

Vermont law (Title 33, Section 5124) allows birth parents and intended adoptive parents to enter into legally-enforceable agreements for contact or communication with children after adoption.

Agreements are optional. They must be entered into voluntarily. The following conditions must also be met:

- The child is in DCF custody or the conditional custody of a relative or other non-parent
- Parental rights are not yet terminated
- One or both birth parents agree to *voluntarily* relinquish parental rights
- DCF, the child's attorney and Guardian ad Litem, and the child if 14 or older all support the agreement
- The birth and intended adoptive parents sign the agreement
- After determining the contact listed in the agreement is in the child's best interests, a judge approves the agreement through a court order
- The adoption is finalized in a Vermont probate court

Who can enter into an agreement?

1. One or both birth parents, if they agree to voluntarily relinquish parental rights
2. The intended adoptive parents

What are some examples of contact and communication?

- The exchange of mail, phone calls, emails, and texts
- One way contact (e.g., sending a school picture and annual update)
- Visits with the child/adoptive family

What should an agreement cover?

- The type of contact to take place and the frequency of each type of contact (e.g., emails once a week, calls once a month, visits once a year)
- Who the contact will be with
- If visits are part of the agreement, details about who may be at the visit and any supervision that's required
- If written contact is part of the agreement, if it will happen directly or through the Vermont Adoption Registry
- Any contact that's not allowed
- What will happen if the child no longer wants contact
- Any reasons contact or communication might be cancelled or delayed

The Agreement Period

The agreement begins when the adoption is finalized and ends when the child turns 18. It is no longer enforceable if the adoption dissolves or the child is no longer in the adoptive parents' custody.

INFO FOR BOTH PARTIES

- ➔ You'll have to acknowledge in writing that you understand and agree that:
 - You are entering into the agreement **knowingly** and **voluntarily**
 - You are not being forced into the agreement by anyone
 - You are not relying on any information other than what's included in the agreement
 - You intend to follow the agreement
 - The agreement is legally enforceable in probate court
 - The adoptive parents' judgment regarding the child is in the child's best interests
- ➔ Before probate court will consider enforcing, changing or ending an agreement, you must first try to work out your differences. This means you'll have to participate in mediation or another dispute resolution process — at your own expense.
- ➔ This agreement does not limit you from moving to another town, state, or country; however, the agreement and its terms will remain in effect.
- ➔ If the Vermont Adoption Registry is coordinating written contact, you must provide the Registry with your contact information and update them if it changes.

INFO FOR BIRTH PARENTS

- You should consult your attorney.
- You may enter into an agreement, together or individually, if you agree to voluntarily relinquish your parental rights.
- You'll have to acknowledge in writing that you understand that the termination of parental rights (TPR) is **final and cannot be undone**.
- For the agreement to be enforceable, the child must be adopted in Vermont by the intended adoptive parents who signed the agreement. *Agreements are not transferable*. If that adoption is not finalized, the agreement ends and the TPR cannot be undone.
- If the adoptive parents don't meet the terms of the agreement, you may petition the probate court for enforcement — at your own expense. *You'll have to show that enforcement is in the child's best interests*.
- Any action taken to enforce or change an agreement will not affect the termination of parental rights or the adoption.
- An agreement cannot be enforced if the child is no longer in the adoptive parent's custody.

INFO FOR INTENDED ADOPTIVE PARENTS

- You should discuss the option of entering into an agreement and the terms of any agreement with an attorney. DCF and Project Family staff may be able to provide information.
- You should consider factors such as:
 - Whether an agreement is in the best interests of the child and your family
 - The potential impact on your family — now and in the future
 - The type and amount of contact or communication that is doable and appropriate — now and in the future
- You may petition the probate court (at your own expense) to change or end the agreement if you believe it's best for the child. *But you'll have to prove that it's in the child's best interests*.

If English is not your primary language and you need help understanding this information, please let us know.

For More Information

- Read the law: <http://legislature.vermont.gov/statutes/section/33/051/05124>
- Read the form used by the court: https://www.vermontjudiciary.org/sites/default/files/documents/400-00126_0.pdf

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Agreement for Post-Adoption Contact or Communications

 **VERMONT**
DEPARTMENT FOR CHILDREN AND FAMILIES
FAMILY SERVICES DIVISION