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# HLG NEWS

## ADOPTION

# RED FLAGS

**Feature By:**  
Maggie Moriarty, Esq.

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**BE A PARTY TO  
REVIEWS OR HEARINGS**  
FOR THEIR FOSTER CHILDREN?

My passion for adoption is personal. I have three adopted children – all with their own unique, personal stories. My road to adoption finalization was long and complicated. My journey has been my main inspiration and motivation for the adoption law practice at HLG.

As an attorney, I know the law. I know the rules and how the process is supposed to work. I am in a unique situation in that I can merge my knowledge with my personal experiences to advocate for, inform, and represent our clients in the best possible way. For better or for worse, I have experienced an awful lot. I completed a successful domestic agency adoption after several failed adoptions – one of which included an FBI and criminal investigation into the fraudulent practices of a Texas adoption agency, as well as a Dateline special featuring a portion of my story. I worked through unbelievable heartbreak – and financial loss – after learning that an expectant mother that we had been communicating with for months never actually intended to place her child for adoption.

As I prepare to travel to Texas to testify for what we hope will be the end of the federal court case against the Texas adoption agency that scammed families out of hundreds of thousands of dollars, I cannot help but think about how I can best help other families avoid being victims of adoption scams. (Sidenote: this article relates to private, domestic, agency adoption specifically.)

Generally speaking, there are significantly more prospective adoptive families than there are expectant families looking to place a child for adoption. So, unfortunately, as with anything that has high demand, the adoption industry is not free of scammers and fraud.

As prospective adoptive parents, we tend to conduct a massive amount of research. We want to know everything about the adoption process: How much will it cost? What are my odds? Which agency is best? Should I pursue an open adoption or closed adoption? Do I need an attorney? We come across all kinds of information and all kinds of platforms through which we can increase our odds for a match or increase our visibility to expectant families.

It can be hard to take a step back and look at the adoption process objectively. However, it is essential to consider all the information about a possible placement or agency before making a final decision.

*“there are significantly more prospective adoptive families than there are expectant families looking to place a child for adoption. So, unfortunately, as with anything that has high demand, the adoption industry is not free of scammers and fraud”*

Some prospective adoptive parents choose an adoption agency as their first step in the adoption process. Adoption agencies are a great place to start since they can hold your hand through the entire process. Agencies in New Jersey can help you find an expectant family to match with. Typically, agencies work with expectant families that are interested in choosing adoption for their unborn child. Agencies will provide advice, counseling, and services to expectant families to support them through the pregnancy and beyond. When an agency feels that an expectant family is confident in their adoption plan, the agency will work on finding an appropriate prospective adoptive family. Some expectant families have particular parameters or ideals that they consider when choosing a family for their unborn child. Expectant families may have a specific age range, race, gender, socioeconomic status, or religion in mind. The agency will work with the expectant family to find a prospective adoptive family that best fits the expectant family’s wants and needs.

It is imperative that prospective adoptive families choose an agency that they feel comfortable working with. The agency should consider your wants and needs – as well as the wants and needs of the expectant families they work with. Ultimately, you want to ensure that the agency has the unborn child’s best interest at heart.

In choosing an agency to work with through the adoption process, prospective adoptive families should beware of these warning signs:

## 1

**Large Upfront Payments** – Upfront agency fees should be reasonable and relative to the work that is provided and the need of the expectant family. If an agency is seeking a lot of money upfront, it is imperative to find what the intended uses of the funds are. Ask questions about what the money will be used for, how it will benefit the expectant family, etc.

## 2

Lack of Post-Adoption Support – Agencies are empowered to provide expectant families with support before, during, and after the birth of a child. If an agency does not provide post-adoption support, expectant families may be left feeling stuck, insecure about their decision, or just generally in a bad place emotionally. It is crucial for expectant families to feel supported during the entire adoption process, including after the actual placement.

