

# VOLUNTARY POST-ADOPTION CONTACT AGREEMENTS: An Explanation for Families



## PACA DEFINED

A voluntary Post-Adoption Contact Agreement (PACA) is a legally enforceable agreement made between the adoptive parent(s) and birth relative(s) of the child who is being adopted. The agreement allows the child to have communication or contact with birth relative(s) after the adoption is finalized, indicates the type of contact permitted, and how often the contact occurs. All parties must be in agreement for a PACA to be approved by the court. The court will consider the best interest of the child in approving PACAs. The adoption of the child cannot be stopped or refused because one of the parties does not desire to enter into a PACA. The agreement does not go into effect until the adoption is finalized. If for some reason the adoption does not occur, the agreement is void.



Pre-adoptive Parents + Child + Birth Relatives

## PACA BENEFITS

- ☑ Recognizes a child's emotional connection to his or her birth relatives
- ☑ Preserves positive relationships with birth relatives
- ☑ Supports the adoption
- ☑ Provides better access to birth family history

## PRE-ADOPTIVE PARENTS, BIRTH RELATIVES, AND CHILDREN

The pre-adoptive parent(s) can enter into a PACA with birth relatives of the child being adopted. Those birth relatives include parents, grandparents, siblings, step-parents, aunts or uncles, either related to the child by birth, marriage or adoption. Separate agreements may be developed for different birth relatives. For example, a PACA may include different contact between the child and his or her sibling than with a birth parent. A child who is age 12 or older must consent to the agreement for it to be approved by the court.

## TYPES OF CONTACT

Contact can include any of the following:

- Visitation (supervised or unsupervised)
- Phone calls
- FaceTime or Skype
- Letters/Email
- Cards/Gifts
- Pictures
- Other contact that is mutually agreed upon

## PLANNING VISITATION

If visitation is part of the PACA, the location of the visits can be anywhere the parties agree, such as in a home, a restaurant, or a community outing (such as a park or the zoo). It should be a location where everyone feels safe.

The parties to the PACA will determine the specific type, duration, and frequency of the contact. Contact can occur as little or as often as the parties decide. Conditions, such as sobriety, can be included if the parties agree.



### **Can a PACA be changed after the adoption is final?**

The adoptive parents may request formal modification of the agreement by the court. The court will consider whether the modification serves the best interest of the child. The child may also request modification once he or she is 12 years of age or older. Birth relatives may not seek modification of the PACA through the court. The parties to the agreement can also make changes without going to court, but only changes approved by the court are legally enforceable. Any party can request that the PACA be discontinued.



### **How can the adoptive parents and the birth relatives create a Post Adoption Contact Agreement?**

There are many ways to work out a PACA, such as mediation, facilitation, or informal discussions between the parties. Development of an agreement may involve agency staff, other providers, or attorneys. A PACA must be approved by the court prior to the date the adoption is finalized for the agreement to be legally enforceable.



### **What if the parties want post adoption contact, but do not wish to enter into a formal agreement?**

Adoptive parents have the right to decide that the child may have continued contact with birth relatives with or without a PACA. A PACA gives the parties the option to enter into a formal, legally enforceable agreement. Any informal agreement not approved by the court is not legally enforceable.



### **What if the other party is not following the PACA?**

Any party to the agreement can ask the court to enforce the PACA. Failure to comply with the terms of a PACA would not be grounds to set aside or invalidate the adoption. PACAs cease to be enforceable when the child turns 18 years old, unless the agreement states otherwise.