

State Survey of Post-Adoption Contact Agreements

25 states have enacted statutes that allow for the court to order Post-Adoption Contact Agreements:

AK, AZ, CA, CT, FL, IN, LA, MD, MA, MN, MT, NE, NV, NH, NM, NY, OK, OR, PN, RI, SD, VT, VA, WA, WVⁱ

Enforcement Mechanism:

Nineteen states provide a specific enforcement mechanism for Post Adoption Contact Agreement:

CA, CT, IN, LA, MD, MA, MT, NE, NH, NM, NY, OK, OR, PN, RI, VT, VA, WA, WV

- In Washington state, an agreed order may be enforced by a civil action and the prevailing party in that action may be awarded, as part of the costs of the action, a reasonable amount to be fixed by the court as attorneys' fees.

Mediation Required

Four states require parties to a Post Adoption Contact Agreement to attend mediation or Alternative Dispute Resolution prior to attending court to seek enforcement or modification: CA, CT, NH, OR.

Child Involvement In Decision Making

Three states require that the court either consider the wishes of or obtain consent from the child (**without specifying age** of child) when entering an order for a Post Adoption Contact Agreement: WV, NV, NM.

Eight states require that the court either consider the wishes of or obtain consent from the child who is **at least 12** years old when entering an order for a Post Adoption Contact Agreement: AZ, CA, IN, LA, MA, OK, PN, RI.

Four states require that the court either consider the wishes of or obtain consent from the child who is **at least 14** years old when entering an order for a Post Adoption Contact Agreement: NH, OR, VT, VA.

States that Have a Mechanism for Post-Adoption Sibling Contact

- Colorado: In regards to adoptees visiting biological siblings who are still in care, C.R.S.A. §19-5-210 specifies that the court shall review the record and inquire as to whether the adoptive parents have received counseling regarding children in sibling groups maintaining or developing ties with each other.
- Florida: Under Fla. Stat. 63.0427, the court may order for post-adoption contact with the adoptees biological siblings with or without the adoptive parent's consent if in the best interest of the child.
- Indiana: Under Ind. Code Ann. §31-19-16.5, the court may order the adoptive parents to provide specific post-adoption contact with an adoptee's pre-adoptive siblings if the adoptee is at least

two (2) years of age. A court order for contact with a pre-adoptive sibling can be enforced by the pre-adoptive sibling or the adoptee through a GAL.

- Oklahoma: Under 10A Okl.St. Ann. §1-4-813, the court shall order the child welfare department to facilitate ongoing sibling contact and visitation between a child adoptee who is separated from their other siblings. This is achieved by a) providing information to prospective adoptive parents about the importance of sibling relationships to the adopted child and counseling on methods for maintaining sibling relationships; b) providing prospective adoptive parents with information about siblings of the child; c) encouraging prospective adoptive parents to make a plan for facilitating post-adoptive contact between the child who is the subject of a petition for adoption and any siblings of that child.
- Pennsylvania: Under PA St Ti 23 PA.C.S.A. s 2733-2742, when an adoptee has siblings that are not being adopted with him into the adoptive family, each minor shall be represented by a GAL in the development of a voluntary agreement for continuing contact. Siblings of the adoptee may seek to enforce the agreement by filing an action in the court that finalized the adoption.
- West Virginia: Under W. Va. Code §48-22-704(e), an adopted minor has 1 year to dissent from his or her adoption. Proposed legislation (if passed) will allow an adoptee who was a minor at the time of entry of an order of adoption to dissent at any time after the adoption under 2011 WV HB. 3217(NS)

States that Have a Mechanism for Post-Adoption Contact with Relatives

- California: Under Cal Fam. Code §8616.5, a Post Adoption Contact Agreement permits contact between the adoptee and his or her biological parents, relatives, and Indian tribe is permitted if there has been an existing relationship with the adoptee prior to the adoption.
- Louisiana: Under LA Child, Code art. 1269.1-7, a Post Adoption Contact Agreement permits contact between the adoptee and his or her biological parents, grandparents, and/or siblings to whom the child has a substantial relationship with, such that child would be harmed without contact.
- Maryland: Under Md. Code Ann., Fam. Law §§5-308, a Post Adoption Contact Agreement permits contact between the adoptee and his or her biological parents and relatives.
- Minnesota: Under Minn. Stat. Ann. §259.58, a Post Adoption Contact Agreement permits contact between the adoptee and his or her biological parents, relatives, step-parents, and foster parents who the child has lived with.
- New Mexico: Under N.M. Stat. Ann. §32A-5-35, a Post Adoption Contact Agreement permits contact between the adoptee and his or her biological parents and other relatives.

- New York: Under N.Y. Dom. Rel. Law §112-b, a Post Adoption Contact Agreement permits contact between the adoptee and his or her biological parents, and biological siblings and half-siblings.
- Oklahoma: Under 10A Okl. St. Ann. §1-4-813, a Post Adoption Contact Agreement permits contact between the adoptee and his or her biological parents, step-parents, siblings, and relatives.
- Oregon: Under Or. rev. Stat. §109.305, a Post Adoption Contact Agreement permits contact between the adoptee and his or her birth relatives if they have emotional ties creating an ongoing personal relationship with the child adoptee. If the adoptee is under one year of age, the relationship must have lasted at least half the child's life.
- Pennsylvania: Under Pa St 23 P.A.C.S.A. s 2733-2742, a Post Adoption Contact Agreement permits contact between the adoptee and his or her birth relatives, including siblings and stepparents.
- Vermont: Under VT. Stat. Ann. tit. 15A §4-112, a Post Adoption Contact Agreement permits contact between the adoptee and his or her biological parents, and other relatives.
- West Virginia: Under W. Va. Code §48-22-704(e), a Post Adoption Contact Agreement permits contact between the adoptee and anyone who forms an agreement for visitation or communication with the adopted child

ⁱ Alaska Stat. §25.23.180(j); Arizona Rev. Stat. §8-116.01; Cal. Fam. Code § 8616.5; Conn. Gen. Stat. Ann. §§ 45a-715(h)-(n); Fla. Stat. 63.0427; Ind. Code Ann. §§31-19-16-1 to -8; LA Child. Code Ann. art. 1269.1-7; Md. Code Ann., Fam. Law §§5-308, 5-3A-08, 5-3B-07; Mass. Gen. Laws ch. 210, §§6C-6E; Minn. Stat. Ann. §259.58; Neb. Rev. Stat. §§43-162 to -165, §§41.509& 127.187-.1895; N.H. Rev. Stat. § 170-B:14; N.M. Stat. Ann. §32A-5-35; N.Y. Dom. Rel. Law §112-b, N.Y. Soc. Ser. Law §383-c(5)(b)(ii); 10A Okl.St. Ann. § 1-4-813; Or Rev. Stat. §109.305; PA St 23 P.A.C.S.A. s 2733-2742; R.I. Gen. Law §15-7-14.1; S.D. Codified Laws §25-6-17; VT. Stat. Ann. tit. 15A §4-112; VA Code Ann. § 16.1-283.1; 63.2-1220.2; 63.2-1220.3; 63.2-1220.4; Wash. Rev. Code §26.33.295; W. Va. Code §48-22-704(e)



www.FloridasChildrenFirst.org

Copyright 2011, Florida's Children First, Inc. This work may be reproduced and distributed for educational purposes with appropriate attribution. This is intended as general reference and not meant to provide legal opinions or advice, and is not a substitute for the advice of an attorney.