## 3

Housing for Expectant Mothers / Expectant Families – Agencies that provide expectant families with living quarters during the pregnancy often make huge profits from the accommodation provided. Moreover, if expectant mothers or expectant families feel indebted to the agency, they may also feel like they cannot change their mind about an adoption plan in general.

## 4

Lack of Communication – The waiting period can be hard. Once you are an approved prospective adoptive family, there is a period in which you are merely hoping and waiting for a match with an expectant family. Then, once you are matched, there will be some time – maybe even a few months – before a baby is expected. During this waiting period, or the match period, the agency should be in regular communication with the expectant family, as well as the prospective adoptive family. The agency should provide the prospective adoptive family with updates regarding the process, the next steps, the status of the unborn baby and the expectant family, etc.

## 5

If it sounds too good to be true, it probably is – If an agency claims that their waiting times are shorter, their fees are lower, and they have access to more expectant families than other agencies you have researched, chances are the agency is not providing the whole story and may not be conducting their due diligence inquiries into each expectant family. Agencies cannot guarantee what expectant family will walk through their door tomorrow, nor can they guarantee anything that will happen throughout the entire adoption process. Be on the lookout for agencies that always seems to have the

“perfect” expectant family on hand right when you need it or are in a rush for you to make a decision or find an expectant family to match with.

When presented with a possible match with an expectant mother or expectant family, emotions run high, and it is easy to become sidetracked by excitement and joy. As a prospective adoptive parent, you need to make the best decision for your family. Before you say yes to a match with a particular expectant mother or expectant family, take a step back and evaluate the following:

- 1 Has this expectant mother or expectant family ever chosen adoption for a child before?
- 2 Has this expectant mother or expectant family ever backed out of an adoption plan?
- 3 What are the expectant family’s expenses for the remainder of the pregnancy? Do the expenses seem fair and reasonable, or do they seem abnormally high? Unreasonably high expenses should be avoided. Expectant family expenses are paid for by the prospective adoptive family, and if a match falls through, the prospective adoptive family loses out. Expectant family support is merely financial support to help the expectant family through the pregnancy. The money that a prospective adoptive family pays on the expectant family’s behalf cannot and will not be returned if the match falls through.
- 4 Will there be communication, or a meeting, between the expectant family and the prospective adoptive family before placement happens? If an agency does not allow contact between the families, or one of the families seems disinterested in communication, it may be a sign that the agency or family is not fully committed to the adoption plan.
- 5 Have you seen proof of pregnancy?  
Does the expectant mother or expectant family seem interested in getting to know the prospective adoptive family at all? Expectant families and prospective adoptive families do not have to become best friends, but the families will likely want to see some information about one another.
- 6



- 7 Is the expectant mother or expectant family nonchalant about the emotional implications of an adoption plan? If an expectant mother or expectant family seems detached from the adoption plan or thinks it will be an “easy” process, she/they are likely not fully invested, or informed, about the process or their decision.
- 8 Does the expectant mother or expectant family seem to avoid answering questions or providing information? If information is not shared openly, there is typically a reason – good or bad – but it important for prospective adoptive parents to make fully informed decisions.
- 9 Does the social history of the expectant mother or expectant family make sense? Is it consistent? If a story doesn’t add up or often changes, it may not be true.
- 10 Are the expectant parents involved in an on-again, off-again relationship? You want to be cautious of an expectant mother that makes decisions during “off” periods.
- 11 Has the expectant mother or expectant family shared their adoption plans with their extended family? Does their family approve? Sometimes expectant parents think that adoption is the best option because they worry that their family will be upset about an unplanned pregnancy. However, extended family may end up being more supportive of the unplanned pregnancy than they are of an adoption plan. Extended family support may make parenting a more viable option for an expectant family.
- 12 When is the expectant mother due? Be careful of matches early on in a pregnancy.

