

Making Babies, With and Without Sex

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"My biological clock is TICKING LIKE THIS (foot stomping) and the way this case is going, I ain't never getting married [or having babies]! — *My Cousin Vinny*.

The options for adoption (babies created through sex) and assisted reproductive technology (babies created without sex) are changing, with advances in technology and changes in social norms. There are more single mothers choosing to parent their children. There are more women electing to delay their child-bearing years in favor of career advancement. There are more non-traditional couples who wish to raise children. Each of these changes in parental culture is taking place on a global scale. As a result, more and more individuals and couples are turning to alternative ways to create their families. This raises new issues for attorneys helping clients navigate the legal process.

Adoption:

Adoption has historically been a popular method for growing or creating a family for infertile couples and in those instances where caring for a child born to a family member becomes necessary. Today, fewer newborns are available for adoption. Birth control efforts have largely been more effective among teenagers as birth control becomes more readily available and sex education becomes more widespread. A society with fewer unplanned pregnancies is a society with fewer newborn children available for adoption.

It is also more socially acceptable for a woman to choose to raise her child as an unwed mother. Young women that opposed abortion, but were not finished with their education or financially secure, would consider placing their child for adoption in previous decades. Today, those same women are finding ways to raise their children with the help of



government assistance, family assistance and plain grit.

The way adoptive parents are selected has also changed from adoption agencies selecting a potential adoptive family to birth parents selecting an adoptive family based on the attractiveness of the adoptive family's profile—usually presented online, using expensive videos. When Angelina Jolie and Brad Pitt wanted to adopt another child, they had their pick. However, a couple in their 40's with a high school education and a low paying job at Walmart might never be selected by a birth mother to adopt her child.

In New Mexico, the Children, Youth and Families Department continues to be an inexpensive resource for potential adoptive parents; however, many of the

children available for adoption from CYFD are drug and alcohol exposed in utero or, if older, have been traumatized for a significant portion of their young lives. Many of the children that have been in CYFD custody will need a parent that is educated and equipped to raise a child with bonding and attachment issues or other special needs. CYFD also has a legal mandate to attempt to place children with relatives, prior to finding a non-relative adoptive placement. A whole industry of legal representation now exists to represent foster parents who want to intervene in the abuse and neglect case to advocate for a child whom they may have had in their custody for several years, sometimes since birth.

The cost of adoptions has increased by a factor of four and adoption matters are not easily litigated *pro se*. The federal