



## **Background Information Risk Acknowledgment**

(revised 3/5/24)

A common question asked by many prospective adoptive parents and their friends and family is what type of investigation of expectant/birth parents is conducted by Kirsh & Kirsh, P.C. (“Kirsh & Kirsh”). Kirsh & Kirsh tries to interview every expectant/birth mother prior to, or at the time of, the birth of the child, in order to obtain biological, social, psychological, psychiatric, criminal, marital, ancestral (including Native American), medical, behavioral (including, but not limited to, drug and alcohol use) and other information about her parents, grandparents, siblings, children and her (“background information”) and asks every expectant/birth mother and birth father, if he is involved, to complete detailed background information forms.

Kirsh & Kirsh will share the background information provided by the expectant/birth parent(s) and the completed background information forms with the prospective adoptive parent(s). If the prospective adoptive parent(s) have not received from Kirsh & Kirsh the completed background information form(s) within a couple of weeks of the birth of the child, the prospective adoptive(s) should request that Kirsh & Kirsh send the completed background information form(s).

If the birth father is not involved, then no background information about him will be available other than a physical description, if the expectant/birth mother is able, and willing, to provide it.

In short, all of the background information about the expectant/birth parent(s) comes from the expectant/birth parent(s) themselves. Some expectant/birth parent(s) lack much background information, some are wrong about the background information they provide, and some lie about their background information. Sometimes, background information is simply unavailable. Kirsh & Kirsh encourages expectant/birth parent(s) to disclose background information as fully and accurately as possible. However, Kirsh & Kirsh does not independently verify the background information, nor does Kirsh & Kirsh conduct background checks of expectant/birth parent(s) of any kind, including, but not limited to, interview of friends and family, check of criminal conviction histories, monitor of social media activity, or search of Google or other Internet sites. Such activities are beyond the scope of the services Kirsh & Kirsh provides or is qualified to provide.

Furthermore, Kirsh & Kirsh believes most expectant/birth parent(s) would consider it an invasion of privacy to do so without their permission. The undersigned understand(s) that in adopting a child, the background information is often incomplete and sometimes inaccurate.

Lastly, Kirsh & Kirsh does not review or opine about the background information or lack of background information. Any comments made by Kirsh & Kirsh about the background

information should not be construed as medical or legal opinion or advice. It is the sole responsibility of the undersigned, either on their own, or in consultation with a medical professional or other professional of their choosing, to review and assess the background information which Kirsh & Kirsh provides and to determine what additional background information, if any, they need in order to make the decision as to whether or not to proceed with the adoption of the child.

If the undersigned chooses to make independent inquiries regarding the expectant/birth parent(s), Kirsh & Kirsh recommends that the undersigned seek the permission of the expectant/birth parent(s) before performing any background checks. The undersigned understands the expectant/birth parent(s) may be offended by such a request and opt to have another family adopt, in which event the undersigned hereby grants Kirsh & Kirsh permission to attempt to match the expectant/birth parent(s) with another family.

The undersigned, individually, collectively, and on behalf of the child(ren) as the child(ren)'s parent, guardian or next friend, release(s) Kirsh & Kirsh for liability, of whatsoever nature, howsoever relating to the health and future well-being of the child(ren) they adopt, in general, and the adequacy and accuracy of the background information, in particular.

Dated: \_\_\_\_\_

Signatures:

\_\_\_\_\_  
\_\_\_\_\_



## **CONFLICT OF INTEREST STATEMENT**

It is important to understand that, since we have many clients seeking to adopt, your efforts, your letters, and pictures, and our files which describe you and your lives, and from which we make information available to the birth parents, are inevitably in competition with other letters, pictures, and files from some of our other clients. This creates a conflict of interest for us, in that, while we want to represent all of our prospective parents equally when it comes to any particular baby, it is often impossible to do so.

When a particular baby comes to our attention, and the birth parent(s) is (are) not referred to us by, or on behalf of, a particular family whom the birth parent(s) intend(s) on having adopt the baby, and the birth parent(s) seek(s) our help in choosing an adoptive home, our practice is to offer a choice from among three or four of our clients, based on the general qualities sought by the birth parent(s). To the extent possible, we focus on objective factors in selecting potential families from which to choose.

However, this process often involved subjective decisions on our part based on considerations too numerous to list and too subtle to articulate. Based on our experience, we try to help the birth parent(s) pick an adoptive family that will be most suitable.

