



ADOPTION



Adoption Basics

Adoption is the judicial procedure by which a child born to one set of parents becomes the legal child of another parent or couple. The natural parent or parents who are giving up the child lose all of their parental rights and obligations related to the child, and the adoptive parent or parents assume all of those rights and obligations. The legal result is that the child ceases to be the legal obligation of the natural parents and becomes the responsibility of the adoptive parents. In most states, the only right that remains is the right of the child to inherit from the natural parent or parents.

Private versus Agency adoption:

A private adoption usually involves an adopting parent or parents and a child whose identity is previously known to them. The most common private adoptions are intra-family adoptions, where a stepparent adopts his or her spouse's children from a previous relationship or when grandparents adopt a grandchild whose parents have neglected or abandoned him/her.

Agency adoptions vary. They can be accomplished using state welfare offices, foster care programs, church organizations, commercial agencies, and placement services. To adopt through an agency, prospective adopting parents register with an agency, which then evaluates their suitability as parents and the best type of child for them. Once a child is found, the child will live with the adopting parents for a period of time under the agency's supervision to ensure that everything is working out. After this time passes, the adoption is finalized.

What if the natural parent or parents won't give consent?

Lack of consent is a serious obstacle. Courts will usually not terminate someone's parental rights without his/her consent, except under limited circumstances, such as abandonment or failure to pay support for more than one year. The burden is on the adoptive parents to show that the best interest of the children require terminating someone's parental rights.

How does adoption affect everyone's legal rights?

After the final adoption decree, the natural parents lose all their legal rights and obligations toward the child, including child-support obligations. While the natural parent or parents are not entitled to inherit from the child, most states protect the child's rights to inherit from the natural parent or parents. For all other legal purposes, the child is considered to be the child of the adoptive parents, just as if the child had been born to the adoptive parents.

If a natural parent consents to an adoption, can he withdraw his/her consent later?

Yes, most jurisdictions allow consent to be withdrawn up to a few days after it has been given. However, consent can never be withdrawn after the final adoption decree has been issued.

Adoption Costs:

The cost varies from state to state and increases with the difficulty of pursuing the adoption. The least expensive adoption is the one in which all parties consent to the adoption. In any event, keep receipts for all expenses. Under the Adoption Expense Reimbursement Program, military personnel may be reimbursed up to \$2000 of adoption expenses for all adoptions, except intra-family adoptions.

How do I request reimbursement?

Submit a Reimbursement Request for Adoption Expenses (DD Form 2675, August 1993). You can find the 3-page DD 2675 online at <http://www.dtic.mil/whs/directives/infomgt/forms/efoms/dd2675.pdf>. Your

servicing personnel office should know the types of expenses you are entitled to claim and assist you with the reimbursement application. Once the application is complete, mail it by certified mail, return receipt requested, to: Defense Finance and Accounting Service, Cleveland Center (Code FMA), 1240 East Ninth Street, Cleveland, OH 44199-2055. Be sure you include proof of what you paid (for example, receipts marked 'PAID,' canceled checks). Soldiers must submit claims for reimbursement no later than one year following the date on which the adoption is finalized. Complete a separate reimbursement request for each child whose adoption has been finalized.

What adoptions qualify for reimbursement?

You can receive reimbursement for adopting a child under 18, foreign adoptions, and adoptions of children with special needs when these adoptions are arranged by a qualified adoption agency. A qualified adoption agency is a state or local government agency that has responsibility under state or local law for child placement through adoption, or a nonprofit, voluntary adoption agency authorized under state or local law to place children for adoption. Intra-family adoption, such as adoption of stepchildren living in the home does not qualify for reimbursement.

