



## **STATEMENT OF LEGAL RIGHTS, OBLIGATIONS, AND RESPONSIBILITIES OF BIOLOGICAL PARENTS**

### **Introduction**

Oregon law requires that biological parents be informed of their legal rights, obligations and responsibilities regarding adoption. OAR 413-220-0050. Oregon law also requires that birth parents who consent to adoption be informed of their right to receive adoption-related counseling. ORS 109.346. Choice Adoptions, is providing you with this statement because you are, or may be, the biological parent of a child, born or unborn, and you or the child's other parent are considering relinquishing the child to Choice Adoptions for the purpose of adoption. Choice Adoptions can't give you legal advice about which of the following alternatives is best for you, or how to go about accomplishing any of the following alternatives. If you need legal advice or representation, you should consult independent legal counsel.

### **RIGHTS, OBLIGATIONS, AND RESPONSIBILITIES OF BIOLOGICAL PARENTS**

*(As used in the following paragraphs, the term "legal parents" means the biological parents of a child unless and until a court or government agency determines otherwise. For instance, once an adoption is granted, the legal parents of a child become the adoptive parents and not the biological parents. Similarly, if a court terminates the parental rights of a biological parent, that parent is no longer considered the "legal parent." The following paragraphs apply to the biological father of a child only to the extent that paternity has been established. If paternity has not been established, the section regarding the "Putative Father," below, applies.)*

#### **1. Child support**

The legal parents of a child are legally responsible for the support and maintenance of the child.

Both legal parents are equally responsible, unless a court or government agency has determined otherwise.

Financial assistance for the care of the child may be available. Choice Adoptions can provide you with additional information regarding such assistance.

#### **2. Child custody**

The legal parents of a child are entitled to custody and control of the child.

Both legal parents are equally entitled to custody and control, unless a court or government agency has determined otherwise.

You should consult independent legal counsel if:

You believe you are entitled to sole custody of the child.

You believe the parental rights of the child's other parent should be terminated.

You believe you are wrongly being denied custody of the child.

### **3. Adoption**

You may relinquish your child for adoption either through Choice Adoptions, through another agency, or through an independent adoption. The following provisions apply to adoptions through Choice Adoptions and may or may not apply to other types of adoption. If you seek an independent adoption, you should consult independent legal counsel.

Generally, a child cannot be adopted unless both its legal parents consent to the adoption or relinquish the child to an agency for the purpose of adoption.

You are not required to consent to any adoption or relinquish your child for purpose of adoption. No one can be forced to choose adoption.

You should not let yourself feel pressured or coerced into consenting to adoption or relinquishing your child for the purpose of adoption. Although adoption is often a good decision there are many alternatives to adoption that may be available to you. Make sure you understand all the alternatives before you sign any consent to adoption or relinquishment of your child.

Your consent to adoption is not required in certain circumstances (such as your imprisonment, mental illness, willful desertion or neglect of the child, or if custody of the child has already legally been taken from you). If an adoption is sought without your consent you are entitled to receive notice of the petition for adoption and a hearing on the issue of whether or not your parental rights should be terminated without your consent.

If you agree to adoption through Choice Adoptions, Choice Adoptions will ask you to sign several documents including a document entitled "Surrender, Release, and Consent to Adoption," and one entitled "Certificate of Irrevocability." You should not sign those documents if you do not want your child to be adopted. Signing those documents will have the following effects:

You are agreeing to let your child be adopted.

Choice Adoptions may immediately place the child with potential adoptive parents.

Once the child is placed in the physical custody of potential adoptive parents you will not be allowed to change your mind about the adoption.

You give up the right to appear in any adoption proceeding regarding the child.

You may regain custody of the child only if the prospective adoptive parents agree to withdraw their petition for adoption, or the court denies the adoption petition.

You may have some input regarding the persons who adopt your child. You should discuss this with Choice Adoptions.

Whether or not your identity will ever be disclosed to the adoptive parents or to your child is up to you. There are several different options for "open" or "closed" adoptions, which you should discuss with Choice Adoptions and/or with your attorney.

Once the child is legally adopted you will have no further rights or obligations with regard to that child. That means you will have no obligation to support or maintain the child and you will have no right to see, visit or obtain custody of the child, other than those specified in any open adoption agreement you've entered with the adoptive parents.