*You have to trust your gut. If something doesn't feel right about a placement or an agency, it probably is not the best fit for you and your family.*

**FEATURING**

# MAGGIE MORIARTY & TINA GEORGE

NEW EPISODES WEEKLY

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You have to trust your gut. If something doesn't feel right about a placement or an agency, it probably is not the best fit for you and your family. Becoming a parent is exciting, and it is easy to get caught up in the moment when an expectant mother or expectant family is telling you that they want you to parent their unborn child. However, remember that the adoption process is an emotional roller coaster. You have to prepare yourself for every possible situation that may come your way. The decision to adopt is driven by emotion, love, and care. But, unfortunately, it is also a business. There is a high cost involved with private adoption, and you want to make sure that you approach each possible match with a level and a clear head. Even though you want to be a parent, and you want to accept a new baby into your home, not every situation is perfect for every prospective adoptive family.

During my adoption journey, I had to do some soul searching of my own to determine if the situations that were presented to me were the best fit for my family. As hard as it was, not every situation was a good match for us. Sometimes the risks associated with a particular pregnancy were too high or more complicated than we, as a prospective adoptive family, were willing to take on.

I was the last person to think that I would be fooled or scammed by an expectant mother or an adoption agency. However, it happened to me. It happened to me twice – once by an expectant mother, and once by an agency. In retrospect, many of the red flags I just mentioned were present in my “matches.” However – at the risk of being too personal –

I knew that my family was rejected over and over again by expectant mothers and expectant families due to the mere fact that we were a two-mom household. Maybe I ended up being more vulnerable than I should have been and was too willing to take risks that I did not feel comfortable with, because I was afraid that nobody would give me the chance to become a mom.

However, when the phone finally rang with “the call” about my daughter’s birth mother, it just felt right. Was the situation perfect? No. There were risks associated with the match, as there always will be, but the level of communication from the agency was completely transparent, and the birth mother was open and honest. Adoption is about human connection. It is dealing with real people, living real life. There is always the inherent risk of an expectant mother or expectant family changing their mind about an adoption plan. That is human nature. We can plan for things all we want, but the plan is never complete until the moment comes when we have to sign on the dotted line. We cannot control what other people will do or the decisions they will make, but when it comes to planning for an adoption, we can control the people we work with. Do your research, don't be afraid to ask the tough questions, and make sure you do not have any major concerns about an adoption agency or a match before you move forward. Most adoptive parents can pinpoint their “ah-ha” moment when they knew they said yes to the right agency and the right match. ★



**embrella**<sup>TM</sup>  
Embracing & Empowering Families

## WHO WE ARE

For more than 45 years, embrella (formerly Foster and Adoptive Family Services) has been supporting parents who adopt from foster care through New Jersey's Division of Child Protection and Permanency (CP&P). Our Mission is to provide advocacy and enriching programs and services to empower families and youth to thrive.

Children are placed in foster care because they have experienced abuse or neglect and it is unsafe for them to remain at home. They are innocent victims of unfortunate circumstances, but they are not alone. Resource parents provide necessary care and support at a critical time.

We believe in supporting resource parents as they help foster children overcome difficult beginnings to lead happy and productive lives. We believe that children in foster care are the community's children, with the same hopes and dreams as all children.

## WHO WE HELP

## HOW WE HELP

Embrella offers \$600 grants to help children adopted from foster care pursue their dreams. Whether your child wants to be a ballerina, learn to ride a horse, become an Olympic gymnast, or master robotics, embrella can help you make your child's dream come true!

If you've adopted from CP&P and your home is still open to welcome children in foster care, embrella has even more resources for you, including:



Recreational events for foster, adoptive, and kinship families



Free, informative, and convenient training to help you maintain your resource parent license and take the best care of the children in your home



Family Advocates and Mentors to listen to your concerns and offer support and advice



\$100 grants for the little extras that your child in foster care needs or wants (e.g., amusement park tickets, prom bids, sports registration, school pictures, and more)



