

QUESTION AND ANSWER SESSION WITH FAMILY LAW ATTORNEY MINDY SNYDER REGARDING CUSTODY AND STEPPARENT ADOPTIONS



Is there a checklist for custody?

There are 16 factors that the Court must look at to decide custody. All 16 factors are set forth at our firm website at **Liebmann Family Law**. The overriding goal for the Court is to determine the best interest of the child. But it does not stop there. The Court must also determine which parent is likely to encourage and permit frequent and continuing contact with the other parent. The Court also looks at which parent has historically performed the majority of parental duties on behalf of the child. As to the current living situation, the Court looks at which parent can provide stability and continuity in the child's education, family life, and community life. Continuity for the child is very important. Specifically, the Court has to determine which parent is likely to attend to the daily physical, emotional, developmental, educational, and special needs of the child. As parents, the parties should be able to agree on the best interest of their child. If however the parties cannot agree, the lawyers and the Court system are there to help the parties come to a conclusion.

My spouse has been helping me raise my child for years, with no contact or support from the biological parent. Can my spouse adopt my child?

An individual becomes a stepparent when he or she marries a person who has a child from a previous relationship. If the

stepparent wants to become the legal parent of the child, with all the same rights, entitlements, and obligations as a biological parent, he or she must adopt the child. This is an obligation that is not to be taken lightly. If the adoption proceeds and you and your spouse divorce, he or she will still be the parent of the child.

The ease of having a stepparent adopt your child depends heavily on the existing family dynamic. If the other parent is willing to give up his or her parental rights, the adoption proceeds by consent. This would be considered a voluntary relinquishment of parental rights. Upon presentation of the appropriate forms, he or she would sign a written consent to the adoption. He or she must then be provided notice of the hearing but does not have to attend. If that parent is unwilling, there may be grounds for the rights of that parent to be terminated involuntarily by the Court.

What are the grounds for involuntary termination that are most often set forth under Pennsylvania law?

In Pennsylvania, the Grounds for Involuntary Termination are set forth by statute. In most situations where the biological parent has not had contact with the child for an extended period, there are usually two ways that are legally appropriate to terminate that parent's rights.

The rights of a parent regarding a child may be terminated if the parent, by conduct continuing for a period of six months immediately preceding the filing of the Petition for Involuntary Termination, has evidenced a settled purpose of relinquishing his or her parental claim to a child or has refused or failed to perform parental duties. Another basis for termination is if the repeated and continued incapacity, abuse, neglect, or refusal of

the parent has caused the child to be without essential parental care and the conditions cannot or will not be remedied by the parent. The Court, in terminating the rights of a parent, must give primary consideration to the developmental, physical, and emotional needs and welfare of the child. At a hearing, the Court closely examines the bond that the child has, if any, with the biological parent. The Court will then examine the bond that the child has with the stepparent.

Meeting with an attorney to discuss your individual situation is the best way to determine if this legal burden can be met.

What must be done to begin the adoption process?

In Pennsylvania, you and your spouse must obtain a Pennsylvania Child Abuse Clearance, a Pennsylvania

Criminal History Clearance, and an FBI Fingerprint Clearance. We can help guide you as to how to obtain these forms.

Also, if the child is 12 or older, he or she must sign a written consent to the adoption.

Is a Court appearance required?

Yes. If the biological parent consents to the adoption, there will only be one hearing. If, however that parent's rights must be involuntarily terminated, it is a two-step process.

Your child is required to be at the final adoption hearing. It is a beautiful and formal procedure which legally confirms the bonds that already exist between your spouse and the child.

How will the adoption affect child support?

The adoption will terminate

the future support obligations of the biological parent whose rights are being terminated. However, past-due obligations (arrears) are not discharged and can still be pursued if there is an outstanding Court Order for support.

As in all legal matters, the answer to a few questions often raises more questions. At **Liebmann Family Law**, we offer a free consultation. The purpose of that initial meeting is important to make sure that you are comfortable proceeding with your chosen attorney. You must be confident of his or her legal knowledge and also be comfortable proceeding through an emotionally difficult process with the attorney. Please contact our office to arrange a free consultation. www.liebmannfamilylaw.com or (215) 860-8200.

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