



Federal Ministry for  
Family Affairs, Senior Citizens,  
Women and Youth



# *Placing a child for adoption*

*Legal information and guidance*



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## ***How to navigate this brochure***

Which section of this brochure is relevant to you depends on what situation you are in:

**■ I want my child to have new parents.**

Please read this chapter: Placing a child for adoption so they can have new parents (page 8)

**■ The partner of the other parent wants to adopt my child.**

Please read this chapter: Placing a child for adoption so they can be adopted by their stepmother or stepfather (page 18)



***Placing a child for  
adoption so they can  
have new parents***



## What are the legal consequences of adoption?

When your child is adopted, they become someone else's child for all legal purposes. You will cease to be the legal mother or father of the child. This means, for instance, you will no longer have custody of the child or any obligation to provide for them. This applies both to you and the other parent. The child will also no longer have any legal ties with your families.



After adoption, the child will instead be related to their adoptive parents and their families. From a legal viewpoint, they will be considered as no different from a biological child of the adoptive parents. This means, for instance, that the adoptive parents will have custody of the child.

## Where can I get help?

If you are thinking about placing your child for adoption, please get in touch with an adoption placement agency. They will provide confidential counselling with no obligation on your part.

Adoption placement agencies you can contact include:

- the local youth welfare office – if your local youth welfare office does not have a placement agency of its own, it will point you to the nearest youth welfare office which includes a placement agency
- adoption services run by Catholic organisations
- adoption services run by Protestant organisations
- adoption placement agencies run by non-denominational bodies

You can find contact details for adoption placement agencies on our Familienportal: [www.familienportal.de/adoptionsvermittlung](http://www.familienportal.de/adoptionsvermittlung)



You may also find it useful to get advice from a pregnancy counselling centre. They will also be able to provide you with some initial information about adoption. Their counselling is also confidential and with no obligation on your part.

Contact details for pregnancy counselling centres can be found here: [www.schwanger-und-viele-fragen.de](http://www.schwanger-und-viele-fragen.de)



If you are pregnant and in financial distress, you can get support from the “Bundesstiftung Mutter und Kind” (Mother and Child federal foundation). It provides fast and unbureaucratic financial assistance to support you in deciding to continue your pregnancy.



You can find out more about the [Mother and Child federal foundation](http://www.bundesstiftung-mutter-und-kind.de) here: [www.bundesstiftung-mutter-und-kind.de](http://www.bundesstiftung-mutter-und-kind.de)

### Will I have to decide immediately at the counselling centre?

No. Adoption placement centres and pregnancy counselling centres both provide non-directive counselling. If you wish, the counsellors can also inform you of possibilities which might make sharing your life with a child a feasible option after all.

Your decision only becomes final after you declare before a notary that you want to put your child up for adoption. The next question includes more information about that.

## What is the process of placing a child for adoption?

Putting a child up for adoption involves the following steps:

**1.**



**You get in touch with an adoption placement agency.** Ask them for advice: counselling is confidential and comes with no obligation for you. The placement agencies are staffed with experienced counsellors; you can share your thoughts and plans with them, and also your worries and fears. If you wish, the counsellors will also discuss alternatives to adoption with you.

**2.**



**You decide in your own time and without pressure.** If you decide to put your child up for adoption, you confirm your decision to the placement agency. The child will usually then be placed directly with the adoptive family, or potentially with a foster family at first.

3.



For the child to be adopted, you must declare before a notary that you agree to the adoption. The earliest you can do this is eight weeks after the birth. In most cases the other parent – and in some situations other persons – must also give their consent. See below: *Who has to agree to the child being given up for adoption?*

4.

This declaration is the decisive step. The notary will pass it on to a court. From this point on, you cannot go back on your decision.

The professionals at the placement centre will be with you every step of the way, if you want them to be. They will be happy to advise and support you. They can also be there for you after the adoption procedure is completed, if you wish.

### **Who has to agree to the child being given up for adoption?**

Usually both parents must declare before a notary that they agree to the adoption. The earliest they can do this is eight weeks after the child's birth. However, there are different requirements in the following cases:

- + If you do not have custody of the child, the child's legal representative must also give their consent. Most often this will be the youth welfare office.
- + In special cases the consent of the other parent can be omitted, for instance if the other parent has died or you do not know who the child's father is.
- + Under certain conditions the biological father can consent to an adoption even before the child is born. This is possible if the biological parents are not married to each other and the biological mother will have sole custody of the child.
- + If the child is 14 years old or older, they themselves must also consent to the adoption.



