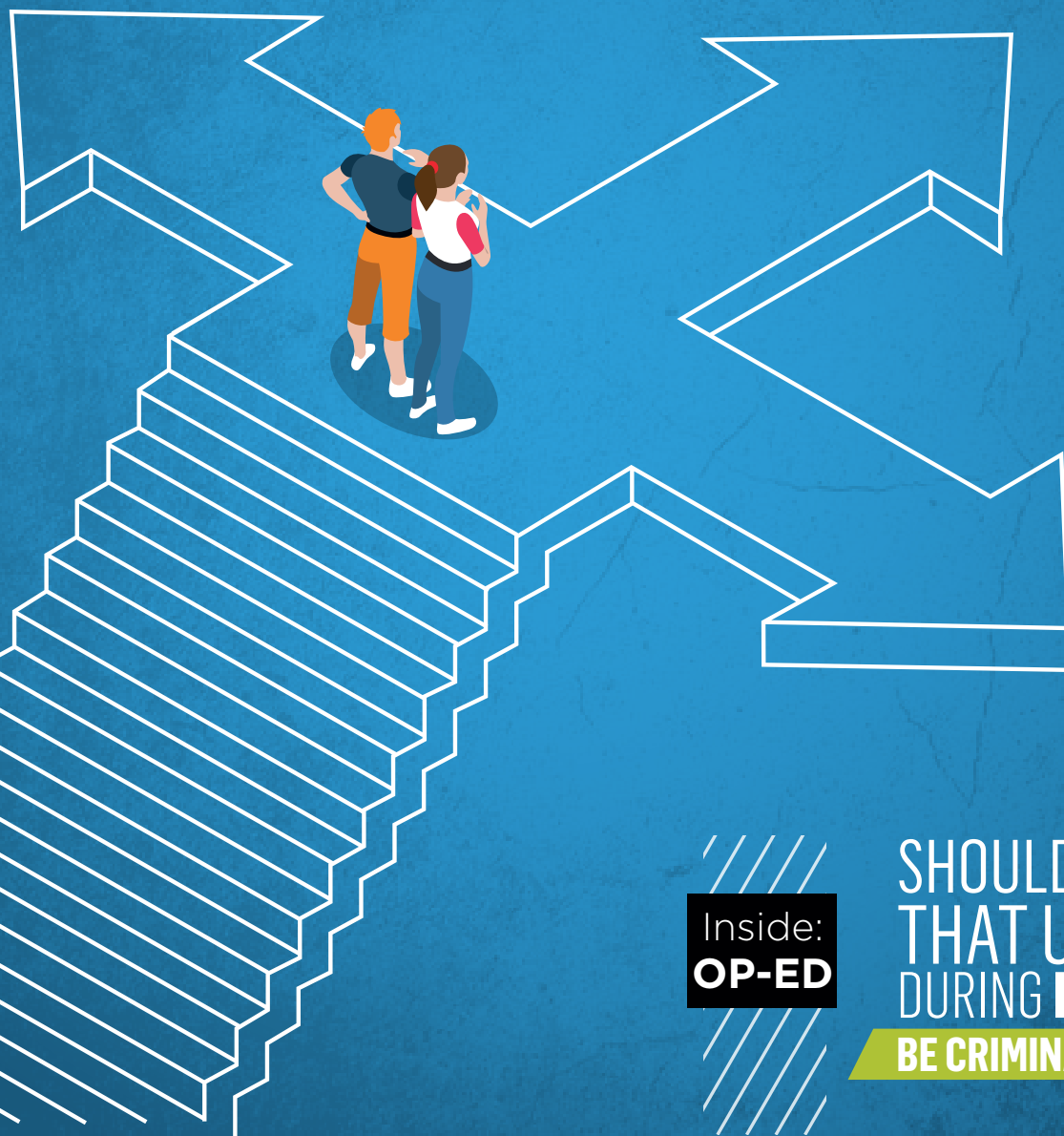


ADOPTION PARAMETERS

By: **Maggie Moriarty, Esq.**



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THAT USE DRUGS
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BE CRIMINALLY CHARGED?

When you decide to begin the adoption or foster care process, excitement and nerves immediately set in. But, before you dive into the mounds of paperwork and make a trip to Target for all the necessities, make sure you talk and think about your stance on the following preferences and parameters:

Gender

Most adoption agencies will not allow prospective adoptive families to specify gender for possible infant placements. However, if your agency does allow specification, keep in mind that gender predictions are not always accurate. For instance, there is always a possibility that you will find yourself matched with a birth family, expecting a girl, and then, the child ends up being a boy.

The exception to this would be for foster care situations since the child to be placed in a home is already born. Therefore, the gender of the child is already known. When you begin the foster home licensing process, the state will ask you for your preference for children you are willing to welcome into your home. It is important to consider this question carefully as it relates to other children in your home, role models, and your family dynamic. For example, if you are a single woman working on becoming a licensed foster parent, and you do not have many positive male role models for children in your life, perhaps you would only want to open your home to girls.

