Adoption Fraud

There are many types of fraudulent acts targeting unsuspecting individuals, but perhaps the cruelest involves the fraudulent adoption of children.

Adoption fraud, also known as "wrongful adoption," refers to any form of intentional misrepresentation or illegal act by someone during the adoption process for the purpose of personal or financial gain. Perpetrators of adoption fraud can include adoption agencies, facilitators, birth mothers and, in some cases, potential adoptive parents.

Typically, in adoption fraud cases, the adoptive parents claim that they were wronged by agencies which failed to provide them with a child's full background information - thus depriving them of the opportunity to make an informed decision as to whether to adopt. In other cases, adoptive parents are "scammed" by online birth mothers who promise the adoption of their babies to more than one family in return for financial support, travel expenses, and other pregnancy-related costs.

Adoption Fraud Laws

Most states do not have laws aimed specifically at punishing adoption fraud. Instead, these states punish adoption fraud as a felony charge of theft by deception - punishable by fines or jail time (up to 20 years in prison in some states.)

Other states, such as Indiana (which has an adoption deception statute), make it a misdemeanor for a birth mother to accept adoption-related expenses from more than one prospective adoptive parent or agency, or to accept money when they have no intention to give up their child. Under these laws, prospective adoptive parents may sue the birth mother for more than several times the amount of expenses paid.

Browse through a collection of adoption laws by state.

Adoption Fraud Examples

There are many types of adoption fraud cases. Generally, adoption scammers target unsuspecting adoptive parents through some act or form of deception with the hopes of personal or financial gain.

Examples of adoption fraud might include:

- An adoption agency charging excessive fees for the adoption process, or an agency who accepts money for services that were never rendered
- An adoption facilitator failing to provide prospective adoptive families with known information about a child’s physical, emotional or development problems or with critical background information about the child’s birth family and history
- A pregnant woman promising multiple families her unborn child while accepting payments from the families with or without the intention to complete the adoption
- A non-pregnant woman who poses as a birth mother while collecting money for living expenses, travel, and other costs with no ability to complete the adoption process
- An adoptive couple who promises to adopt a pregnant woman’s child and then cuts off all contact with the woman after the adoption is finalized
- A person trying to sell a baby online for money

Adoption Red Flags

It is a good idea for anyone seeking to adopt a child to pay attention to warning signs that may indicate attempts of adoption fraud. It is also important to know that a “red flag” or potential warning sign does not always mean adoption fraud is taking place. Instead, warning signs should be used as a sign to conduct further research into the person or organizations you are working with -- hopefully before any money has passed hands or expectations have been confirmed.
Below are some common warning signs to look out for during the adoption process:

**Adoption Agency or Facilitator Red Flags**
- Pressures you to sign documents you don’t fully understand
- Does not return your phone calls or emails, despite multiple attempts to contact them
- Makes guarantees about the adoption process, such as the willingness of a prospective family or birthmother to adopt or how quickly and easily the adoption will be
- Refers to the child as “yours” (hoping to create an emotional connection) before the adoption is legally finalized
- Makes unsolicited contact with you to sign you up as a prospective adoptive parent or birthmother

**Potential Birthmothers Red Flags**
- Does not show you proof or pregnancy, even when asked to do so
- Does not return your calls or respond to emails
- Does not give you a phone number to reach them, saying that they’ll be in touch with you
- Rushing to the topic of you paying for their expenses
- Refusing to meet with an adoption agency, counselor, or lawyer

**What You Can Do to Avoid Adoption Fraud**
- Learn about the common scams that scammers use to deprive prospective adoptive parents of time and money
- Join forums and online groups that discuss tips for preventing adoption scams, such as this one on Facebook.
- Always use a trusted professional agency or private attorney to assist with the process, but before doing so, research the agency or individual by typing the agencies name in Google, for example, to see what kind of information comes up
- Keep in mind the saying *if it seems too good to be true, it probably is*
- Ask questions
- Know your legal rights to adoption by speaking with an adoption lawyer early on in the process
- Talk to others who have adopted a child to learn what you might expect

**What to Do If You Believe You Are a Victim of Adoption Fraud**
Adoption fraud is a serious matter that takes an emotional and financial toll on its victims. If you suspect fraudulent adoption activity, you may wish to report the potential violation to your local police department, the FBI, state attorney general office, or National Fraud Information center.

Finally, if you have personally been affected by adoption fraud - especially after the exchange of money has already taken place - you may wish to speak with a knowledgeable adoption lawyer in your area who can discuss your legal rights and actions you may take.
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