Authorized reimbursement expenses are reasonable and necessary expenses which include:

- Public and private agency fees, including adoptive fees charged by an agency in a foreign country.
- Placement fees, including fees charged adoptive parents for counseling.
- Legal fees, including court costs, for services that are unavailable to a member of the military services under 10 U.S.C. § 1044 or § 1044a.
- Under certain circumstances, some medical expenses for the pre-adoptive child and biological mother.
- Temporary foster care charges when payment of such charges is required to be made before the adoptive child's placement.

Where to get more information:

- a. <http://www.adopting.com/>
 - b. http://www.childwelfare.gov/pubs/f_milita.cfm
 - c. <http://www.nlm.nih.gov/medlineplus/adoption.html>
 - d. <http://www.law.cornell.edu/uniform/vol9.html>
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Adoption in Korea

Who can adopt

To bring an adopted child to the US from ROK, you must be found eligible to adopt by the US Government. The US Government agency responsible for making this determination is the Department of Homeland Security, US Citizenship and Immigration Services (USCIS). In addition to these US requirements for adoptive parents, ROK also has the following requirements for adoptive parents:

- **Age requirements:** prospective adoptive parents must be between 25 and 44 years old. Korean authorities usually require both prospective inter-country adoptive parents be younger than 45 years old. The age difference between the couple can be no more than 15 years. Some consideration in waiving the age requirements are at least one parent is under 45 years old, the prospective adoptive parents have previously adopted a Korean child, and are willing to adopt an orphan with serious medical problems.
- **Marriage requirements:** married couples must have been married at least three years. Single individuals are not eligible to adopt a child from ROK.
- **Income requirements:** the prospective adoptive parents must have an income higher than the US national average and be sufficient to support the adoptive child.
- **Other requirements:** the prospective adoptive parents cannot have more than five children, including the child(ren) to be adopted.

Who can be adopted

In addition to ROK's specific requirements that a child must meet in order to be eligible for adoption, a child must meet the definition of an orphan under US law for you to bring him or her home back to the United States.

How to adopt

The process for adopting a child from ROK generally includes the following steps:

1. **Apply to be Found Eligible to Adopt:** to bring an adopted child from ROK to the US, you must apply to be found eligible to adopt (Form I-600A) by the US Government, Department of Homeland Security, US Citizenship and Immigration Services (USCIS). In addition to meeting the US requirements for adoptive parents, you need to meet the requirements of ROK as described in the Who Can Adopt section.
2. **Be Matched with a Child:** if you are eligible to adopt, and a child is available for inter-country adoption, the central adoption authority in ROK will provide you with a referral to a child. Each family must decide for itself whether or not it will be able to meet the needs of a particular child and provide a permanent family placement for the referred child.
3. **Adopt the Child (or Gain Legal Custody) in ROK:** the process for finalizing the adoption (or gaining legal custody) in ROK generally includes the following:
 - **Role of the Adoption Authority:** the Ministry of Health and Social Affairs authorizes the adoption agencies. They also establish the criteria for selecting adoptive parents. The criteria are administrative policy guidelines and not legal requirements. Local adoption agencies generally follow these guidelines.
 - **Role of the Court:** the ROK courts grant legal custody to the prospective adoptive parents. Note: The prospective adoptive parents must complete various procedures (i.e., home visits, complete reports) before permission to adopt is granted.
 - **Role of Adoption Agencies:** prospective adoptive parents are required to work with an adoption agency approved by the ROK Government. Approved agencies are listed in the Contact Information below. The adoption agency facilitates the pre-adoption counseling, submission of application for adoption, home study, child assignment, application for child's overseas adoption to the Korean Government, applications for child's passport and visa, and flies to the adoptive parents.
 - **Adoption Application:** the application for an inter-country adoption is filed with the Korean Government.
 - **Time Frame:** the time from when prospective adoptive parents apply for a child in ROK and when the child arrives in the US is approximately one to four years. Healthy infant adoptions take approximately three years and children with special needs can take approximately one year.
 - **Adoption Fees:** the cost for inter-country adoptions from ROK is between \$9,500 USD and \$10,000 USD. This includes child care fees (including payment for foster mother), medical expenses, legal processing fees, administrative fees, social worker payment and counseling fees, and post adoption service fee.
 - **Documents Required:** most documents required by the Korean Government will be prepared by the adoption agencies. Some of the documents required include: Home study report; Form I-864, Affidavit of Support; Copy of prospective adoptive parent(s) birth certificate(s); and Form I-797, Notice of Petition Approval.
4. **Apply for the Child to be Found Eligible for Adoption:** after you finalize the adoption (or gain legal custody) in ROK, the US Government, Department of Homeland Security, US Citizenship and Immigration Services (USCIS) MUST determine whether the child is eligible under US law to be adopted (Form I-600).
5. **Bring Your Child Home:** Now that your adoption is complete (or you have obtained legal custody of the child), there are a few more steps to take before you can head home. Specifically, you need to apply for several documents for your child before he or she can travel to the US:
 - **Birth Certificate:** You will first need to apply for a new birth certificate for your child, so that you can later apply for a passport. Your name will be added to the new birth certificate.
 - **ROK Passport:** Your child is not yet a US citizen, so he/she will need a travel document or Passport from ROK.
 - **U.S. Immigrant Visa:** After you obtain the new birth certificate and passport for your child, you also need to apply for an US visa from the United States Embassy for your child. After the adoption (or custody for purpose of adoption) is granted, visit the US Embassy for final review and approval of the child's I-600 petition and to obtain a visa for the child. This immigrant visa allows your child to travel home with you. As part of this process, the Consular Officer must be provided the "Panel Physician's" medical report on the child if it was not provided during the provisional approval stage. For adoptions finalized abroad, the Child Citizenship Act of 2000 allows your new child to acquire American citizenship automatically when he or she enters the US as lawful permanent residents.