Surprise birthday gifts for children in foster care

**Jennifer Cimoch asks:**

## **WHEN SHOULD A FOSTER PARENT CONSULT A LAWYER ABOUT ADOPTION?**

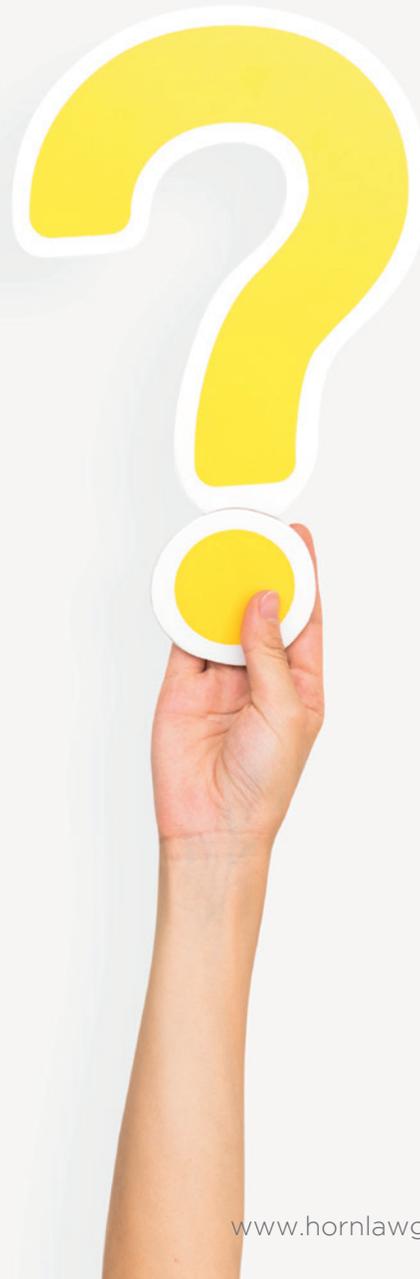
Answer:

For any adoption to be able to take place, all parental rights between the child's biological parents and the child must be terminated. In a private, domestic infant adoption (not through DCPD), parental rights are typically relinquished by the biological parent(s) close to the birth of the child. Biological fathers are not always identified or may not be available to sign consents. If that is the case, there is a certain waiting period that must pass before the parental rights of the non-signing parent are terminated. Private adoptions are not typically contested.

DCPD adoptions are typically contested in some way, shape or form, in that the biological parents are not actively pursuing an adoption plan before the Division becomes involved with their case. Because parental rights are paramount to almost anything, DCPD gives biological parents a lot of time and resources to support their parenting efforts. When all else fails, and the court determines that the biological parents are unfit to parent, the court will ultimately terminate parental rights. At that time, the Division will begin to prepare an adoption consent package, which allows the foster family to adopt the child. Once the adoption consent package is prepared and signed off on, a Complaint for Adoption can be filed. Typically, the caseworker will ask the foster family which attorney they would like to use for the finalization of the adoption. After the consent package is complete, the caseworker will send the file to whichever adoption attorney the foster family chooses to file for and finalize the adoption.

Our office can turn over DCPD adoption files very quickly. Once we receive the package from the Division, we can prepare your Complaint for Adoption and supporting documentation within a few days. Once everything is submitted to the court, a date will be assigned for the Final Hearing.

So, the short answer is ... for DCPD adoptions, you do not even need to make the initial call to an attorney. You will tell the caseworker which attorney you would like to use, the caseworker will provide the attorney with all of the relevant information, and then the attorney will reach out to you directly to complete the case. ★