## What happens next for the child?

When you have informed the placement agency that you want to put your child up for adoption, usually the child will immediately go to live with their future adoptive parents. Otherwise they may first be placed with a foster family and then move in with their future adoptive parents as soon as possible.

The child will then live with their new parents. Formally though, the youth welfare office continues to have responsibility for the child for some time. This phase is called “adoptive care” and it usually lasts about one year. During this time the adoptive parents and the child can get to know each other and build a relationship.

The ultimate decision about the adoption is made by a court. Only if and when it consents to the adoption is the adoption completed, and the child legally becomes the child of their adoptive parents.

## Do I have any say in who can adopt the child?

Yes. You can state your wishes, such as for the future adoptive parents to be of a certain religion or to live in the countryside as opposed to a city. In most cases the placement agency can accommodate such requests when selecting adoptive parents.

The placement agencies already know what to look for in future adoptive parents; for instance that they are a good match for the child, live in a stable partnership and are financially secure.

## Will I still have contact with the child?

This is a possibility, if it is what you and the future adoptive parents want. Contact can take many different forms: from indirectly exchanging information at one end of the spectrum, to regular direct contact on the other. However, contact between you and the child will only ever be granted to the extent that the child and their adoptive parents are comfortable with it; it is also possible that there will be no contact.

The issue of contact involves questions you can have input on such as the following:

- ? Should there be any contact?**  
Will you provide the child with information about you? Would you also have direct contact?
- ? How?**  
For example, would you write letters to the child? Would you send these letters via the placement agency or directly? Would you also meet in person?
- ? How often?**  
For example: Would you exchange news every year or less frequently? Always on a fixed date or at random?
- ? How much should the other involved parties learn about you?**  
For example, should the adoptive parents know your name and where you live? Or would you remain anonymous?
- ? Would the placement agency be involved?**  
For example, would you write letters to each other directly, or would the placement agency forward your letters? If you meet, would a professional from the placement agency be present as well?
- ? Would the contact change over time?**  
For example, would you regularly deposit letters for the child at the placement agency? Or would you choose for there to be no contact at all initially, and have not yet decided whether you want to write to or even meet the child at some point in the future?

The placement agency will discuss the options with you in detail and talk to you about whether you want to have any contact at all. They will also point out the advantages and disadvantages of each option – for you, for the adoptive parents and most importantly for the child.

The placement agency will also give advice about contact arrangements to the adoptive parents. It will balance their wishes against your wishes. The results will be written up into an arrangement between you and the adoptive parents. The main purpose of this arrangement is to clearly set out what you and the adoptive parents have agreed on. This agreement is entirely voluntary, which means it cannot be enforced against the other party's will later on. If any questions or uncertainties arise down the line, the placement agency will be there for you – even after the adoption, for instance if you want to revisit your contact arrangements.

### Can I get information about the child later on, even if no contact arrangements have been made?

It may be possible for you to get information about the child and their general life situation from the placement agency. However, this can only happen if the adoptive parents share such information with the placement agency and consent to it sharing this information with you. There is no obligation for the adoptive parents to do so.

Nonetheless, many adoptive parents do provide their placement agency with information which is intended to be shared with the biological parents. This could include information such as whether the child lives in a city or in the countryside, whether they have siblings, what type of school they attend or what hobbies they have.







## Can I go back on my decision?

An adoption cannot usually be reversed, as doing so would not be in the child's best interest. This means that you cannot subsequently take back the declaration you made before the notary.

Exceptions will only be permitted in very special cases – for instance if you only made the declaration because you were deceived or threatened. Even then, the adoption will only be reversed if it is in the child's best interest to do so.

## Where can I find more information?

- On our Familienportal (in German):  
[www.familienportal.de/ueberblick-adoption](http://www.familienportal.de/ueberblick-adoption)
- In the “Einblicke Adoption” brochure (in German)  
[www.familienportal.de/einblicke-adoption](http://www.familienportal.de/einblicke-adoption)
- In the “Blickwechsel Adoption” magazine (in German)  
[www.familienportal.de/blickwechsel-adoption](http://www.familienportal.de/blickwechsel-adoption)





***Placing a child for  
adoption so that they  
can be adopted by their  
stepmother or stepfather***

## What are the legal consequences of adoption by the stepmother or stepfather?

Upon adoption your child legally becomes the child of the former stepmother or former stepfather. Legally, you will cease to be the mother or father of the child. So for instance, you will no longer have custody of the child or any obligation to provide for them.

