

Post-Adoption Contact and Communication Fact Sheet

A Post-Adoption Contact and Communication Agreement (PACCA) is a legally enforceable contract between the birth parent(s) and adoptive parent(s) to establish contact and/or communication regarding the adoptive child after the adoption is finalized. The agreement is developed in a collaborative process between the birth parent(s) and prospective adoptive family. This fact sheet provides basic information regarding a PACCA. Attorneys should be consulted in developing a PACCA.

Important information to consider in utilizing a PACCA includes:

- The PACCA can be used in all agency and parental placement adoptions.
- A PACCA is optional.
- Birth parent(s) and prospective adoptive parent(s) must agree to the agreement.
- If a child is 14 years of age or older, the child must agree to a PACCA.
- The agency sponsoring the adoption or completing the adoption report and the child's guardian ad litem (GAL) must recommend that the PACCA be approved.
- The prospective adoptive parent(s)/petitioner(s) must submit the agreement with the petition for adoption.
- The PACCA grants the birth parent(s) or the prospective adoptive parent(s) the right to seek enforcement of the agreement.
- The adoption is irrevocable even if the adoptive parent(s) or birth parent(s) do not honor the PACCA.
- A court cannot require a written PACCA as a precondition to making a decision in any case involving a child.
- A PACCA must be filed in a Virginia circuit court in order to be legally enforceable.
- It is important to consider future ramifications when developing the terms of the agreement, such as a party moving out of state.

The birth parent(s) and prospective adoptive parent(s) should develop the terms and conditions of the PACCA. After agreeing on the terms and conditions, the agreement is to be given to the child's GAL and either the sponsoring agency or the agency completing the adoption report for approval. After all approvals are received, the prospective adoptive parent must submit the PACCA with the adoption petition in order for the PACCA to be placed in the final order of adoption.