

However, since Open Adoption agreements are binding legal contracts, many biological parent(s) want assurance that if they consent to terminate their parental rights (TPR) as opposed to going to trial and the Court terminating parental rights over their objection, that they will be able to have the contact that is promised. (Representations not put in writing are not binding.) You are advised to consult an attorney to be sure any agreement carefully considers options and stipulations since the agreement is legally binding until the child/ren reach the age of eighteen.

Allegations that an Open Adoption agreement has been breached cannot overturn the termination of parental rights or the adoption. However, a biological parent could bring an action in Superior Court alleging that an Open Adoption agreement was breached so you should fully understand the agreed terms.

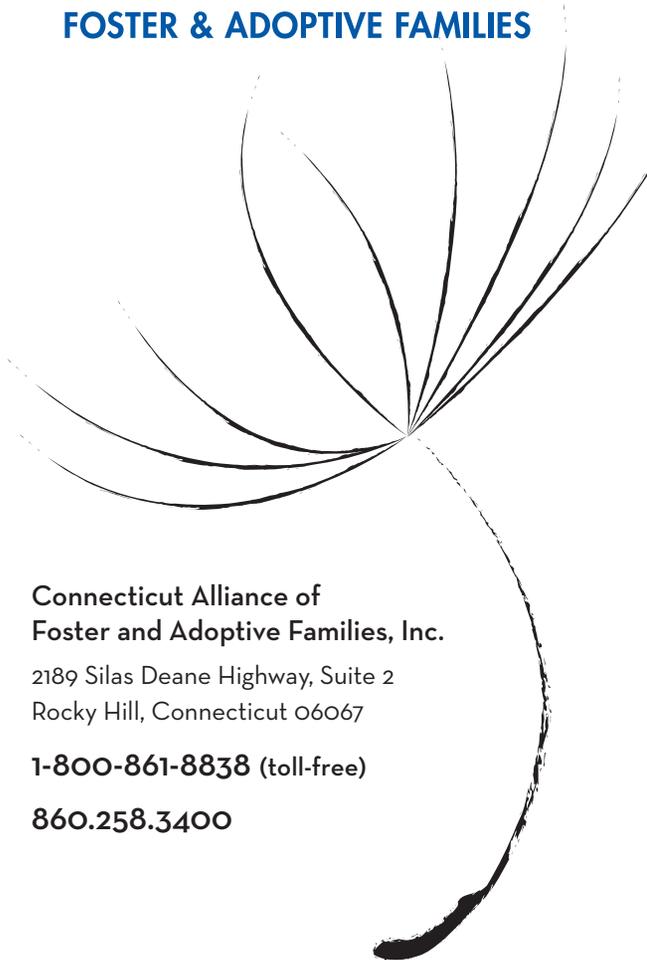
No party can be coerced into making an agreement that they do not want. If the Department of Children and Families or the biological parent(s) ask you to consider an Open Adoption agreement, it may avoid the TPR trial and shorten the time to adoption. There should not be any pressure on you, however, to pursue this if you are uncomfortable with the idea.

If the Department of Children and Families or the biological parent/parents ask you to consider an Open Adoption agreement, contact CAFAF for an attorney referral.



CAFAF

CONNECTICUT ALLIANCE OF
FOSTER & ADOPTIVE FAMILIES



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OPEN ADOPTION AGREEMENT

Legal Representation on Open Adoption for Foster Parents



CAFAF

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Legal Representation on Open Adoption for Foster Parents

Connecticut Alliance of Foster and Adoptive Families (CAFAF) provides attorneys to represent foster/pre-adoptive parents who are considering entering into an Open Adoption agreement with biological parents of children in the custody of Department of Children and Families (DCF). There is no cost to foster/pre-adoptive parents for this service. If you are contemplating a possible open adoption for your foster child, we encourage you to take advantage of this free service.

WHAT IS OPEN ADOPTION?

Connecticut law recognizes private contracts between the biological parent and adoptive parent that allow the biological parent to have some form of ongoing contact with the child, either directly or through the adoptive parent, after adoption. This type of agreement for after-adoption contact is known as an “open adoption” agreement as opposed to a “closed adoption” which does not provide or allow for any after-adoption contact with the child by the biological parent.

Connecticut law provides for a formal process for open adoption and allows the court to oversee some of these agreements. The specific terms of the agreement are negotiated by the biological and preadoptive parents with the help of attorneys. The terms of the agreement usually permit the biological parent to have some communication or information about the child after adoption is finalized and some agreements may include contact visitations with the child.

WHY IS LEGAL REPRESENTATION IMPORTANT FOR FOSTER PARENTS WHO ARE ADOPTING?

An Open Adoption agreement is a legal contract

specifying legal obligations. As a foster parent intending to adopt a child, you will need to decide what is best for you as well as the child. Through CAFAF’s program, foster parents who are interested in exploring the possibility of open adoption are referred to legal counsel to review the risks and benefits of entering into the proposed agreement.

CAFAF’s attorney will explain how Open Adoption agreements work, the legal procedures involved and will also help you determine what level of contact, if any, should occur after the adoption. You can then make an informed decision regarding an Open Adoption agreement.

If you choose to enter into an agreement, the attorney will represent you in negotiating and drafting the agreement. The attorney will help you understand the range of options that might be part of the agreement. For example, an agreement might be limited to communication by letter or cards on holidays, or it could be broader to allow for visits between the child, biological parents, and/or biological relatives.

HOW CAN I GET AN ATTORNEY IF I CANNOT AFFORD LEGAL FEES?

There is no charge for this service if you use an attorney assigned to you by the Connecticut Alliance of Foster and Adoptive Families. Call the Alliance at 860-258-3400 in the Hartford area or 1-800-861-8838 statewide to obtain information on how to be referred to an approved attorney.

DOES THIS ATTORNEY REPRESENT ME/US IN THE TERMINATION OF PARENTAL RIGHTS PROCESS?

No. CAFAF referred attorneys are contracted to consider only the Open Adoption agreement. If however a mediation is requested at court concerning an Open Adoption agreement to assist in settling a TPR case, the CAFAF referred attorney can attend that mediation meeting at the court to represent



you if you agree to participate in mediation.

If the foster/pre-adoptive family wants the attorney to represent them beyond this agreement, the attorney and family would have to come to an agreement on the fees to be paid the attorney.

DOES THE ATTORNEY REPRESENT ME/US IN THE ADOPTION PROCEEDING?

No. Connecticut law does not require an attorney to represent the adopting parents. The Department of Children and Families prepares the paperwork for the adoption, which will be scheduled in the Superior Court for Juvenile Matters or Probate Court.

AM I REQUIRED TO DO AN OPEN ADOPTION AGREEMENT?

No. Once you adopt the child, you have the right to allow contact with the biological parent(s) even if you do not have a postadoption contact agreement. If you have developed a relationship with the biological parent(s) over the course of caring for the child, the biological parent(s) may themselves understand that you will do what is in their child’s best interest and not feel the need to execute a written agreement.

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