



## Adoption in Alabama



**Please review these answers to frequently asked questions by our clients. If you can't find the information you need in this fact sheet, legal requirements for Alabama Adoption can be found in the 2009 Alabama Code, Title 26, Chapter 10A, just click [HERE](#) for a list of the relevant Adoption laws in the Alabama Code.**

### **Who Can Adopt?**

Any adult 19 years of age or older can adopt a child or disabled adult in Alabama. If married, the marriage must have lasted for at least three years and one of the prospective parents must be an American citizen. Adequate housing and space must be provided for the child adopted. Children 14 and older must consent to their adoption.

### **When can a Step Parent Adopt a Step Child?**

Alabama has a residency requirement for stepchild adoption. To adopt a stepchild, the child must reside with you for at least one year prior to the adoption. The court can waive this requirement with good reason.

A stepparent may apply or petition to adopt a stepchild only after the rights of the biological parent are terminated and only with agreement of the custodial parent. If one of the parents refuses to consent to the adoption it can still proceed if one of the following happens: the natural parent abandons the adoptee, the natural parent leaves the adoptee without provision for his or her identification for 30 days, the natural parent leaves the adoptee with others without provision for support and without communication, or not otherwise maintaining a significant parental relationship with the adoptee for a period of six months, and if they have received notification of adoption proceedings and fail to answer or otherwise respond to the petition within 30 days.

A home study is generally not required for a stepparent adoption.

### **What Agencies can Assist with Adoption?**

There are several avenues to adoption in Alabama. You may use an adoption facilitator, adoption law firm or center, or an adoption agency. It is important to do extensive research prior to selecting who will help increase your family as not all of these choices are licensed nor do they all have your best interests at heart.

## **Is a Home Study Required?**

A home study is required for all prospective adoptive and foster parents in Alabama. This assessment process helps determine whether a proposed placement is in the best interests of the child to be adopted.

A home study is generally not required for a stepparent adoption.

## **What Does a Home Study Entail?**

It includes a criminal background check for the adoptive parents as well as an investigation into the following: the suitability of each prospective adoptive parent and their home, any orders, judgements or decrees affecting the child or any of the adoptive parents' children, and other circumstances that may be relevant to the placement of the child.

The home study process consists of at least one home visit, individual interviews with the adoptive parent(s), information on the adoptive couple or person's reasons for adopting, interviews with at least two references, and completion of adoption training.

After a child has been placed in the home, a post-placement investigation must be conducted within 45 days after of the placement. During the post-placement study, an investigator must observe the child and interview the adoptive parent in their home to verify all allegations of the adoption petition.

## **Can the Birth Mother Change her Mind?**

Consent to put a child up for adoption may be withdrawn within five days after birth or within five days of signing, whichever comes last. A consent or relinquishment must be in writing, signed by the person consenting, and state that the parent is voluntarily giving their consent. If the mother's consent is taken prior to the child's birth, it must be signed or confirmed before a judge, who will explain to the consenting parent the legal effect of signing the document and the procedures for withdrawing consent. All other pre-birth or post-birth consents must be signed before a notary public, a judge or clerk with jurisdiction over adoption proceedings, a public officer appointed by the judge to take consents, or a person appointed to take consents by an agency that is authorized to conduct home studies.

## **What Expenses can be Covered during an Adoption?**

In Alabama, it is illegal for any person or organization to advertise in any way that they will adopt a child, assist in the placement of a child or offer anything of value to birth parents. Adoptive parents are permitted to pay maternity-connected hospital, medical and necessary living expenses during the mother's pregnancy-related incapacity.

Adoptive families may also pay for medical, legal and other professional services. Prior to payment, the adoptive parents must file with the court a full accounting of all expenses paid in connection with the adoption. Payment may only be made with court approval or placed in an escrow account.

### **Who can get Access to Adoption Records?**

A person adopted in Alabama can contact the Alabama Department of Public Health at for information on accessing their records. An adult adoptee or other person whose original birth certificate was placed in a sealed file can obtain a non-certified copy of that record and any other documents in the sealed file.

The birth parent may state his or her wishes regarding being contacted and may provide medical history information to be included in the sealed file.

### **What are the requirements to finalize an international adoption in Alabama?**

Adoptive parents may request a certificate of foreign birth for a child who was born in a foreign country, not a citizen of the United States and adopted through an Alabama court. The certificate will be established upon receipt of an adoption decree, proof the child's birthplace and date, and a request from the court, the adopting parents or the adopted person, if he or she is age 18 or older. After registration, the adoption report will be sealed and filed. Any person age 19 or older who has a certificate of foreign birth from Alabama may file a written request to receive a copy of any information about the adoption.

Do you have other questions not answered by this fact sheet or Title 26, Chapter 10A of the Alabama Code? Please contact your nearest Legal Assistance Office for further help.



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