Navigating an Adoption When the Birth Parent Lives in Another State

What happens when the adoptive family and birth parent live in different states

When an adoptive family and the birth parent live in different states, the legal process becomes more complex. The Interstate Compact on the Placement of Children (ICPC) governs the process and requires approval from both states before the child can cross state lines for placement. This article explains the steps, the role of each state, and what families should expect.

The basic rule: ICPC approval comes first

The Interstate Compact on the Placement of Children is a uniform law adopted by all 50 states, the District of Columbia, and the U.S. Virgin Islands. Its purpose is to ensure that a child placed across state lines receives the same protections and services as a child placed within a single state. The birth parent's state (the sending state) and the adoptive family's state (the receiving state) must both approve the placement before the child can travel.

Approval involves a review of the home study, the adoptive family's suitability, and the plan for the child's care. The receiving state also verifies that it has the resources to supervise the placement if needed. The process typically takes several weeks, sometimes longer, depending on the caseload of the agencies involved and the responsiveness of the states.

The two phases: legal risk placement and finalization

In many adoptions, the child is placed with the adoptive family before the birth parent's parental rights are terminated. This is called a legal risk placement. The adoptive family assumes the risk that the birth parent may change their mind or that the adoption may not be finalized for other reasons. During this phase, the child lives with the adoptive family under the supervision of the adoption agency or a child-placing agency.

Once the birth parent's rights are voluntarily or involuntarily terminated, the adoption can proceed to finalization. The finalization hearing takes place in the adoptive family's state, which has jurisdiction over the child after placement. The birth parent's state retains jurisdiction over the termination of parental rights and any related legal proceedings until the ICPC is completed.



Which state's laws apply?

The birth parent's state law typically governs the consent and relinquishment process. That state determines the waiting period after birth, the form of consent required, and whether the birth parent can revoke consent. The adoptive family's state law governs the adoption finalization, including the home study requirements and the post-placement supervision period.

This means an adoptive family in Jacksonville, Florida must comply with Florida adoption law for the finalization but also follow the consent laws of the birth parent's state. For example, if the birth parent lives in Georgia, Georgia's law on the timing and revocation of consent applies. A Jacksonville adoption attorney with experience in interstate placements can help navigate these differences.

Practical steps for the adoptive family

Here are the key steps for an adoptive family when the birth parent lives in another state:

- Complete a home study with a licensed agency in the adoptive family's state. The study must meet the receiving state's standards and be shared with the sending state.
- Work with an adoption agency that is licensed in both states or has a cooperative agreement with an agency in the birth parent's state.
- Prepare for the ICPC process: the birth parent's state must send the ICPC packet to the receiving state, which then reviews and approves it.
- Plan for travel: the adoptive family may need to travel to the birth parent's state to be present at the birth or to finalize the consent. Some states require the adoptive family

to remain in the state until the ICPC is approved.

- Arrange for temporary placement: if the child is placed before ICPC approval, the adoptive family must ensure the child's care and safety. The receiving state may require a post-placement report before finalization.

Travel approval and temporary placement

Travel approval is the official permission for the child to cross state lines. The birth parent's state issues it after the ICPC is approved. Until then, the child cannot leave the birth parent's state. Some states allow the adoptive family to take the child home temporarily while the ICPC is pending, but this is not common. Most adoptive families plan to stay in the birth parent's state for several days or weeks until the approval arrives.

Temporary placement refers to the period between the child's birth and the finalization of the adoption. During this time, the adoptive family has physical custody but not legal custody. The birth parent retains legal rights until they are terminated. The adoptive family must follow any court orders regarding the child's care, including medical decisions and travel restrictions.

Court jurisdiction and finalization

Jurisdiction over the adoption finalization belongs to the adoptive family's state. That state's court has the authority to issue the final adoption decree. However, the birth parent's state retains jurisdiction over the consent and any challenges to the adoption. If a dispute arises about the consent, the birth parent's state court handles it. This can complicate matters if the adoptive family has already taken the child home.



An experienced Jacksonville adoption attorney can coordinate with attorneys in the birth parent's state to ensure that all legal requirements are met and that the adoption proceeds smoothly. They can also advise on the best timing for the placement and the finalization hearing.

For families working with a Jacksonville adoption attorney, the process often involves clear communication with the birth parent's attorney and the adoption agencies in both states. The attorney's role includes reviewing the ICPC paperwork, advising on the legal risk, and preparing the adoptive family for the finalization hearing. The website jacksonvilleadoptionattorney.com provides resources for families considering an interstate adoption.

