

Bringing babies and parents together to make happy families

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Kirsh



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A Professional Corporation

Dear Prospective Adoptive Parent(s):

Thank you for your interest in our law firm. This brochure will give you insight into adopting, in general, and our practice, in particular.

After reviewing the accompanying mini CD, if you would like to further discuss adopting through our office, we would be happy to set up an appointment to talk with you. If you live outside Indiana, we can schedule a conference call.

One of the things you will do either when you meet with us in our office, or prior to our conference call, is to watch a DVD which we have had professionally produced. The DVD will provide a detailed introduction to the process of adopting through our office, including the costs, procedures, risks, and options for finding a baby to adopt. After you have had a chance to watch the DVD, we will answer your questions and provide you with additional information about the process and how to be successful.

If you are interested in adopting a child with special medical needs or a child who is African-American in whole or part, please let us know. These children are considered "hard-to-place" under Indiana law; therefore, the process for adopting such a child can be simpler, quicker, and less costly. However, you should not adopt a "hard-to-place" child because it is expedient. You will be a parent for the rest of your life. It is only easier in the short run.

If you would like to schedule an appointment or conference call (if you live outside of Indiana), please call our office during regular business hours. We look forward to hearing from you. When calling our office, please use (317) 575-5555. We try to keep our "800" line open for birth mothers who may be calling.

**Very truly yours,
Steven and Joel Kirsh**

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To be the best adoption attorneys in the nation committed to setting the standard of excellence in the field of adoption by delivering the highest quality legal counsel in the most caring, compassionate manner, while relentlessly pursuing client satisfaction.

About Kirsh & Kirsh

Steven M. Kirsh



Attorney Steven M. Kirsh is a native of Indianapolis, Indiana. He graduated *magna cum laude* from Dartmouth College in 1976, and he received his law degree from Indiana University School of Law, with honors in 1979.

Steve feels strongly about enhancing the public image of adoption and improving the process to make his adoption practice responsive to the needs of all parties, including the birth family, adoptive family, and child.

Steve actively participates on a national level through his membership in the American Academy of Adoption Attorneys (Board of Trustees, 1990-96; President, 1992; Treasurer, 1993-Present); and participation as a member of the official United States delegation to the final drafting session of The Hague Convention on Inter-Country Adoption.

Steve frequently serves as a spokesperson on adoption issues for professional and civic groups, schools, and media, and he has been called as an expert witness to testify before the Indiana General Assembly on amendments to the adoption statutes.

In 2005, he received a Congressional Angels in Adoption Award, and in 2006, the Indiana General Assembly passed a resolution acknowledging Steve's efforts in enhancing Indiana's adoption laws.

The Kirsh family, which includes his wife of more than 30 years, Jacque, and sons, Joshua, Grant, and Tyler, are all very supportive of Steve's work in adoption.

Joel D. Kirsh



Joel D. Kirsh, an attorney who, along with his brother, Steven, practices exclusively in the area of private adoption through the State of Indiana, including interstate adoption. Joel also handles step-parent adoptions as well as finalizations of international adoptions.

Joel thoroughly enjoys his work and derives tremendous satisfaction in knowing that all parties, including the birth family, adoptive family, and child benefit from his and Steven's work in adoptions.

Joel graduated from Indiana University in 1981 and from the Indiana University School of Law – Indianapolis in 1984. Joel is a member of the American Academy of Adoption Attorneys, as well as the American, Indiana, Indianapolis, and Hamilton County Bar Associations.

Joel's family, which includes his wife Holly, sons, Trevor, Harrison, and daughter, Olivia, are all very supportive of Joel's work in adoption.

Brothers Steve and Joel exclusively practice adoption law throughout the State of Indiana, including adoptions with other states. Theirs is the only firm in Indiana with such a practice.

Independent

You'll need an experienced attorney to guide you through the legal process

In a private or independent adoption (the terms are interchangeable), prospective adoptive parents take an active role in identifying a birthmother, usually by networking, advertising or using the Internet.

In most states, adopting independently is just as legal and just as accepted as adopting through an agency. However, some states—Massachusetts and Connecticut, for example—mandate that all adoptions be handled by adoption agencies. Before trying to adopt independently, be sure that you understand the requirements and limitations of the laws of your home state.

In selecting an attorney to assist with an independent adoption, prospective adoptive parents should do careful research. Not every attorney has the expertise, knowledge, experience and sensitivities to handle an independent adoption. Just because an attorney has handled stepparent adoptions does not mean that he or she is familiar with the intricacies of a private or independent adoption. If the adoptive and birth parents live in different states, the adoption attorney must also have a good working knowledge of the Interstate Compact on the Placement of Children.

Another factor—one that is harder to measure—is the prospective adoptive parents' comfort with the attorney. Can the attorney answer questions in an understandable way? Does the attorney seem sensitive to the needs of both the adoptive parents and the birth parents? Is the attorney available to provide assistance outside regular business hours? Does the attorney seem likable? (Niceness is not typically a concern when you are looking for an attorney to litigate a case, but in an adoption, when the attorney is going to have direct contact with the birth parents, you need your legal representative to be a likable person.) Most important, do you trust the attorney? If you don't implicitly trust the

person, then find another attorney.

In addition to experience and trustworthiness, membership in the American Academy of Adoption Attorneys is a good sign, since it is granted only to experienced adoption attorneys who meet high standards of competence and professionalism (see the online directory at www.adoptionattorneys.org).

Above all, prospective adoptive parents should get involved only with adoptions that are handled in accordance with state law. Violating the law may result not only in criminal penalties, but also in the setting aside of the adoption and the removal of the child from the adoptive home.