Race, Ethnicity, and Culture

This is a big one. Before you answer the question of which races and ethnicities you are open to welcome into your home, you must reflect on your lifestyle, biases, and comfort level. You may have some sort of innate bias and/or judgment that you need to recognize and address. You cannot just push those feelings and opinions aside. You must ask yourself how you would parent a child of a race, ethnicity, or culture different from yours.

If you parent a child of your own race, you will likely parent the child as you were raised. You will share certain cultural experiences with your child as they naturally come up.

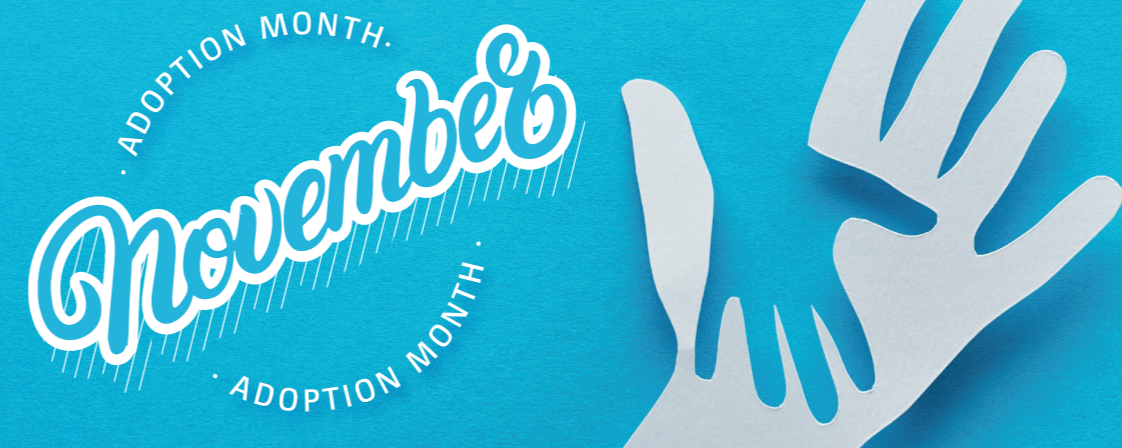
However, if you open your home to a child of a different race, you absolutely must consider whether you are ready, willing, and able to provide that child with the cultural and ethnic experiences necessary to help the child

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develop his/her sense of identity. For example, if you are a white parent that is open to adopting a black child, you must be willing to learn and embrace appropriate hair and skin care. Or, if you are a black parent that is open to adopting a Chinese child, perhaps you want to research age-appropriate ways to celebrate the Chinese New Year or other culturally significant events. Or, if you are a Christian parent that is open to adopting a Jewish child, you might want to read up on the Jewish calendar and holiday celebrations so that you can incorporate them into your life. Or, if you are an English-speaking parent that is open to adopting a Latino child, you should consider brushing up on your Spanish or Latino/Hispanic cultural traditions.

I think it is safe to say that we all want our children to feel secure in his/her skin. For that to happen, children need to feel that you love them, but they also need to feel that they have the opportunity and support to explore and develop their own culture. Children that are raised by parents of a different race need regular exposure to racial and culture mirrors – people that look like them, talk like them, eat like them, celebrate like them, etc. As a transracial adoptive parent, it will be your job to make sure there are various mirrors in your child's life – whether those mirrors are in your child's social circles, school, church, activities, or neighborhood.

If you are raising a child that is a minority, sometimes you must put yourself in situations where you are the minority in order to allow your child the opportunity to feel seen and included. If you are not comfortable doing that, perhaps transracial parenting is not for you. It is important to recognize your comfort level and willingness to incorporate a new culture into your life. By glossing over the fact that your child could be a different race or culture than you, you are doing your child a major injustice.



We often hear people say that they are open to any type of situation and that they “do not see color.” However, as a potential transracial adoptive parent, you must see color. You must recognize that your child will experience a world that is different from yours. Things may not always be easy for your child because of the skin that they are in, or because of the texture of their hair, or the slant of their eyes. It is your responsibility as a transracial adoptive parent to educate yourself, advocate for your child, and learn how to speak about race. Real fears still exist for children of color – especially children of color that are being raised by white parents. Those fears cannot be squashed. Being a transracial parent is not always easy. It takes effort, understanding, and commitment. It is about more than celebrating a holiday or tradition from a culture that is different from yours. It is about truly embracing your child's culture and making it part of your life.

Special Needs

Adoption and foster care placements all carry with them a unique set of circumstances. As a potential adoptive parent, you should do your research regarding the impacts that drugs and alcohol exposure or lack of prenatal care can have on a baby. Alcohol exposure can lead to Fetal Alcohol Syndrome which is a serious condition that can cause brain damage and growth problems. Drug exposure can lead to Neonatal Abstinence Syndrome, or withdrawal, or it can lead to learning disabilities and behavioral issues. Before accepting a match with these risks, be sure that you have the proper supports in place to care for a child that may experience these issues, i.e. extended leave while the baby is in the hospital during withdrawal, access to Early Intervention Services, and schools with solid Special Education programs.

