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## Adoption Lawsuit Birth mother says she wasn't counseled

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**Abstract (Abstract):** Carolyn Joyce, a 22-year-old senior at the University of Arizona, gave up her child to Charles and Ellen McAvoy, a couple from Massapequa, soon after the infant was born in April, 1987. She found them through an ad in the school newspaper, which offered a loving home for a "white newborn." Joyce said she had convinced herself she would be able to give up the child.

[Frederick Magovern] said Joyce was protected: She signed the consent papers before an Arizona judge, who was responsible for safeguarding her rights and making sure she was informed of her alternatives. He also said the McAvoy's love the child, whom they have named Meghan, and that when they agreed to care for her, they considered it a very serious undertaking.

Magovern said he believed counseling had been offered to Joyce, and that she had turned it down. But Joyce said she hadn't been offered any until after she signed the consent papers. She said she went on her own to a "crisis pregnancy" center in Tucson, but that all the center's counselors wanted to talk about was religion and her sex life.

**Full text:** An Arizona college student who gave up her infant daughter for adoption is suing to get the child back - arguing that she wasn't counseled sufficiently about the emotional bond she would feel when her child was born.

Carolyn Joyce, a 22-year-old senior at the University of Arizona, gave up her child to Charles and Ellen McAvoy, a couple from Massapequa, soon after the infant was born in April, 1987. She found them through an ad in the school newspaper, which offered a loving home for a "white newborn." Joyce said she had convinced herself she would be able to give up the child.

But several months later, she began fighting to get her daughter back, saying she had been under great stress when she signed the consent papers in Tucson, Ariz. And she argued that she had not been offered any "non-judgmental" counseling to help her make a reasonable, rational decision.

"It's very, very difficult to go back and say, 'Why did I agree to this?' - of course I feel very stupid, now," she said yesterday. "But I was under a tremendous amount of stress, and it was easy to get me to do what I wouldn't otherwise have done.

"No one seems to have much sympathy - they say I can have another baby," she added. "But you can't have the same baby over again. It's just not the same thing."

Joyce said that if she had received good, professional counseling, she might have had enough information to make a proper decision. At the time, she was too scared to tell even her parents.

But as she waits for a court date, Joyce faces several major problems in her bid to retrieve the child: She's still a student and living in Tucson, for one thing, and the case is scheduled in surrogate court in Mineola.

For another, mandatory counseling is not the law in New York or Arizona.

But, most important, Joyce didn't file the court papers in New York until after the 45 days allowed under state law for a natural mother to change her mind about an adoption. The baby was born on April 30, and she filed the papers in late June.

"Every adoption is an emotionally wrenching experience, no doubt about it, and to deny that is to deny human reality," said Frederick Magovern, the attorney for the McAvoy's. "But you can't vacate every adoption just because it was wrenching."

Magovern said Joyce was protected: She signed the consent papers before an Arizona judge, who was

responsible for safeguarding her rights and making sure she was informed of her alternatives. He also said the McAvoy's love the child, whom they have named Meghan, and that when they agreed to care for her, they considered it a very serious undertaking.

"They're not just going to walk away from this child," he said. The McAvoy's could not be reached for comment yesterday.

Magovern said he believed counseling had been offered to Joyce, and that she had turned it down. But Joyce said she hadn't been offered any until after she signed the consent papers. She said she went on her own to a "crisis pregnancy" center in Tucson, but that all the center's counselors wanted to talk about was religion and her sex life.

"Most of the laws are geared to protecting adoptive parents - as opposed to natural parents," said John Spellman, Joyce's attorney. "The foster parent organizations have their lobbies. Adoption organizations have lobbies. But there really isn't a lobby for unwed mothers."

No date has been set for the hearing before Nassau County Surrogate C. Raymond Ratigan.

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