC whenever you have any modifications in your contact information. It is important that you notify us of new addresses, and of any changes in your home, cell phone, or work telephone numbers, including any area code changes. Having current information will make it easier to reach you when we have that "all important" phone call to make! You may fax or email us with any changes. Thank you!



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behalf of the couple and the adoption approved by the court in their state of residence, irrespective of where the child was born.

Failure to comply with the requirements of the ICPC constitutes a violation of law in both jurisdictions and could serve as a basis for the Court to allow the Birthmother to withdraw her consent to the adoption and cause the child to be removed from the home of the Adoptive Parent(s). (Although this is an infrequent and harsh sanction and one not favored by the Court.)

The adoption Judge may refuse to grant the Petition for Adoption until compliance with the ICPC has been met, even though this may have to occur retroactively, or the Court may otherwise impose sanctions deemed, in the judgment of the Court, to be the most appropriate under the particular circumstances that

the Court is dealing with.

Because the ICPC requirements differ from state to state, it is generally recommended that counsel be retained in the state of residence of the Birthmother to prepare the 100A Application on behalf of the Birthmother and to be advised by the Adoptive Parent(s) attorney in their state of residence of any ICPC requirement peculiar to the "Receiving State" so there is no undue delay in processing the Application and receiving approval.

Approval from the "Receiving State" is a PREREQUISITE to the Adopting Parent(s) being permitted to return to their home state with the child.

There is rarely a problem with the approval process. It is simply a small bureaucratic hurdle in the adoption process. Each couple goes home with their bundle of joy.

BOOK REVIEW

"Secret Thoughts of An Adoptive Mother"

By Jana Wolff

This little paperback book is a delight to read. Written by a woman who has been through it all: infertility treatments, miscarriages, several failed adoptions, and, finally, a successful trans-racial adoption. It is a very candid, believable, chronological journey to parenting. Some chapter titles are "Could We Have Somebody Else's Child?", "Should We Send Cute or Ugly Pictures?" and "Mother and Child Reunion". You will find it practical, humorous and helpful.

\$12.95

