



## Contact Legal Assistance

For legal assistance generally, make an appointment with the 412 TW/JA legal office

Walk-ins available for powers of attorney and notaries Monday—Thursday 9am-3pm

Phone: 661-277-4310

Email: [412tw.ja.workflow@us.af.mil](mailto:412tw.ja.workflow@us.af.mil)

Address: Trailer at 1 S. Rosamond Blvd.,  
Edwards AFB, 93524



## Children: Custody and Adoption

Edwards Air Force Base  
412 TW/JA





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## Military Family Adoption Issues

### **Working with child welfare personnel generally:**

The people who handle your child's adoption may be unfamiliar with the military lifestyle and may have some questions for you. You can refer them to the U.S. Government's bulletin, *Working With Military Families as They Pursue Adoption*, at [childwelfare.gov/pubs/militarybulletin](http://childwelfare.gov/pubs/militarybulletin). Inform them that the Air Force is committed to providing high levels of consistency and family support regardless of location.

### **PCS orders:**

Be aware that if you receive PCS orders in the middle of an adoption, many agencies may require you to complete a new home study in the new location.

### **Deployment during adoption:**

If you are deployed abroad, parts of the adoption process may be facilitated by granting your spouse or other family member power of attorney. Home studies require at least one personal interview, however, so schedule your interview before leaving if you know you are deploying. If you are close to finalizing an adoption, you may request deployment deferment.

### **DoD support for special needs families:**

Because many children up for adoption have special needs, the DoD has an Exceptional Family Member Program that helps you navigate healthcare and educational systems, and provides referrals. Go to [efmpandme.militaryonesource.mil](http://efmpandme.militaryonesource.mil) for more information.



## Adoption is Lifelong

Adoption is lifelong. When deciding to adopt, evaluate your motives. Know that the process may be long and expensive, and that your child might have come from a difficult social and emotional background.

### Preview of Adopting

Military families adopting generally go through the same processes as civilian families.

No matter if you are stationed abroad or in the United States, you begin your process by speaking with a Military OneSource adoption consultant. A consultant will help you understand the adoption process, locate an agency that works with military families, identify resources to defray the costs of adoption, and point you to benefits and support services.

If you are stationed abroad, you may need to follow the host country's laws on adoption even if your family will ultimately live in the United States. The State Department maintains a list and guide of foreign countries' rules on its website at [adoption.state.gov](http://adoption.state.gov).

The next step is to find an adoption agency, and then to complete a home study to educate your family about adoption, as well as to assess your prospects as parents. Only then will the matching process begin, which can also take some time depending on child specifications and location.



## Children: Ins and Outs



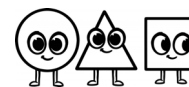
### Supporting You and Your Children

For many servicemembers, your children may be the most important thing in your lives. They may also be one of the most complicated, and you may face a wide array of old and new issues with them. The Air Force understands this and is committed to helping you support your children. In fact, AFI 36-2908 requires servicemembers to maintain a family care plan. This plan covers contingencies such as deployment and an alternate caregiver.



### Federal Benefits for Non-Dependent Children

Sometimes, servicemembers want to care for children that are not theirs by birth or adoption, such as grandchildren, nieces and nephews, or foster children. In order to obtain military dependent benefits, these children must be committed to a servicemember's custody by a court order for a period of not less than 12 months. The child also must not be older than 21, or 23 if a full-time student. See our office for more details.



### How Can Legal Assistance Help You?

Contact us with all facets of child issues, from creating a family care plan to seeking custody to adopting. We support you so you can better support your children!



## Child Custody is Uniform

### *The Home State:*

To understand child custody laws, you must be familiar with the home state concept. The defining rule is that only one state, the home state, governs your child's custody situation at a time, even if you may have moved away from that state. This rule emerges from the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), a nationwide law that all states have adopted, except Massachusetts.

The home state is the state where the child has lived for six consecutive months or since birth prior to the start of custody proceedings.

Unless all disputants have moved away from the home state, or the home state no longer maintains a "significant connection" to your child's custody situation, all other state courts are bound to enforce the determinations from the home state.

### *Deployment is Never a Sole Reason:*

Military child custody cases have never been solely decided on the issue of deployment or potential deployment. Many state and federal laws, including the Servicemembers Civil Relief Act (SCRA) and Uniform Law Commission's Deployed Parents' Custody and Visitation Act (UDPCVA), protect or limit deployment from consideration in custody proceedings. Custody is determined in a holistic manner, centering on the best interests of the child.



## The Best Interests of the Child

### **The Defining Perspective**

If there is one thing to know about how courts determine child custody, it is that they do so according to the best interests of the child. This is the defining perspective.

The following factors may show the best interests of the child:

- Stated preference of the child
- Degree of emotional attachment to each parent
- Age, gender, development
- Comfort in home, school, community
- Involvement in each parent
- Physical, emotional, social, financial stability of each parent
- Willingness of each parent to cooperate with the other
- Any history of domestic violence or child abuse
- The effect a parent's deployment may have
- The effect a parent's frequent PCSes may have
- Any many more

Servicemembers worried about their child custody rights should keep and maintain a detailed family care plan. They and their children should also take full advantage of the unique opportunities and environment the Air Force provides, from the military subculture to community support.

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*Everything revolves around the best interest of the child*

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