



Understanding Infant Adoption 7

Arkansas Adoption Guide for Healthcare Providers & Staff

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Disclaimer: This resource guide is intended for informational purposes only and does not constitute legal advice. It is not a substitute for consultation with hospital legal counsel or a licensed adoption attorney. Adoption laws and procedures vary by jurisdiction and are subject to change. Healthcare providers and staff are strongly encouraged to seek professional legal guidance to ensure compliance with applicable laws and regulations.

Introduction to Adoption

What is Adoption?

Adoption is a legal process where biological parents (also referred to herein as “placing parents” or “birth parents” relinquish their parental rights to their child, allowing the child to be placed in the care of adoptive parents. However, adoption is more than just a legal agreement; it is a life-altering experience that reflects a commitment to a child's love, care, and well-being.

Healthcare providers should have a basic understanding of the three main types of adoption to offer informed support for their patients:

- **Private Adoption:** This is a direct arrangement between birth parents and adoptive parents, often through a licensed adoption agency or attorney. In a private adoption, the birth parents have voluntarily relinquished their parental rights to the child, and the child is placed directly into the legal and physical custody of the adoptive parents. Most private adoptions are “open adoptions,” meaning there will be ongoing contact between the birth parents and adoptive parents. Private adoption is the most common type of adoption that healthcare providers encounter when working in mother-baby and neonatal units.
- **Adoption from Foster Care:** This occurs when a child in state foster care is legally available for adoption after a court has terminated the parental rights of the birth parents. Foster care adoptions often involve older children. Every state has laws and regulations governing foster care and adoption, which are managed by the state's public child welfare agency. If the child is placed for adoption in another state, compliance with the Interstate Compact on the Placement of Children (ICPC) is required.

- **Intercountry Adoption:** The process by which a child born in one country is adopted by a family in another country. The State Department serves as the oversight authority for intercountry adoption in the United States.

For expectant mothers, the adoption journey is filled with complex emotions and culminates in a life-changing decision. The private adoption process allows mothers to create an adoption plan at any point during their pregnancy or after giving birth. In this journey, healthcare providers play a crucial role, providing neutral care and support, facilitating fully informed decision-making, and making ethical referrals to adoption providers. Your role in this process is integral in ensuring the well-being of all patients considering this option.

Important Terminology

The biological parent signs adoption consent or relinquishment, authorizing the court to terminate her parental rights:

- Before adoption consents are signed, refer to the biological parent as an **“expectant parent”** or **“parent”**
- A parent making an adoption plan for their child is called a **“placing parent”**
- After adoption consents are signed, refer to the biological parent as a **“birth parent.”**

Support for Patients Considering Adoption

Expectant parents should have access to a variety of support resources from the moment they begin considering adoption through the completion of the process and beyond. Below is a summary of some of the available services and providers that patients can access to find appropriate support.

Pregnancy Options Counseling

Many non-profit organizations in Arkansas offer pregnancy options counseling for expectant mothers. The purpose of this counseling is to help women consider their available options during pregnancy. It is important to note that not all pregnancy centers provide the same services. For instance, some pregnancy resource centers do not offer information or referrals for abortion. However, most centers typically provide services such as pregnancy testing, ultrasounds, maternity clothes, parenting assistance, resource referrals, parenting classes, and counseling. Generally, these organizations do not charge fees unless they also operate a licensed medical clinic on site.

Ethical & Effective Referrals

Empowering patients in their decision-making process is key. When making a referral to an adoption provider, it's important to present at least three options. This allows the patient to understand the range of services available and choose the one that best suits her needs. See the Understanding Infant Adoption curriculum handouts [Questions for Healthcare Practitioners to Ask Adoption Agencies and/or Attorneys](#) and [Questions for Patients to Ask Adoption Agencies and/or Attorneys](#) for suggestions.

