



Supporting Post-Adoption Contact & Communication Agreements

When a child's birth parents have lost their rights regarding a child, whether through court commitment, entrustment, or voluntary relinquishment, typically that child no longer has any contact with their birth family.

"Post-Adoption Contact and Communication Agreements," or PACCAs, between the birth and adoptive families specify the kind of contact there will be, and the boundaries and limitations on that contact. In adoptions where the parent has voluntarily relinquished a child, "open adoption" has become the standard in recent decades.

However, these agreements are less common where a court has terminated a biological parent's rights, especially where the reason for the termination is abuse or neglect.

Studies show PACCAs make sense for many children whose parents' rights were involuntarily terminated—even those who are victims of abuse or neglectⁱ, depending on the circumstances. (For instance, a PACCA would not be appropriate where there had been sexual abuse, severe physical abuse, or where a child was afraid of the parent.)

Why favor PACCAs?

PACCAs minimize the child's loss of the relationships with important people in his or her life. Many children still love and wish a connection to their birth parents. PACCAs can also:

- **Enable children to retain ties with siblings and extended family members**, including grandparents.
- Allow for establishment of contact in the future in cases where a parent's issues may be resolved later (such as imprisonment, addictions, lifestyle changes).
- **Help children maintain connections to their culture and community**
- Provide for children to seek out **vital health and genetic history** as needed
- **Allow the child to resolve the loss of the parents with the truth.** Many adopted children fantasize about their less-than-perfect birth family when no information or contact with their birth family is available, and this can make it difficult for them to fully accept and settle into the adoptive family.
- **Some older children refuse adoption** because they don't want to end their connections to their birth family. A PACCA will encourage some older children to agree to adoption because they can retain their connection.

What would HB1728 do?

First, it would simplify and clarify the language of code section 16.1-283.1 (currently is a little unclear). It would also require the court to at least consider a PACCA entered into by the birth and adoptive parents.

Second, the bill clarifies how parents will learn about the PACCA option, requiring that foster children, birth parents, and adoptive parents receive information about entering into a PACCA from the adoption agency—current code section 63.2-1220.2 doesn't specify that information be provided, and many parents are unaware.

As always, the court's determination of a child's best interests would rule final approval of a PACCA.

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ⁱ Solangel Maldonado, "Permanency v. Biology: Making the Case for Post-Adoption Contact," Capital Law Review, Vol. 37, p. 322-323 (2008)