Please read the foregoing, and sign below that you have understood this and agree to waive any "conflict of interest" which may arise regarding the above.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Adoptive Parent

\_\_\_\_\_  
Adoptive Parent



## **Medical Risk Acknowledgment**

The undersigned understand(s) that in adopting a child there are certain risks regarding the health and future well-being of the child. Some of those risks are the same whether parent(s) give(s) birth to, or adopt(s), a child; others are specific to an adopted child. One example, among many risks that is the same, is that some conditions are not apparent at birth. In deciding to have a child by birth or adoption, parent(s) assume this risk and others.

The undersigned further acknowledge and understand that Kirsh & Kirsh, P.C., its employees, officers, directors, and shareholders, successors and assigns (individually and collectively referred to as "Kirsh & Kirsh"), are not qualified to give medical advice. Information which Kirsh & Kirsh provides to the undersigned is simply information which Kirsh & Kirsh has received from either the birth parent(s) or medical providers. Kirsh & Kirsh does not review or opine about the information or lack of information. Any comments made by Kirsh & Kirsh about the information should not be construed as medical opinion or advice. It is the sole responsibility of the undersigned, either on their own, or in consultation with a medical professional of their choosing, to review and assess the information which Kirsh & Kirsh provides and to determine what additional information, if any, they need in order to make the decision as to whether or not to proceed with the adoption of the child.

Kirsh & Kirsh will assist the undersigned in trying to obtain information about both the child they are seeking to adopt as well as relating to the pregnancy of the birth mother of the child. The undersigned acknowledge and agree that it shall be their responsibility to have those records reviewed by medical personnel and to let Kirsh & Kirsh know if additional information is needed.

The undersigned release(s) Kirsh & Kirsh for liability, of whatsoever nature, howsoever relating to the health and future well-being of the child(ren) they adopt.

Dated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



## **KIRSH & KIRSH POST-PLACEMENT UPDATE POLICY**

(Revised March 5, 2024)

At the time of placement, the adoptive parents will contract with Child Connect, a third party, who hosts the secure and encrypted website that facilitates our adoption updates. For a one-time fee of approximately \$700, the adoptive parents will be able to upload their post-placement birth parent updates to the ChildConnect website and ChildConnect will provide the birth parent(s) secure access to the updates. The birth parent(s) may also use the ChildConnect app to order hard copies of the updates.

In our 40+ years and over 4,000 successful adoptions we have found that typically the more updates birth parents receive the more at ease they are with their decision. Therefore, the adoptive parents should be prepared to provide post-placement updates to their birth parent(s) according to this schedule.

<b>Update Sent By This Date:</b>
Within your first 2 weeks with the baby
1 Month
2 Months
3 Months
6 Months
9 Months
12 Months
18 Months
24 Months
Annually on birthday through 18 <sup>th</sup> Birthday

Logins will be created using your email addresses once the birth mother consents to the adoption. You will be able to access Child Connect by visiting: [www.IndianaAdoption.com/updates](http://www.IndianaAdoption.com/updates)

We, the prospective adoptive parent(s), understand and agree that regardless if the birth parent(s) want a closed adoption, or if other arrangements for sharing updates have been made between you and the birth parent(s) (ie texting, emailing) it is still required for you to use Child Connect to post the updates according the schedule above.

We, the prospective adoptive parent(s), understand and agree to the update arrangements outlined in the update policy.

Date: \_\_\_\_\_

\_\_\_\_\_  
Adoptive Parent Signature

\_\_\_\_\_  
Adoptive Parent Signature



## **WAIVER OF ATTORNEY-CLIENT PRIVILEGE**

(Revised: January 17, 2018)

Kirsh & Kirsh may report any known or suspected child neglect or abuse to the proper authorities. Client(s) specifically release(s) Kirsh & Kirsh from any liability or claims of privilege in the event Kirsh & Kirsh makes a report pursuant to this subparagraph. In giving this authorization, Client(s) freely, voluntarily, and knowingly waive the attorney-client privilege to which Client(s) would otherwise be entitled. By initialing below this paragraph, Client(s) confirm(s) that Client(s) possess(es) the information reasonably adequate to (1) understand why it would be necessary for Kirsh & Kirsh to make such a report and (2) give informed consent to the disclosure of what might be information subject to the attorney-client privilege.