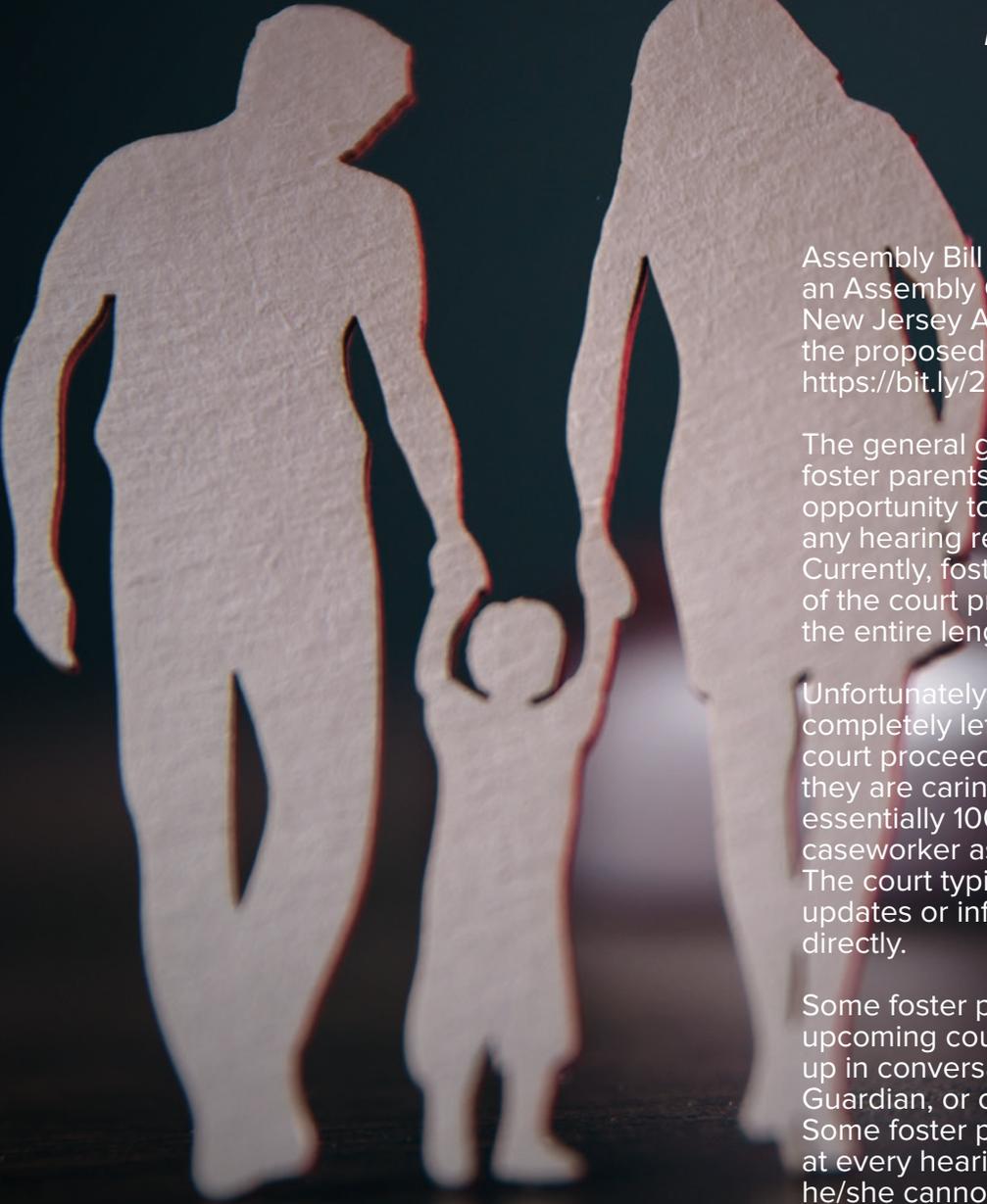


· SHOULD RESOURCE PARENTS ·

# BE A PARTY TO REVIEWS OR HEARINGS

FOR THEIR FOSTER CHILDREN?

*By: Maggie Moriarty, Esq.*



Assembly Bill A913, which is still pending before an Assembly Committee, was introduced to the New Jersey Assembly in 2016. The full text of the proposed Bill can be found here: <https://bit.ly/2UZMqgJ>

The general gist of the proposed Bill is that foster parents will receive notice, have an opportunity to be heard, and be made a party to any hearing regarding their foster children. Currently, foster parents are not a party to any of the court proceedings that occur throughout the entire length of the case.

