

Arizona does indeed have an enforceable post adoption communication alternative which has been in place since the mid- 1990s. ARS 8-116.01 is attached.

In summary a "PAC mediation" is set at the termination hearing when the adoption parent is known and willing and the birth parent is interested. The child protective agency rep. may attend but is not a signator to the agreement. The mediation does not take place until the termination is granted and it is led by a trained mediator familiar with these matters. The statute does not limit the content of the mediation agreement but it must be approved by the court – usually at the adoption hearing - in order to be enforceable.

"Enforcability" is limited in that The statute specifically states that failure to comply with an agreement DOES NOT set aside a consent to adopt, termination or adoption. ARS 8-116.01 F.

The statute states at C. that the adoptive parent can terminate contact in the child's best interest. That is not the end of the matter, however, because the birth parent can file a motion for enforcement – and the judge can enforce the agreement in the child's best interest - or modify the agreement – if the adoptive parent agrees.

The standard for enforcement, if the adoptive parent opposes it - is the best interest of the child.

Some of the items that have been included in PAC agreements are: actual visits (with the terms set out; phone contact; letters; gifts, reports and or photos from the adopt to birth parent at regular intervals. The adoptive parent can hold on to items to give the child at a later date without violating the agreement.

The biggest problem is how can communication be effected without the adoptive parent divulging their address. Yavapai CASA for Kids Foundation – a 501(c)(3) CASA support group in Yavapai County Arizona (Prescott) has developed and maintained an Adoption Exchange Mailbox for at least 15 years. The organization pays the PO fee and for forwarding and return postage to of about \$150.00 a year. A Board member checks the PO box 4-2-3 times a week. Incoming items are removed from the envelope or other wrapping and rewrapped and readdressed to the recipient. The Board keeps a log of "registered" families, and logs when an item is received and forwarded. The Board member is not responsible to review the content of the communication. There is no fee to the families. Check it out at the website. <http://www.yavapaicasaforkids.org> under Projects.

Another problems is that one or the other family – usually the birth parent – moves and doesn't leave a forwarding address. The agreements are usually written so that one party doesn't have to continue to send items if there is no recipient address available. I am unaware of ay problems with the actual communication.

It works very well and is often a great stress reliever to parents loosing their parental rights and to older children entering adoption.