Initial: \_\_\_\_\_

Client(s) hereby authorize(s) Kirsh & Kirsh to discuss all aspects of Client(s)'s adoption proceedings, both before and after finalization of an adoption, with Clients(s)'s home study and/or supervising agency or agencies, and Client(s)'s adoption counselors and adoption social workers. In giving this authorization, Client(s) freely, voluntarily, and knowingly waive the attorney-client privilege to which Client(s) would otherwise be entitled. By initialing below this paragraph, Client(s) confirm(s) that Client(s) possess(es) the information reasonably adequate to (1) understand why it would be necessary for Kirsh & Kirsh to discuss the adoption proceedings with the above-referenced persons and (2) give informed consent to the disclosure of what might be information subject to the attorney-client privilege.

Initial: \_\_\_\_\_

Client(s) authorize Kirsh & Kirsh to share identifying information with Child Connect in order for Child Connect to create an account for Client(s) and for Child Connect to facilitate the exchange of updates between Client(s) and the birth parent(s) of the child Client(s) adopt(s). In giving this authorization, Client(s) freely, voluntarily, and knowingly waive the attorney-client privilege to which Client(s) would otherwise be entitled. By initialing below this paragraph, Client(s) confirm(s) that Client(s) possess(es) the information reasonably adequate to (1) understand why it would be necessary for Kirsh & Kirsh to discuss the adoption proceedings with the above-referenced persons and (2) give informed consent to the disclosure of what might be information subject to the attorney-client privilege.

Initial: \_\_\_\_\_

Client(s) authorize Kirsh & Kirsh to discuss with ParentFinder information about Client(s) in order for Parentfinder to assist Client(s) with the completion of their online and physical profile. In giving this authorization, Client(s) freely, voluntarily, and knowingly waive the attorney-client privilege to which Client(s) would otherwise be entitled. By initialing below this paragraph, Client(s) confirm that Client(s) possess(es) the information reasonably adequate to (1) understand why it would be necessary for Kirsh & Kirsh to share information about Client(s) with ParentFinder and (2) give informed consent to the disclosure of what might be information subject to the attorney-client privilege.

Client(s) Initials: \_\_\_\_\_

DATE: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

\_\_\_\_\_  
CLIENT

\_\_\_\_\_  
CLIENT



**WHAT TO EXPECT OF BIRTH MOTHERS**

(Revised 10/12/23)

While it is difficult to generalize about all birth mothers who make adoption plans for their children, it is important for prospective adoptive parents to be realistic about what they can expect in working with our office.

Rarely do we have complete medical histories from mother and father. We should have a fairly good social and medical history for the mother because the birth mothers generally are willing to complete our 30-page background form. We can also obtain copies of hospital records relating to the birth and prenatal records of the birth mother (if she is receiving prenatal care), although it sometimes takes as long as a month to get those records after we have requested them. On the other hand, seldom do we have information about the father of the baby.

For some prospective adoptive parents, having complete medical information is essential in order for them to make a decision about whether or not they are interested in adopting a baby. While that desire is reasonable, detailed information is probably not going to be available in most cases. Families with those needs must carefully evaluate whether or not they wish to proceed with an adoption through our office.

Additionally, many birth mothers take care of themselves during their pregnancy. They refrain from smoking, drinking, and using drugs. On the other hand, many of the birth mothers with whom we work smoke. Occasionally, drug testing is performed by the doctor. If the woman does not receive prenatal care, often the hospital will routinely do a drug screen. However, our knowledge of a birth mother's usage of drugs is largely dependent upon what she tells us. Alcohol presents even more challenges because there are no tests for alcohol use beyond the first few hours of the alcohol consumption and that testing is almost never done.

In adopting a child, adoptive parents give up control of a number of items, but, in particular, they give up control of the pregnancy. To balance that lack of control, the option that prospective adoptive parents have, which birth parents do not have, is that if the baby is born with an obvious medical problem, the adoptive parents do not have to proceed with the adoption.

We provide this information not to discourage you from adopting, but to make sure that your expectations of the process are within the realm of what can be accomplished through our office.

If you have any questions, please let us know. Because this issue is so important, we would like for you to acknowledge that you have read this statement by signing your names below.

We have read and understood the foregoing *What to Expect of Birth Mothers*.

DATED: \_\_\_\_\_