Unfortunately, many foster parents are completely left in the dark when it comes to the court proceedings that relate to the children they are caring for. Information exchange is essentially 100% left up to the individual caseworker assigned to the child in placement. The court typically does not communicate any updates or information to the foster parents directly.

Some foster parents are made aware of upcoming court dates simply because it comes up in conversation with a caseworker, Law Guardian, or other entity involved in the case. Some foster parents make it a point to appear at every hearing that is scheduled, even though he/she cannot be heard or sit in on the court proceeding.

Often, the court makes determinations during hearings that affect the biological parents of children in foster care. And, just as often, the court makes determinations that affect the children themselves and/or their caregivers. For example, the court may order that the foster family ensure that a child in care attend an evaluation or participate in an activity; or visitation with biological family may be increased or become unsupervised. These case changes can greatly affect the day-to-day life of the child in care as well as his/her caregivers. These changes need to be presented to foster families in an accessible and consistent way. The proposed Bill would be a huge step in the right direction for this type of information exchange.

Throughout the course of a case, the court makes decisions regarding the children that are the subject of the matter without ever hearing from, or consulting with, the children's primary caregivers. Often, children in foster care behave or present themselves in ways that are completely different from written reports. Without hearing from the care givers themselves, the court is left to rely on second-hand knowledge – from caseworkers, Law Guardians, etc. – in making major decisions for children in care. DCPD workers may not know all the facts or details regarding things that are happening with a child, yet they are the main point of information transfer between the child in care and the court.

When the Division places a child into foster care, the Division's knowledge of the child and his/her needs is very limited. Most often, the Division has had little to no involvement with a family before something happens that warrants removal of the child(ren) from the biological parents. In these cases, it is understandable that the Division will have limited information to share with the child's foster parents upon placement. However, as time goes on, the foster family will have the only direct interaction with the child(ren) on a daily basis. Foster parents can offer a lot of insight and information to the court. I am not suggesting that foster parents have control over the entire case and be able to make decisions about what happens regarding parental rights or anything of that sort. But, I do think it is important for the court to hear from the foster parents directly regarding the progress, status, and health of any children in care. The more information that the court has available to it, the better positioned the court is in making decisions in the best interest of the child(ren). After all, that is who the Division and the court are ultimately

trying to protect.

Sometimes the Division has been involved with a family for some time before a removal happens. In some cases, the Division has the ability to offer biological families services and support in an effort to provide continued safety and security for the child(ren) while also preventing a removal. Sometimes those efforts are not successful and the child(ren) are ultimately placed in foster care. In that case, the caseworker may have lengthy historical information about the child(ren) because they have worked with the family and have already interacted with the child(ren). Because there are no foster parents involved while the Division has care and supervision over a family, reports about the children and their behaviors come directly from parties to the case – either biological parents or the Division. There is no need for a middle man, and less room for error in communicating the child(ren)'s needs and wants. However, once a child goes into foster care, things change dramatically.

A child in care will inevitably experience a period of transition and adjustment. It is extremely important that the court be able to fully understand the needs of the child in care in order to best provide for the child. If the court is left to rely on testimonial information from the biological parents and/or the caseworker, the court may inadvertently make uninformed and inappropriate decisions.

In my own experience, information sharing among the court, the Division, and foster parents is inconsistent and variable. It becomes difficult for foster parents and the system to fully and effectively provide for children in care when everyone isn't on the same page.