Once you have selected an attorney, you will need to consider the degree of openness or confidentiality in the adoption. In some states, such as California, an exchange of identifying information is mandatory in a private or independent adoption. In most other states, however, only nonidentifying information must be exchanged. Clearly the trend in both independent and agency adoption is toward greater preplacement involvement between adoptive parents and birth parents. An exchange of nonidentifying written information is routine, and more and more adoptive parents are talking by telephone and meeting in person with birth parents, usually on a nonidentifying first-name basis. This exchange of information benefits all parties to the adoption.

A common misconception about adoption is that birth parents do not want their children or do not care about them. This is as far from being true as possible. Birth parents make adoption plans because they truly love their children and want more than they can offer at that moment in their lives. Understanding this motivation, prospective adoptive parents can more easily understand why a birth parent would want to talk

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Adoption

with them or meet them.

From the adoptive parents' perspective, obtaining nonidentifying information, both in writing and in person, will be critical in explaining adoption to their child when the child begins asking questions. The adoptive parents' firsthand account of meeting the birth parents will be far more satisfying for the child than a written report from the attorney.

Both agency and private adoptions generally require adoptive parents to provide updates after the placement of the child. In most cases, there is no physical contact between the birth parents and the adoptive parents after placement, but often there is an exchange of letters and

photographs, at least during the first few years.

Adoptive parents should not see these updates as a threat. Birth parents make adoption plans because they love their children and want the best for them. It's not surprising, then, that a birth parent might be curious to know how the child is developing.

Adoption is a wonderful option. Not only does it satisfy the desire of families to have children, but it also provides a good solution for birth parents who find themselves unable to give their children the kind of lives that they so desperately want for them. Most importantly, the children receive good homes with secure and bright futures.

A Case that Should Never have Happened *(or If You Have Cancer, Call an Oncologist)*

The Indiana Court of Appeals set aside the adoption of a 21-month old baby girl because of the incompetence of the attorney representing the adoptive parents. This case should never have happened. In fact, the Indiana General Assembly enacted the governing statute to prevent this kind of tragedy. The purpose of this statute was to enable all parties, including the alleged father of the child, to know where they stand prior to the birth of the baby. If a man is willing to be legally and financially responsible for the child, then his rights are protected. If not, the adoption proceeds without him. In this tragic case, the Indiana Court of Appeals upheld the statute but ordered the child be taken from the adoptive parents. What happened? Sadly, the attorney representing the adoptive parents, sent the father a letter with a photocopy of a similar, yet inapplicable, statute. The attorney not only sent the wrong notice but he also used the wrong statute! We wish we could tell

you this is an isolated case but it is not!

Time after time, we have been told of cases that have been mishandled by attorneys who are not familiar with this area of the law. There is more to adoption law than taking pictures of the happy family at the final adoption hearing. A mishandled adoption has the potential for causing grief like the death of a child. The stakes are high!

Practitioners who handle adoptions must completely familiarize themselves with what they are doing before they tinker with the lives of children, adoptive parents and birth parents. We hope that sooner, rather than later, people will seek out adoption attorneys the same way that they seek out Oncologists.

Kirsh & Kirsh has handled over 2,500 adoptions, has been instrumental in the enactment of recent adoption legislation in Indiana and will provide the competence, guidance and experience you seek.

Contact an attorney as early as possible in the decision-making process.

Know what the attorney charges, how fees are structured and that they are affordable.

Learn about specific types of adoptions and services the attorney provides. Ask what percentage of the practice is dedicated to adoption and how many adoption proceedings the attorney has handled.

Ask lots of questions, share your concerns and provide the attorney with all relevant documents.

Choose an attorney who is experienced in the type of adoption you are considering.

What to ask before hiring an adoption attorney

Finances

- What is the average cost of the adoptions you have handled?
- How do you bill? Is your fee an hourly rate, or do you charge a flat fee? (Keep in mind that ethical, experienced attorneys may have a higher hourly rate, but charge less overall because they spend less time than a less-experienced attorney would.)
- Do you require a retainer fee in advance? If so, how much? What happens to my retainer fee if the birth mother changes her mind?

Qualifications

- What is your experience, knowledge, competence? How long have you worked in adoption?
- How many nonrelative adoptions have you completed? How many this year? (Ten to 20 a year and several years of experience are desirable.) What percentage of your total practice is devoted to adoption? (Fifty to 100 percent suggests adoption expertise.)
- What services do you provide? Will you actively assist me in finding an adoption situation as well as handle the necessary legal work? Attorneys in some states cannot match you to a birth mother (a practice that is allowed in many states).

Working Relationships

- What is your general philosophy about adoption? Why did you get involved in adoption?
- Do you handle open adoptions, confidential adoptions or both? Do you have strong feelings about openness?
- Will your office keep me up-to-date and involved?
- Do you see counseling for birth parents as helpful? Why or why not?
- Will you accept collect calls from birth parents? Do you have a toll-free number?
- When you are away from the office, is another knowledgeable attorney available?

Things to Think About

- Does the lawyer answer your questions to your satisfaction?
- Does the lawyer return your phone calls promptly?
- Is the lawyer sensitive to your feelings?
- Is the lawyer well informed about adoption law?
- Is the lawyer well organized?
- Does the lawyer pressure you or make you feel uncomfortable with the decision-making process?
- Does the lawyer openly discuss the financial and emotional risks involved?
- Are the lawyer and support staff pleasant people who help you feel at ease and who will assist the birth parents graciously?

Adapted from attorneys Amy M. Silberberg (deceased) and Diane Michelsen (3190 Old Tunnel Rd., Lafayette, CA 94549; 925-945-1880).





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