Choosing an Adoption Provider

The internet is full of adoption providers offering help to expectant parents, but not all of these entities have your patients' best interests at heart. It's essential to understand the different types of adoption professionals available:

- **Licensed Adoption Agencies:** Adoption agencies are licensed by the state to provide adoption services to expectant/birth parents and adoptive families. These services can include social work, home studies, adoption education, pregnancy counseling, adoption matching, and post-placement care. Agencies work to ensure that social and emotional challenges are addressed through social work and counseling, while also ensuring compliance with adoption rules and regulations.

- **Licensed Adoption Attorneys:** Attorneys play a vital role in the adoption process. Ideally, the adoptive parents should have their own attorney, and the expectant or birth parents should be represented by a separate attorney. This ensures that everyone's rights are protected and that there are no conflicts of interest. Attorneys in Arkansas are licensed by the Arkansas State Bar Association.
- **Unlicensed Adoption Intermediaries:** Some adoption providers are not licensed to offer adoption services. Unlicensed adoption intermediaries are also referred to as “advertisers,” “matchmakers,” “brokers,” or “marketers.” They solicit expectant and adoptive parents for their services through online ads and other marketing tactics and collect substantial matching fees from hopeful adoptive parents. Working with an unlicensed adoption provider can complicate the process for expectant mothers trying to find suitable adoptive parents for their children and can prevent them from getting adequate support and guidance. It is very appropriate to ask an agency to see a copy of their state-issued child-placing agency license.

More than half of the states in the U.S. have laws prohibiting the use of unlicensed adoption intermediaries, but such laws are frequently overlooked. In Arkansas, only a licensed child-placing agency may place a minor for adoption or engage in the business of placing a minor for adoption. See [Arkansas Adoption Laws](#), below, for further information.

- **Out-of-State Adoption Providers:** With the increasing use of the Internet in the adoption process, patients may choose to work with adoption providers located outside of Arkansas. It's crucial to ensure these out-of-state providers are licensed to provide adoption services and that they work cooperatively with an Arkansas-licensed adoption agency and attorney to ensure that the placing parents receive local support before, during, and after adoption. This not only ensures legal compliance but also the safety and well-being of the patient and the child.

Choosing Prospective Adoptive Parents

The process of selecting adoptive parents requires careful consideration. Expectant parents often have a specific vision of the type of family they wish to find for their child. An Arkansas licensed child-placing agency or attorney can assist expectant parents in identifying potential adoptive families that align with their desired characteristics. Once the expectant parent has reviewed profiles of suitable prospective adoptive parents, she should have the opportunity to meet with them in person whenever possible before making a final decision.

Expectant parents should create a list of questions to ask prospective adoptive parents to ensure they find the right family for their child. However, compiling this list can be overwhelming. See the handout [Questions for Patients to Ask Adoption Agencies and/or Attorneys](#) for suggestions.

Support After Adoption

Birth parents often experience grief and a range of intense emotional and psychological effects after placing a child for adoption. It is important to provide them with mental health support during this time. Support following adoption can take various forms, including individual counseling, group therapy, and support groups.

Arkansas Adoption Laws

Adoption is a complex legal process. Violating state laws can jeopardize the safety of all parties involved, as well as the child's permanency. Below are frequently asked questions regarding Arkansas's adoption laws.

Does Arkansas allow independent (non-agency) adoptions?

Yes. Arkansas does allow independent (non-agency) adoptions, often referred to as "private" or "independent" adoptions. In these cases, the adoption is arranged directly between the birth parents and the adoptive parents, typically with the assistance of an attorney rather than a licensed adoption agency.

Does Arkansas allow unlicensed adoption facilitators?

Arkansas law does not address this issue directly. However, the Arkansas [Minimum Licensing Standards for Child Welfare Agencies](#) states that any person or entity that plans for or assists in the placement of any unrelated minor for care in an adoptive home requires a license and is not exempt from Arkansas adoption laws. The Child Welfare Agency Review Board may impose a civil penalty on violators.

Does Arkansas require that placing parents have separate legal representation?