Let me share a condensed version of one story:

An 8-year-old and 9-year-old sister and brother – that were involved with the Division for over five years – were removed from their biological mother. The biological father was in jail out of state and had been intermittently involved in the children's lives. The children were removed

*“When the Division places a child into foster care, the Division's knowledge of the child and his/her needs is very limited”*

primarily due to allegations of physical abuse. When the foster parents were first given information about the children, the Division left out very pertinent and important information, and even included erroneous information. The ages and grades of the children were incorrect, and reports of the children's medical needs were incorrect. The entire mental health and diagnosis history – which was extensive and known to the Division – was left out. The foster parents were advised that the female child previously received speech therapy due to delayed speech and was happy and healthy otherwise. The male child had reported diagnoses of ADHD, autism spectrum disorder, and PTSD. It was reported that neither child had an IEP (Individualized Education Program) in school and that both were well-behaved, respectful children. The foster parents accepted the placement of the children.

Within a few months of the children being in the foster home, it became clear that the information provided by the Division was completely contrary to the day-to-day experiences that the foster family was having. Additionally, the foster family periodically, and usually accidentally, received reports that the male child had a history of violent, angry, and frequent outbursts. Meanwhile, he was thriving in his new home and was able to come off several medications. It became clear that many of his alleged behaviors were due to the environment in which he was raised, in conjunction with the negative thoughts that his biological mother put in his head.

The situation for the female child, however, was completely opposite. After the honeymoon period of the placement wore off, she began exhibiting signs of serious mental health and behavioral concerns. She became increasingly confrontational and violent with the foster parents. She would tantrum for hours at a time and was acting out in school. During conversations with the Division, details of the child's history were revealed in a piecemeal fashion, including oppositional behavior from an early age as well as inappropriate relations with family members. The foster parents eventually had to have the child admitted to a child psychiatric unit due to her disruptive behavior and have her moved to an alternative foster home. After moving through several placements rather quickly, the female child ultimately ended up being placed in a therapeutic foster home in another county.

While the children were adjusting to their new

home and arrangements were being made to move the female child to a new home, there was much discussion among the Division and the court regarding the status of the male child – Should he stay where he is? Should he move with his biological sister? Should his request to stay where he is carry any weight in the case? These discussions were occurring among Division workers and supervisors, the court, the children's psychologist, and the Law Guardian. However, the foster parents had zero say in anything that was happening and zero ability to participate in the conversations about what would be in the children's best individual interests. Additionally, the foster parents advised the Division that, based on the foster parents' conversations with the children's therapists, teachers, administrators, etc., the female child should not be placed in a home with younger children, that she would ideally be the only child in a home, and that she should be in a therapeutic environment. Because the foster parents were not a party to the case and had limited – if any – say in the happenings of the case, the Division moved the female child to whatever home was available. And, unfortunately, she has now moved at least three times since she left the original foster parents' home. And, at the end of the day, the female child is succeeding best in the environment in which the foster parents suggested in the first place.

In the example above, the fact that the foster parents were not a party to the case ultimately was detrimental to one of the children in care. Rather than the foster parents, the Division, and the court working together to come up with the best solution for the child, the court was left to make decisions without input from the people with the most relevant and accurate information about the child's current status.

Foster parents receive specific training from the Division in order to become licensed, and they must undergo continuous education as they remain licensed. Foster parents have a lot to offer to a case, and they should absolutely be a party to any legal proceedings that relate to the Division's case.

I would love to hear from other foster parents. What are your thoughts on this Bill? Have you had any placements where your lack of involvement was detrimental? ★



A GUIDE ACCORDING TO HLG

# ADOPTION IN THE MEDIA

## CHILDREN'S BOOKS

**A Mother For Choco**  
By Keiko Kasza

**I Wished For You: An  
Adoption Story**  
By Marianne Richmond

**I Love You Like Crazy  
Cakes**  
By Rose A. Lewis

**It's OK to be Different**  
By Todd Parr

**Tell Me Again About the  
Night I was Born**  
By Jamie Lee Curtis.

**We Belong Together**  
By Todd Parr

## TV SHOWS

This Is Us  
The Fosters  
Modern Family  
Jessie  
Parenthood

## CHILDREN'S MOVIES

Elf  
Annie  
Disney's Tarzan  
The Tigger Movie  
Lilo and Stitch  
Despicable Me 2  
Kung Fu Panda 2

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