

## Surrogacy and Adoption

We have completed adoptions on behalf of our clients in Maryland – in Montgomery County, Prince Georges County, Howard County, Baltimore City and Baltimore County, in Washington D.C., and in Virginia – in Arlington, Alexandria, and Fairfax Counties.

We provide full service support to clients growing their families through adoption and/or surrogacy. Our team understands that the legalities, search processes and the costs of adoption and surrogacy can be somewhat confusing and use our experience to guide clients through the process.

We represent clients with **Adoption** matters including:

- **Parental (private or directed) Placements:** A birth mother chooses the adoptive parents and places the child directly with them.
- **Agency (public and private) Placements and Finalizations:** An agency works to place the child with the adoptive parents. Finalization is the last legal step in the adoption process — only after finalization do the adoptive parents have legal rights and responsibilities for the child.
- **Domestication and Re-adoption of International Adoptions:** The finalization or domestication of a foreign adoption or guardianship.
- **International Adoptions:** An individual or a couple become the legal and permanent parents of a child that is a national of a foreign country.
- **Step-parent, Adult, Foster Parent & Relative Adoptions:** A step-parent, adult, foster parent or relative adopts a child, and, either the non-custodial parent of the child willingly gives up his or her parental rights to the child, or the court terminates the parental rights of a biological parent if there is evidence of abuse or neglect to the child.
- **Second Parent Adoptions:** A legal procedure that allows a same-sex parent, regardless of whether they have a legally recognized relationship to the other parent, to adopt her or his partner's biological or adoptive child while maintaining the first parent's legal status as a parent.
- **Contested Matters:** These typically occur in instances of infant adoption, when one biological parent, typically the birth mother, intends to place an infant for adoption, while the other biological parent, typically the birth father, objects.

We also provide counsel on **Surrogacy** issues including:

- **Surrogacy and Gestational Carrier Agreements:** An embryo is created via in vitro fertilization (IVF), using the eggs and sperm of the intended parents or donors, and is then transferred to the surrogate. This form of surrogacy is sometimes also called “host surrogacy” or “full surrogacy.”
- **Egg, Sperm & Embryo Donor Agreements:** Agreement between parties to a process involving someone other than the individual or couple that plans to raise the child (intended parent[s]) in the process of

reproduction.

- **Pre-birth and Parentage Orders:** A legal document that assigns parentage to the intended parents and removes any rights or obligations from the surrogate.
- **Birth Certificate Amendments:** Refers to the new birth certificate issued for an adopted child after an adoption becomes final, showing the new name of the adopted child and the adoptive parents as the parents of the child, as though they are its biological parents.
- **Domestication of Foreign Orders:** Causing an out-of-state order/judgment to become an order/judgment in another jurisdiction.

## LGBTQ Issues

- **Known Donor Agreements:** A woman wishes to become pregnant through a known donor, such as a friend or an acquaintance, and she and the prospective donor sign a donor agreement before she begins the process of donor insemination in order to define the role and responsibilities, if any, the man will have with the child.
- **General Consultations**

To consult with a Shulman Rogers attorney about issues related to Adoption & Surrogacy, please [contact us](#).

## Maryland

In Maryland, any adult may adopt, but married couples must adopt jointly, unless one spouse is legally separated from the adopting spouse, is deemed incompetent, or is the child's parent and approves of the adoption.

The state also allows [same-sex couples](#) to petition for adoption.

Adoptive parents are legally allowed to advertise for birth parents in Maryland but cannot use an adoption facilitator or paid intermediary. Out-of-state residents can finalize an adoption in Maryland.

Where there is a surrogate involved, reasonable and customary medical and legal expenses may be paid to the surrogate, as well as costs for adoption related counseling. A prospective adoptive parent may also reimburse the surrogate's expenses for:

- transportation for medical care associated with the pregnancy or birth of the child;
- food, clothing, and shelter for a birth mother, if, on written advice of a physician, the birth mother is unable to work or otherwise support herself because of medical reasons associated with the pregnancy or birth of the child;
- any required court appearance relating to the adoption, including associated costs for transportation, food, and lodging expenses.

Consent to adoption can be granted any time after birth, although it is common practice to wait at least 24 hours.

Consent is irrevocable 30 days after signing, but if consent is revoked prior to the end of this period, return to the birth parent is automatic.

Post-adoption contact agreements are legally enforceable if they are in the best interests of the child.

To consult with a member of our Family Law team about an issue related to your Maryland Adoption and/or Surrogacy, [contact us](#).

## **District of Columbia**

In the District of Columbia, any adult may adopt. Same-sex couples are able to petition for adoption and married couples must adopt jointly. Adoptive parents are legally allowed to advertise for birth parents in the District of Columbia, but cannot use an adoption facilitator or paid intermediary. Out-of-state residents can finalize an adoption in the District, as long as the birth occurs in Washington, D.C.

Where there is a surrogate involved, reasonable and customary medical, legal and counseling expenses may be paid, as well as expenses for food, lodging and maternity clothing.

Consent to adoption can be granted any time after birth, and becomes irrevocable after consent is filed in court, in independent adoptions, and 14 days after signing in an agency adoption. If consent is revoked prior to the end of that period, return to the birth parent is automatic.

Post-adoption contact agreements are legally enforceable if they are in the best interests of the child.

To consult with a member of our Family Law team about an issue related to your District of Columbia Adoption and/or Surrogacy, [contact us](#).

## **Virginia**

In the commonwealth of Virginia, the following people may adopt:

- a resident,
- an individual with custody of a child placed by a child-placing agency,
- an adoptive parent who participated in a consent proceeding,
- “intended” parents who signed a surrogacy contract,
- a married couple, jointly,
- the child’s stepparent,
- a spouse from a marriage that is void, and
- same-sex couples.

Adoptive parents are legally allowed to advertise for birth parents in Virginia, but cannot use an adoption facilitator or paid intermediary. Out-of-state residents may finalize an adoption in Virginia.

Where there is a surrogate involved, medical expenses (birth-related, plus health insurance premiums), as well as legal, counseling and related transportation expenses may be paid. If the birth mother cannot work due to the pregnancy, it is also allowable to pay all expenses for food, shelter, and clothing, while partial expenses can be paid if their work ability is limited. Expenses for unspecified phone bills, auto insurance, repairs, and payments are prohibited.

Consent to adoption can be granted by birthmothers on or after the third day after the child's birth and at any time by birthfathers.

Consent becomes irrevocable 7 days after signing, and if consent is revoked prior to that period, return to the birth parent is automatic.

Post-adoption contact agreements are legally enforceable if they have been approved by a circuit court and incorporated into the adoption decree.

To consult with a member of our Family Law team about an issue related to your Virginia Adoption and/or Surrogacy, [contact us](#).