Additionally, the child will no longer have any legal ties with your family.

After adoption the child will instead be related to their former stepparent and that person's family. So this new parent will then also have custody of the child and the duty to provide for them, for example. From a legal viewpoint, there will no longer be any difference between the adoptive child and a biological child of the adoptive mother or adoptive father.

The child continues to be related to their other biological parent; in its legal aspects, this relationship does not change.

In many cases, these legal changes will not make any actual difference to the child. In particular if they already live as a family with the new parent, the day-to-day life of the child may not change in any major way.



## What is the process for giving up a child for adoption?

### The step-by-step procedure

**1.**

You should start by seeking advice from an adoption placement agency. This can be either a youth welfare office or an accredited non-governmental adoption placement agency. See page 21: *Where can I get advice?*



Their advice is non-directive. You can also come away deciding not to give up your parental rights to allow your child to be adopted.

**2.**

The placement agency will issue you with a counselling certificate; you will need this later on for the family court.

**3.**

You come to a decision in your own time and without pressure. If you wish to, you can have more consultations with the placement agency for instance, or seek legal advice.

**4.**

If you decide to give up your parental rights so the child can be adopted, you must declare before a notary that you agree to the adoption.



This declaration is the decisive step. The notary will pass it on to the family court. From this point on, you cannot go back on your decision. It is now final that you are giving up your parental rights and obligations to the child.

**5.**

After the stepmother or stepfather has filed an application for adoption with the family court, checks will take place to ensure the prerequisites for adoption are met. For this purpose, professionals from the placement agency will interview you and the other parties involved – but also other affected parties, such as other children living in the stepfamily.



**6.**

The ultimate decision about the adoption is made by the family court. If the court decides in favour of the adoption, you will no longer be the child's parent from a legal viewpoint. See page 9: *What are the legal consequences of adoption?*

**7.**

You can get advice from the placement agency throughout all of this time – and if you wish, even after the adoption procedure is completed.

### **Does the child get a say?**

Yes, if they are old enough. From the age of 14 at the latest, the child's consent is required. Then the child also has to give their consent before a notary.

One of the key prerequisites for adoption is that it must be in the child's best interest. The child's wishes are relevant here – including if they are younger than 14.

This is why both the placement agency and the family court give particular consideration to what the child wants and what is good for the child.

### **Where can I get advice?**

Please contact an adoption placement agency:

- the local youth welfare office – if your local youth welfare office does not have a placement agency of its own, it will point you to the nearest youth welfare office which includes a placement agency
- an adoption service run by non-governmental sponsors

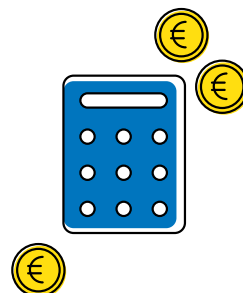
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### **How much do I have to pay?**

The adoption counselling itself is free of charge if you choose a youth welfare office as the placement agency. Several other placement agencies charge fees. Please check with the placement agency you contact.

In any event, however, you will need to pay some costs, arising from the involvement of a notary or family court, for example. Your placement agency can let you know how much you should potentially budget for these expenses.





## Will I still have contact with the child?

This is a possibility, if it is what you and the other people involved want. Contact can take many different forms: from the mere exchange of information, at one end of the spectrum, to regular direct contact at the other. However, contact between you and the child will only ever be granted to the extent that both sides are comfortable with it; it is also possible that there will be no further contact.

The placement agency will discuss the options with you in detail, and talk to you about whether you want to have any contact at all. They will also point out the advantages and disadvantages of each option – for you, for the new family and above all for the child.

If contact is lost, you may have the possibility of later re-establishing it via the placement agency. In this eventuality as well, the prerequisite is that the other persons involved also want this to happen. Your placement agency can answer any questions you have about this.

## Can I go back on my decision?

An adoption cannot usually be reversed. This means that you cannot subsequently take back the declaration you made before the notary.

Exceptions will only be permitted in very special cases – for instance if you only made the declaration because you were deceived or threatened. Even then, the adoption will only be reversed if it is in the child's best interest to do so.

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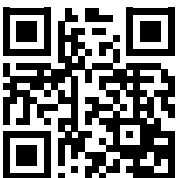
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