

# The Difference Between Independent & Relinquishment Adoptions

**The State of California recognizes two types of adoption:**

**Relinquishment** - handled by a licensed agency such as Holy Family Services. Birth parents sign a Relinquishment which, when filed in Sacramento, becomes final. The agency becomes the “parent” of the child until an adoption takes place.

**Independent** - handled through an attorney, sometimes referred to as “private” adoption. A Consent for Adoption is signed by birth parents. Birth parents have 90 days to change their mind.

## **HFS Relinquishment Adoption**

1. The adoptive parents' home study is completed and approved before the child is placed into the home. The prospective parents receive education and counseling to prepare them for becoming adoptive parents.
2. Adoptive parents contribute to the HFS Harmon Birth Parent Fund which pays for pregnancy-related expenses of women planning adoption. This protects adoptive parents from financial hardship should the birth mother and/or child require extraordinary medical care.
3. A state-licensed agency informs birth parents of their legal rights and options through extensive counseling - before and after placement.
4. When birth parents need time to decide on adoption, or if legalities must be resolved, the child can be temporarily cared for by an HFS certified foster family. Once the baby is cleared for adoption, s/he may go directly from the foster home to the adoptive family.
5. The agency is responsible for the well-being of the child until the adoption is finalized.
6. If desired, birth parents choose/meet the adoptive family for their child. They choose from photo/life albums of prospective adoptive families. Together they agree on the amount of openness of the adoption.
7. Adoption fees are based on a percentage of the family's gross annual income. Fees are paid by the adoptive family and cover services provided by the agency. There are no fees to birth parents.
8. The agency can make a direct hospital placement when relinquishment paperwork is complete.
9. The agency can continue to act as an intermediary, exchanging non-confidential information and mail between birth parents, adoptive parents, and the adult adoptee.
10. Records are kept indefinitely by the agency.
11. Post-adoption counseling is provided to persons involved in an HFS adoption.
12. Holy Family Adoptive Parents is a support group providing opportunities for HFS adoptive families to meet and socialize with other families. Also offered is a “waiting parent” support gathering led by an adoptive mom and dad. This forum provides a relaxed atmosphere to discuss feelings and concerns with other waiting adoptive parents without agency staff or social workers.

## Independent (Attorney) Adoption

1. In an independent adoption, birth parents accept the responsibility for verifying the suitability of the adoptive parents chosen for their child. A home study is not required before placement of the child.
2. California requires birth parents to receive counseling relating to their decision to place their child for adoption. This counseling is provided by state-approved adoption service providers (ASP) such as HFS.
3. The child is placed with the adoptive family before their home study has been completed/approved.
4. Temporary foster care is not available should there be ambivalence on the part of the birth parents or an unexpected medical problem arises, or when there are delays in terminating both birth parents rights.
5. Although an authorization for release of the child from the hospital is signed by the birth mother, the document does not terminate her legal rights. She may request the return of the child prior to signing the Consent for Adoption.
6. The Consent may be signed at hospital discharge but is not final for 90 days unless that right is waived. Before finalization, which requires that the child be in the adoptive family's care for six months, the birth mother (or father) may ask the court to rescind the Consent.
7. The attorney establishes that the child is legally free for adoption by terminating the rights of the birth parents. As in agency adoption, the birth father must receive due legal process or he could disrupt the placement.
8. When an adoptive couple assumes payment of medical expenses, the birth mother may feel an obligation to carry through with the placement and possibly regret it. If she decides to keep the child, she may not be able to repay the couple for the costs incurred.
9. Adoptive parents must find appropriate adoption-focused parenting classes. This education helps adoptive parents become aware of the psychological complexities of the lifelong process of adoption.
10. Adoption fees are set by the attorney.

When deciding on an adoption provider, choose one with integrity who must meet certain regulations; one that offers recourse should you ever need it. *Caveat: Not all adoption providers are regulated.*



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*This information is provided to assist those interested in adoption. The information is general and accurate in our estimation. However, anyone considering adoption should be clear on the process. Ask questions until you feel confident.*