Yes. The placing parents must have legal representation, limited to the purposes of signing consent to adoption and withdrawing the consent to adoption. The attorney representing the placing parent must not represent any other party in the adoption. [Ark. Code Ann. § 9-9-208\(d\)\(1-2\)](#)

Are adoptive parents allowed to pay an expectant mother's living expenses?

Yes. Adoptive parents are only allowed to pay reasonable and necessary incidental expenses incurred in connection with the birth of the child, including reasonable housing costs, food, clothing, general maintenance, and medical and hospital care received by the expectant mother or by the minor during the mother's prenatal care and confinement. [Ark. Code Ann. § 9-9-206\(c\)](#)

When can the placing parents sign the adoption consent or relinquishment?

Placing parents are allowed to sign adoption consents at any time after the child's birth. These consents must be signed in the presence of the court or in the presence of persons authorized to take acknowledgments. [Ark. Code Ann. § 9-9-208\(a\)](#)

Can a birth mother who has consented to an adoption change her mind and revoke her consent?

Yes, she can. She can withdraw her consent within ten (10) calendar days, or if she signs a waiver of the ten-day period, then she may withdraw her consent within five (5) days after it is signed or the child is born, whichever is later. To withdraw consent, she must file an affidavit with the probate division clerk of the circuit court in the county designated by the consent as the county in which the petition for adoption will be filed. [Ark. Code Ann. § 9-9-209\(b\)\(1\)](#)

For information on birth fathers' right to revoke their consent, please see below guidance regarding birth fathers.

Are post-adoption contact agreements legally binding in Arkansas?

No, they are not. While Arkansas law allows parties to enter into a post-adoption contact agreement and outlines the elements of such an agreement, the agreement is not legally enforceable in court. Arkansas law recommends dispute resolution through mediation and ultimately gives adoptive parents the sole authority to determine the best interests of the child. Birth parents should be informed that open adoption agreements are not legally enforceable. [Ark. Code Ann. § 9-9-225](#)

What legal rights do birth fathers have in an Arkansas adoption?

In all states, including Arkansas, birth fathers' legal rights in adoption depend on various factors, such as their legal relationship with the child's mother and their actions before and after being notified of the adoption proceedings. Birth fathers who wish to understand and enforce their legal rights should consult with an Arkansas adoption attorney for guidance.

What to do when you suspect a violation in your hospital?

If you witness violations of Arkansas law in your hospital or healthcare clinic, you should immediately file a report. Where you file the report will depend on the type of entity or individual who has committed the offense. If you are witnessing repeated offenses, alert your healthcare administration office.

Type of Entity	Where to Report	Contact Information
Licensed Adoption Agency	Placement and Residential Licensing Unit, under the Shared Services Division	https://humanservices.arkansas.gov/divisions-shared-services/shared-services/placement-residential-licensing/
Licensed Attorney	Arkansas Judiciary	https://www.arcourts.gov/professional-conduct (501) 376-0313

Child Protection in Arkansas

Child Protective Services Referrals

Licensed nurses, physicians, mental health professionals or paraprofessionals, surgeons, resident interns, osteopaths, and medical personnel who may be engaged in the admission, examination, care, or treatment of persons are professionals who are considered mandatory reporters in Arkansas. [Ark. Code Ann. § 12-18-402](#)

Child Abuse, Neglect, and Exploitation Definitions under Arkansas Law

Under Arkansas law, a child is any person under the age of 18. [Ark. Code Ann. § 9-25-101](#)

- **Child Abuse** means any of the following acts or omissions:
 - Extreme or repeated cruelty to a child
 - Engaging in conduct creating a realistic and serious threat of death, permanent or temporary disfigurement, or impairment of any bodily organ
 - Any injury that is inconsistent with the history given
 - Any nonaccidental physical injury.