Common challenges and how to handle them

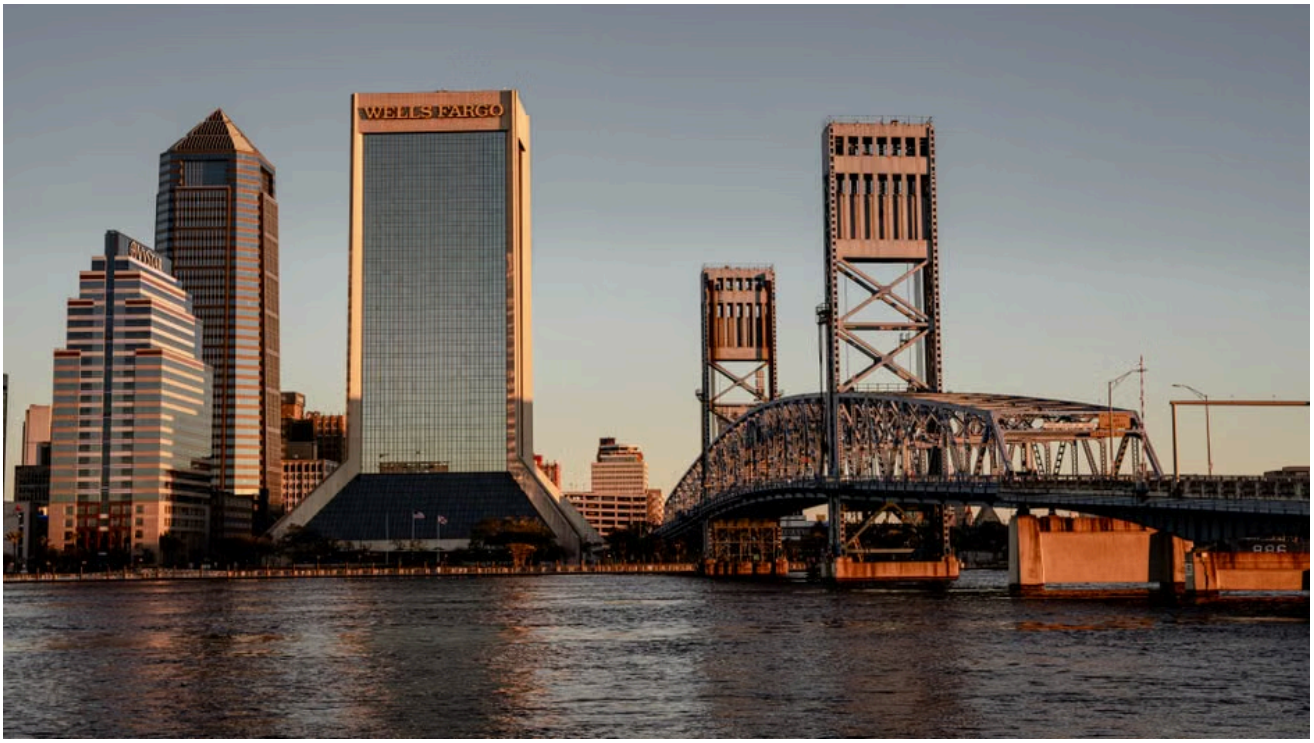
Interstate adoptions come with several challenges. Delays in ICPC approval are common, especially during holidays or when one state has a backlog. The adoptive family may have to extend their stay in the birth parent's state, which can be stressful and costly. Another challenge is the difference in consent laws: some states allow the birth parent to revoke consent for a certain period after signing, while others do not. The adoptive family must be prepared for the possibility that the birth parent may change their mind.

Communication between states can also be a hurdle. Each state has its own ICPC office, and the staff may have different procedures. The adoption agency acts as the coordinator, but delays can still occur. The adoptive family should ask their agency for a timeline and check in regularly.

Finally, the home study requirements can vary. Some states require a home study from a licensed agency in the receiving state, while others accept a study from a national agency. The adoptive family should confirm the requirements early in the process.

Why work with an attorney?

Interstate adoptions require knowledge of two sets of laws and procedures. An attorney who focuses on adoption law can help the family avoid common mistakes, such as moving the child before ICPC approval or signing documents that do not comply with the birth parent's state law. They can also represent the adoptive family in court and handle any legal disputes that arise.



For families in Jacksonville, Florida, the website jacksonvilleadoptionattorney.com offers guidance on the adoption process from matching through finalization. Consulting with an attorney early in the process can save time and reduce stress.

Final thoughts

Adopting a child when the birth parent lives in another state adds layers of complexity, but it is a manageable process with the right preparation. Understanding the role of the Interstate Compact, the differences in state laws, and the steps for travel and finalization helps families feel more confident. A knowledgeable attorney can provide the legal support needed to navigate the journey. With patience and careful planning, families can successfully complete an interstate adoption and welcome a child into their home.