**4. Alternatives to adoption**

If you are not sure you want to place your child for adoption Choice Adoptions can refer you to other resources for help with family, health, money and other problems.

\_\_\_ You may have options with regard to the child other than adoption, including keeping and caring for the child or placing the child with relatives or a foster family. At your request Choice Adoptions can discuss these options with you or refer you to other sources of information.

**5. Right to an attorney**

You have the right to consult with independent legal counsel for advice and further clarification regarding any matter discussed in this statement.

You may consult with independent legal counsel before signing any document regarding your adoption or your parental rights, including any "Surrender, Release, and Consent to Adoption," or "Certificate of Irrevocability."

You should seek the assistance of independent legal counsel in any of the following circumstances:

independent adoption

any issue regarding child custody or child support

any attempt to adopt your child or to terminate your parental rights without your consent

any attempt to establish or resist legal paternity of a child

Choice Adoptions cannot provide you with legal advice or with an attorney. However, under certain circumstances you may be entitled to a court-appointed attorney to represent you in court proceedings. You should consult the court in which the court proceeding has been filed to determine whether or not you are eligible for a court-appointed attorney.

**6. Right to counseling**

Under Oregon law a birth parent consenting to an adoption is entitled to receive three adoption-related counseling sessions prior to surrender or relinquishment of a child for adoption and three sessions of

adoption-related counseling after surrender or relinquishment of a child for adoption. All uninsured costs of this adoption-related counseling must be paid by the prospective adoptive parents. In order to qualify, the counseling must take place within one year of the date of the surrender or relinquishment of the child for adoption. If you would like to receive this free counseling, you should contact Choice Adoptions or your attorney for details.

### **RIGHTS, OBLIGATIONS, AND RESPONSIBILITIES OF PUTATIVE FATHERS**

*(The following applies to men who believe they are or may be the biological father of a child, but for whom paternity has not been established. Once paternity is established, the paragraphs of the preceding section apply.)*

If you were married to the child's mother, and were not legally separated, when the child was conceived or when the child was born, you are legally presumed to be the child's biological father. Under such circumstances your rights and obligations with regard to the child are the same as any legal parent as discussed above, unless and until it is established that you are not the biological father of the child.

In all other situations you have no legal rights or obligations with regard to the child until your legal paternity of the child is established.

If your legal paternity to the child has not been established the child may be adopted without your consent. However, in some situations Choice Adoptions may ask for your consent anyway. By giving such consent you are agreeing to an adoption whether or not you are found to be the biological parent of the child.

In some circumstances you may be entitled to notice of any adoption proceeding, and you may be allowed to object to a proposed adoption even though your legal paternity has not been established. However, if the child is placed in the physical custody of another for purposes of adoption before you establish your legal paternity to the child, or before you take certain procedural steps to establish your paternity, you will not be allowed to contest any adoption proceeding.

The legal procedure for establishing paternity is complicated and Choice Adoptions cannot give you legal advice or specific information in that regard. You should consult independent legal counsel in any of the following circumstances:

You have questions about or wish to establish your legal paternity of a child.

You wish to resist the attempts of someone else to establish your legal paternity of a child.

You wish to be notified of any proposed adoption of a child.

You have been notified of a proposed adoption of a child, and you want to object to the proposed adoption.

The provisions of paragraph 5, above, regarding the right to an attorney apply equally to you.

The provisions of paragraph 6, above, regarding the right to free adoption counseling may apply to you. You should consult Choice Adoptions or your attorney for details.

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*This statement is provided for the purpose of complying with OAR 413-220-0050 and ORS 109.346. It is intended to provide only a summary of the legal rights, obligations, and responsibilities of a legal parent or putative father, and applies when an adoption is to be finalized in Oregon. Your legal rights and obligations may be different if an adoption will be finalized in a state other than Oregon. For more detailed information, for assistance with any particular procedure, for specific legal advice, and for adoptions to be finalized outside of Oregon, independent legal counsel should be consulted.*

***I have read the Statement of Legal Rights, Obligations, and Responsibilities of Biological Parents and fully understand its contents. Any questions have been satisfactorily answered by a Choice Adoptions representative.***

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***Birth Mother's Signature***

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***Birth Father's Signature***

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***Birth Mother (Print)***

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***Birth Father (Print)***

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***Date***

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***Date***