[Ark. Code Ann. § 12-18-103](#)

- **Child Neglect:** State statute includes an extensive list of neglectful actions, including but not limited to:
 - Failure to provide for the child's care and maintenance, proper or necessary support, or medical, surgical, or other necessary care
 - Failure, although able, to assume responsibility for the care and custody of the child or to participate in a plan to assume such responsibility
 - Causing a child to be born with an illegal substance present in the child's bodily fluids or bodily substances as a result of the pregnant mother's knowingly using an illegal substance before the child's birth
 - The presence of an illegal substance at the time of the birth of a child in the mother's bodily fluids or bodily substances as a result of the pregnant mother's knowingly using an illegal substance before the child's birth

[Ark. Code Ann. § 12-18-103](#)

Arkansas Department of Human Services Contact Information

Contact the Arkansas Department of Human Services to report incidents of abuse, neglect, or exploitation.

- **Phone Number:** (800) 482-5964 or 844-SAVEACHILD

- **Mandated Reporter Portal:** <https://mandatedreporter.arkansas.gov/>

Safe Haven/Safe Surrender Laws and Process

Safe Haven/Safe Surrender laws are designed to prevent the abandonment and endangerment of infants by providing a safe and legal way for parents to relinquish unharmed newborns. These laws allow parents to safely surrender their infant directly to a designated provider, while generally protecting them from criminal liability and prosecution. Additionally, these laws ensure that the relinquishing parent can remain anonymous. It is important to note that Safe Haven/Safe Surrender laws are intended for use in extreme circumstances and are not a substitute for the resources provided in the public child welfare system or private adoption processes.

- **For Immediate Assistance:** Call or text the 24/7 Safe Haven Crisis Helpline at 1-888-510-BABY (2229)

What are the age restrictions for a Safe Haven/Safe Surrender relinquishment in Arkansas?

The infant must be 30 days old or younger. [Ark. Code Ann. § 9-34-202](#)

Who can relinquish the infant under Safe Haven/Safe Surrender laws?

The parent of the child, or an agent of the parent, may relinquish the infant. [Ark. Code Ann. § 9-34-202; 5-27-205\(c\)](#)

Who are the designated Safe Haven/Safe Surrender providers?

In Arkansas, a parent may relinquish the infant for a Safe Haven/Safe Surrender to any medical provider, law enforcement agency, fire department, or in a newborn safety device that is:

- Voluntarily installed by the medical provider, law enforcement agency, or fire department;
- Physically located on a structured wall of or inside a hospital, law enforcement agency, or fire department; and
- Located in an area that is conspicuous and visible to the employees of the hospital, law enforcement agency, or fire department.

[Ark. Code Ann. § 9-34-202](#)

Putative Father Registry

A putative father is a person who claims to be the father of a child and wants to establish paternity. The purpose of a registry is to allow an unmarried father of a born or unborn child to register his name so he will be notified before the child is placed for adoption. The father does not have to be listed on the birth certificate to register.

The Arkansas Department of Health maintains the Putative Father Registry. [Ark. Code Ann. § 20-18-702](#)

- **Learn more about the Arkansas Putative Father Registry:** <https://healthy.arkansas.gov/programs-services/data-statistics-registries/putative-father-registry>.
- **Contact the Arkansas Department of Health:** (501) 682-1214 or adh.vitalrecords@arkansas.gov.

Arkansas Adoption Service Providers

Licensed Private Adoption Agencies

In Arkansas, adoption agencies are licensed by the state Placement and Residential Licensing Services Unit in coordination with the state Department of Human Services. The following licensed agencies focus on domestic infant adoption with counseling and/or services available for expectant parents. A full listing of child placing

agencies licensed in Arkansas is available online from <https://humanservices.arkansas.gov/divisions-shared-services/shared-services/placement-residential-licensing/>. Some agencies are licensed in multiple states.

Contact ascc@adoptioncouncil.org with any additions, corrections, or updates.