Foster Care placements are a little bit different because you are dealing with a child that is

already born and may already have diagnoses in place or require special care. Most foster parents find it difficult to say no to children that are in need of placement, but if a child's needs exceed your abilities, you need to recognize that and allow the child to receive the appropriate care and services elsewhere. Children that are victims of trauma, physical abuse, or sexual abuse have complex issues that require regular therapeutic or medical treatment. This could mean that you, as a parent, have weekly, or even daily, appointment commitments. Certain circumstances require more time and attention by a parent than others, and maybe you do not have the time or ability to provide that time and attention – for whatever reason. Maybe you have other children at home, maybe you work out of the home, or maybe you live too far from specialty doctors. Whatever the reason is, you do not have to feel guilty for not accepting a placement because it is outside of your wheelhouse. The important thing is to help ensure that each child is placed in a home that is best equipped to handle the unique and special needs of that child. To do that, the foster parents must recognize their unique abilities, as well as their limitations.

Birth Family Contact

While post-adoption contact agreements cannot be legally enforced in New Jersey, it is not uncommon for birth and adoptive families to informally agree to keep in contact. Sometimes contact between the birth and adoptive families is limited to annual emails or pictures, and sometimes there are frequent visits or phone calls. Whatever the case may be, it is important to be honest and upfront with birth parents about your level of comfort with post-adoption contact. Although birth parents cannot enforce a legal right to post-adoption contact, the strength and longevity of your relationship will depend on everyone's commitment to the informal contact agreement.★



//// OP-ED

SHOULD MOTHERS THAT USE DRUGS DURING **PREGNANCY**

BE CRIMINALLY CHARGED?

By: **Maggie Moriarty, Esq.**

Several state legislatures are considering laws that permit criminal charges for substance use during pregnancy. Some 20 states have published opinions regarding women charged with a crime against a fetus or child as a result of substance use during pregnancy. Charges have included child endangerment, child abuse, drug delivery, attempted aggravated child abuse, chemical endangerment of a child, child neglect, child mistreatment, homicide, manslaughter, and reckless injury to a child. The substances related to the charges have included cocaine, heroin, methamphetamine, marijuana, and prescription pills. The case law has had varying results, including conviction as well as the dismissal of charges.

Let me first say that I think it is important that our legal and judicial systems protect the health, safety, and well-being of all humans, especially those that cannot fight, speak, or advocate for themselves. However, I do not think that women should be criminally charged for substance use during pregnancy. Rather, they should be treated and supported through their addiction through social services, mental health services, and dependency services.

Pregnant mothers do not use drugs to harm their unborn children. Rather, women turn to illegal drugs because of previous, prolonged drug use, untreated mental health conditions,

such as depression, bipolar disorder, or trauma, or due to a prior illness or injury. Women do not always have access to affordable healthcare to obtain the treatment necessary for their underlying conditions, so they turn to self-medicating activities.

If a woman is using drugs when she conceives a child and is unaware of the conception until several months into the pregnancy, it could be dangerous to the fetus for the mother to quit using drugs on her own. The fetus may have already developed a dependency on the drug or substance and removing the substance from the fetus could result in withdrawal in utero and serious medical complications.

As non-drug users, we can easily say that we would never use a harmful substance while carrying an unborn child. However, if it was that simple for an addict to stop using her drug of choice, she would – even before becoming pregnant. Many things happen in the life of an addict that ‘should’ make it ‘easy’ for the addict to quit – a family that needs support, kids that need daily rearing, work that needs tending to, etc. Pregnancy alone is not necessarily enough to make a woman stop using drugs – no matter how much she cares about her unborn baby. When addicts stop using drugs, they experience their form of withdrawal and are forced to confront their issues head-on.

Rather than punishing women for using drugs while pregnant, what we need to do is to treat the underlying illnesses or problems. If a woman or baby tests positive for drugs at birth, the mother should immediately be made to enter a treatment program for substance dependency as well as any co-existing mental health issues. Not only would this course of action allow the mother the opportunity to get herself clean and sober, but it will also allow her to be available for her child.

Additionally, Child Protective Services can and should become involved with the family. An investigation should be conducted, and the safety and welfare of the child must be evaluated. Even if the State does not decide that the child needs to be removed from his/her biological parent, the State can offer the

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parent(s) additional services, including parenting classes and anger management sessions.

If we criminalize in utero drug use, then a woman that carries and delivers a baby is faced with jail time and a permanent criminal record. This does nothing to help the situation – for the immediate family or society. We are not fixing the problem. Rather, we are giving a brief punishment for poor choices and actions, without providing a solution.



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