

	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL			
	Chapter:	(11) Adoptions	Effective Date:	September 2018
	Policy Title:	Post Adoption Contact Agreement		
Policy Number:	11.15	Previous Policy #:	N/A	

CODES/REFERENCES

O.C.G.A. § 19-8-27 Postadoption Contact Agreements; Definitions; Procedure; Jurisdiction; Warnings; Enforcement, Termination, or Modification; Expenses of Litigation

REQUIREMENTS

The Division of Family and Children Services (DFCS) shall:

1. Inform all parties involved in an adoption of the option of entering into a Post Adoption Contact Agreement to permit continued contact between the birth relative(s) and the child, this shall include but is not limited to the:
 - a. Birth parent(s)
 - b. Birth relatives

NOTE: Birth relative is defined as the biological father who is not the legal father, grandparent, brother, sister, half-brother or half-sister, related by blood or marriage to the child being adopted or who has been adopted. Also, a grandparent, brother, sister, half-brother or half-sister, related by adoption to a child who is being adopted or who has been adopted.
 - c. Pre-adoptive parent(s)
 - d. Child, who is at least 14 years of age
2. Discuss the Post Adoption Contact Agreement with the parties involved to include the following:
 - a. The agreement is voluntary.
 - b. The child must also consent to the agreement if the involved child is 14 years of age or older.
 - c. The agreement must be in writing and signed by all parties (including the child if 14 years of age or older) for it to be enforceable.
 - d. The Post Adoption Contact Agreement can be enforced, modified and/or terminated by the court that granted the petition for adoption.
 - e. The original agreement must be filed with the court that has or had jurisdiction of the matter If any of the parties want to enforce the Post Adoption Contact Agreement.
 - f. The court will only enforce the Post Adoption Contact Agreement when it is in the best interest of the child.
 - g. Lack of adherence to the agreement, on the part of any party, does not vacate the adoption.
 - h. Their attorney should be consulted for additional direction if a Post Adoption Contact Agreement is desired.

PROCEDURES

The Social Services Case Manager will:

1. Inform the following parties of the option of entering into a Post Adoption Contact agreement with the birth parents/relatives, pre-adoptive or adoptive parent(s), and the child (if age appropriate):
 - a. The birth parent(s) and/or birth relatives when executing a voluntary surrender of parental rights to DFCS or during the adoption preparation phase following termination of parental rights (TPR):
 - i. Answer any questions the birth family may have regarding the agreement;
 - ii. Discuss the benefits and challenges of entering into such agreement; and
 - iii. Gather a response whether the birth family would like to consider this option.
 - b. The child (if age appropriate) during the adoption preparation phase and gather a response whether the child would like to consider this option.
 - c. The pre-adoptive parent(s) during the Pre-Placement Staffing (see policy [11.8 Adoption: Adoption Pre-Placement Staffing & Visitation](#)):
 - i. Discuss the benefits and challenges of entering into such agreement; and
 - ii. Inform the pre-adoptive parent(s) of the birth parent(s), or birth relative(s), and the child's wishes regarding entering into a Post Adoption Contact Agreement.
 - iii. Gather a response whether the pre-adoptive parents would like to consider this option.
2. Included the following when discussing the Post Adoption Contact Agreement with the pre-adoptive parent(s), adoptive parent(s), birth parent(s), birth relative(s), and child (if age appropriate):
 - a. The agreement is voluntary.
 - b. The child must also consent to the agreement if the involved child is 14 years of age or older.
 - c. The agreement must be in writing and signed by all parties (including the child if 14 years of age or older) for it to be enforceable.
 - d. The Post Adoption Contact Agreement can be enforced, modified and/or terminated by the court that granted the petition for adoption.
 - e. The original agreement must be filed with the court that has or had jurisdiction of the matter. If any of the parties want to enforce the Post Adoption Contact Agreement.
 - f. The court will only enforce the Post Adoption Contact Agreement when it is in the best interest of the child.
 - g. Lack of adherence to the agreement, on the part of any party, does not vacate the adoption.
 - h. Contact their attorney for additional direction if a Post Adoption Contact Agreement is desired.
3. The in Georgia SHINES each discussion with the pre-adoptive parent(s), adoptive parent(s), birth parent(s), birth relative(s), and child (if age appropriate) about the post adoption contact agreement.

PRACTICE GUIDANCE

A post adoption contact agreement is a voluntary written agreement between the pre-adoptive or adoptive parent(s) and birth relative(s) to permit continuing contact between the birth relative(s) and the child. If the adopted or to-be-adopted child is 14 years of age or older, the

child is required to be a party to the post adoption contact agreement. The agreement can include, but is not limited to, provisions about birth relative(s) visitation with the child, sharing of information about the child or sharing of information about the birth relative(s). The post adoption agreement is not exclusive to the birth parent(s) but can include other biological relatives. A biological father, who is/was not also a legal father, and his relative(s), can also enter into a post adoption contact agreement. The post adoption contact agreement can be enforced, modified and/or terminated by the court that granted the petition for adoption. DFCS doesn't have the authority to enforce a post adoption contact agreement. If the birth relative(s) and/or the pre-adoptive or adoptive parent(s) desire to enter into a post adoption contact agreement, it is their responsibility to contact their attorney for further guidance.

During adoption pre-placement staffing, the SSCM and the pre-adoptive parent(s) should thoroughly go over the benefits and challenges of entering into such an agreement (see policy [11.8 Adoption: Adoption Pre-Placement Staffing & Visitation](#)). The SSCM should provide any answers that the pre-adoptive family may have about the birth family, ensuring only to disclose information permitted by HIPAA. The pre-adoptive parent(s) should be provided the opportunity to discuss this matter separately from DFCS and provide a decision to DFCS prior to the finalization of the adoption. While preparing the birth family for adoption, the SSCM should discuss the post adoption contact agreement with the birth parent(s). The SSCM should support the birth family in making their decision by answering any questions and creating a benefit and challenge list. The birth parent(s) and relatives should make the decision separate from the SSCM; however, they should inform the SSCM of their decision.

Occasionally, when adoption is not voluntary on behalf of the birth parent(s), the birth relative(s) may direct their feelings of anger toward the adoptive parent(s). Not only are these feelings misplaced, it could diminish the possibility of entering into a post adoption contact agreement with the adoptive parent(s) or have an adverse impact on the parameters of the agreement. Besides the obvious benefits to the child, this is just one more reason birth relative(s) and adoptive parent(s) should develop a partnership. The SSCM should support and encourage this supportive relationship by setting up positive interactions between both parties whenever possible.

While children are in foster care, the SSCM is also responsible for fostering the bond between siblings through visitation, discussion and other means. However, often times, after the adoption is finalized, the adoptive parent(s) doesn't sustain the same level of commitment for various reasons. The post adoption contact agreement can be a very powerful tool in maintaining sibling connections, as it can be developed to support contact between siblings' post adoption.

FORMS AND TOOLS

N/A