- **ABBA Adoption, LLC**
422 W Sevier St
Benton, AR 72015
Phone: (501) 776-2566
Contact Form: <https://abbaadoption.com/birth-parents-contact-page/>
<https://abbaadoption.com/>
- **Alliance For Children, Inc.**
2 Live Oaks Ct
Little Rock, AR 72223-9253
Phone: (479) 244-3181
Contact Form: <https://www.allforchildrenadoption.org/contact-new/>
<https://www.allforchildrenadoption.org/>
- **American Adoptions**
6 Burns Cir
Bella Vista, AR 72714
Phone: (800) 236-7846
<https://www.americanadoptions.com/>
- **Angel's Choice Adoption Agency, Inc.**
8808 Holiday Dr
Sherwood, AR 72120
Phone: (501) 615-3094
michelle.aaca@gmail.com
<https://www.angelschoice.org/>
- **Compact Family Services - Highlands**
2325 Malvern Ave
Hot Springs, AR 71901
Phone: (501) 262-1660
info@compact.family
<https://compact.family/highlands>
- **Connected Adoptions – Arkansas Baptist Children & Family Ministries**
9701 W Markham St
Little Rock, AR 72205
Phone: (501) 410-1567
information@arkansasfamilies.org
<https://www.abcfm.org/adoption-services>
- **The Gladney Center for Adoption, Inc.**
1 East Center Ste 310
Fayetteville, AR 72701
Phone: (910) 991-0958
Contact Form: <https://adoptionsbygladney.com/contact>
<https://adoptionsbygladney.com/>

- **Hudson Valley Adoption Services dba Hudson Hearts**
6834 Cantrell Rd Ste 1509
Little Rock, AR 72207
Phone: (516) 299-9629
info@hudsonvalleyadoption.org
<https://hudsonheartsadoption.org/>
- **Lifeline Children's Services, Inc.**
112 Danielle Cir
Maumelle, AR 72113
Phone: (205) 967-0811
<https://lifelinechild.org/states/arkansas/>
- **Lifetime Adoption**
6640 Congress St Ste101
New Port Richey, FL 34653
Phone: (800) 923-6784
Contact Form: <https://lifetimeadoption.com/birthmothers/connect-with-us/>
<https://lifetimeadoption.com/>
- **Shared Beginnings**
1845 Main Dr Ste B
Fayetteville, AR 72704
Phone: (479) 755-4146
letschat@sharedbeginnings.org
<https://sharedbeginnings.org/>

Licensed Adoption Attorneys

This listing reflects the current Arkansas licensed fellows of the [Academy of Adoption & Assisted Reproduction Attorneys](#) and may not be representative of all attorneys in the state working in the field of adoption law. Some attorneys hold licensure in more than one state.

Contact ascc@adoptioncouncil.org with any additions, corrections, or updates.

- **Sandra C. Bradshaw**
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Phone: (870) 305-4700
- **Justin Heimer**
2786 E Millennium Dr Ste 2
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Phone: (479) 225-9725
Fax: (479) 225-9725
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<https://www.heimerlaw.com>
- **Kaye H. McLeod**
415 N McKinley Ste 135D
Little Rock, AR 72205
Phone: (501) 663-6224
Fax: (501) 663-5393

- **H. Keith Morrison**
1 E Center St Ste 310
Fayetteville, AR 72701
Phone: (479) 521-5820
Fax: (479) 521-5543
- **Joanna Beck Wilkinson**
5211 Westminster Pl
St. Louis, MO 63108
Phone: (573) 446-7554
Fax: (866) 632-1345
joanna@marybecklaw.com
<https://www.marybecklaw.com>

Resources

- [Academy of Adoption & Assisted Reproduction Attorneys](#)
- [AdoptChange](#)
- [Arkansas Bar Association](#)
- [Arkansas Code Search](#)
- [Arkansas Department of Human Services](#)
- [Child Welfare Information Gateway: State, Territory, and Tribal Resources](#)

About the Adoption-Sensitive Clinical Care Project

It is critical that expectant parents who may wish to place a child for adoption have access to appropriately trained staff and comprehensive supports throughout the adoption process. The federally-funded Adoption-Sensitive Clinical Care Project and the Understanding Infant Adoption curriculum are being administered by [National Council For Adoption](#) (NCFA), [The Adoption & Foster Care Clinic](#), [Spaulding for Children](#), and [University of Washington School of Social Work](#) for the project period 2024-2026.

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