



The Children's Law Center of Indiana

Frequently Asked Questions About Adoption in Indiana

Disclaimer:

The answers to the questions below are for informational purposes only! The CLCI does not provide direct legal representation for children or adults. These answers are not professional advice nor does transmission of this website information create an attorney-client relationship between the viewer and CLCI. Viewers should consult their own attorneys before taking or failing to take legal action based on content provided in this website.

Question: *Do I need an attorney to complete an adoption?*

Answer: Yes, because an attorney can assure that all of the correct procedures have been complied with so that the adoption cannot be set aside.

Question: *Where can my adoption petition be filed?*

Answer: The adoption petition may be filed in the county where you reside, the county of the child's residence, or the county where the agency which has custody of the child is located. The adoption petition must be filed in the court with probate jurisdiction.

Question: *Can an adoption be granted without the parents' consents?*

Answer: Yes, in some circumstances, if you present clear and convincing evidence, the court can order that the parents' consents are not needed. These circumstances include, but are not limited to the following:

- Parental rights have been legally terminated by the juvenile or probate court.
- The parents have abandoned the child for six months immediately preceding the date of the filing of petition for adoption.
- The parents have either failed to pay child support when able to do so or failed without justifiable cause to communicate significantly with the child for a period of at least one year when the child was in the custody of another person.
- In the case of an alleged father when the child was conceived out of wedlock as a result of rape for which the father was convicted, child molesting, sexual misconduct, or incest, the father's consent may not be needed.

Question: *Can a birth parent withdraw the parent's consent to adoption before the adoption is granted?*

Answer: Yes, if the court after notice and hearing, finds that consent was obtained through fraud, duress, or undue influence or the adoption is not in the child's best interest.

Question: *I am a birth parent who has received legal notice of an adoption petition. Will the court appoint an attorney for me if I request one?*

Answer: Indiana case law says that you have the right to court appointed counsel if you object to the adoption.

Question: *I am a man who was not married to my girlfriend with whom I had a sexual relationship. If my girlfriend decides to place a child she has conceived by me for adoption, how can I receive legal notice of the adoption?*

Answer: You must register in a timely manner with the putative father registry. The registration must occur no later than thirty (30) days after the child's birth or the date of the filing of the adoption petition, whichever occurs later.

Question: *Where can a putative father registry form be obtained?*

Answer: The form is available through the state or county department of public health or the clerk of the circuit court.

Question: *Does the court check on the criminal records of prospective adoptive parents?*

Answer: The adoption agency which prepares the adoption report must research the adoptive parents' criminal history and provide that information to the court. The court may deny the petition for adoption due to the adoptive parents' criminal history.

Question: *I am adopting a child who is a ward of the county office of family and children. Will the child be eligible for federal Adoption Assistance after the adoption has been completed?*

Answer: It depends. Not all wards are eligible. You may submit an application for federal Adoption Assistance. You may appeal the denial of Adoption Assistance to the state hearing officer. The application and appeal should be completed before the adoption is finalized

Question: *I am a birth parent who wishes to have enforceable postadoption contact with my child. Is this possible under Indiana law?*

Answer: Yes, depending on the circumstances. You must consent to adoption or voluntarily terminate the parent-child relationship to be eligible for postadoption visitation privileges. In addition, the child must be over two years of age, must have a significant emotional attachment to you, and the child's best interest must be served by the postadoption contact privileges. You must make an agreement with the adoptive parents regarding the specific postadoption visitation, the adoption agency and the child's court appointed special advocate or guardian ad litem must agree with the plan, and the child if he or she is at least twelve (12) years old must agree with the postadoption contact. If there is no adoption agency, the county office of family and children must be informed of the agreement and comment on the agreement in its report. The adoption court must approve the postadoption agreement at the time the adoption is granted

The court can void, modify, or compel compliance with the agreement, but the adoption is irrevocable, even if the adoptive parents do not abide by the agreement.