CONTACT INFORMATION

U.S. Embassy in ROK

32 Sejong-Ro, Jongno-gu
Seoul, Korea
Tel: 011-82-2-397-4114
Fax: 011-82-2-738-8845
<http://seoul.usembassy.gov/>
Mailing Address:
U.S. Embassy, Unit 15550
APO AP 96205-5550

ROK Adoption Authority Population & Children's Policy

Anyang Construction Tower 3rd Fl.
1112-1 Dalan Dong, Tongan Gu, Anyang
Tel: +82-31-440-9654

Office of Children's Issues, U.S. Department of State

2201 C Street, NW
SA-29
Washington, DC 20520
Tel: 1-888-407-4747
E-mail: AskCI@state.gov
<http://adoption.state.gov>

U.S. Citizenship and Immigration Services (USCIS)

<http://www.uscis.gov/>

ADOPTION AGENCIES IN ROK

Eastern Social Welfare Society, Inc.

493, Changchun-Dong, Sudaemun-Ku, Seoul
Tel: 82-2-332-3941/5
Fax: 82-2-333-1588
<http://www.eastern.or.kr>

Holt International Children's Services

382-14, Hapjong-Dong, Mapo-Ku, Seoul
Tel: 82-2-332-7501~4, 322-8102~3
Fax: 82-2-335-6319 or 334-5440
<http://www.holt.or.kr>

Korea Social Service

533-3, Ssangmun-Dong, Dobong-Ku, Seoul
Tel: 82-2-908-9191~3
Fax: 82-2-908-3344
<http://www.kssinc.org>

Social Welfare Society, Inc.

718-35, Yuksam-Dong, Kangnam-Ku, Seoul
Central Post Office Box 24, Seoul, Korea
Tel: 82-2-552-1015~8, 552-6227
Fax: 82-2-552-1019.
<http://www.alovenest.com>

Yongsan Client Legal Services Division, Office of the Staff Judge Advocate, Eighth US Army
Bldg 4106, room 229 (ACS building). Please call 738-8111 for an appointment.
Office hours: M, Tu, W, F 0900-1700 and Th 1300-1600.