



Understanding Infant Adoption 7

Hawaii 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 in which 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 the 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 Hawaii 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 Hawaii are licensed by the Hawaii 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 Hawaii, only a licensed child-placing agency may place a minor for adoption or engage in the business of placing a minor for adoption. See [Hawaii 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 Hawaii. It's crucial to ensure these out-of-state providers are licensed to provide adoption services and that they work cooperatively with a Hawaii-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. A Hawaii-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.

Hawaii 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 Hawaii's adoption laws.

Does Hawaii allow independent (non-agency) adoptions?

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

Does Hawaii allow unlicensed adoption facilitators?

The laws in Hawaii do not address this issue.

Does Hawaii require that placing parents have separate legal representation?

The laws in Hawaii do not address this issue.

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

The laws in Hawaii do not address this issue.

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

A placing parent may sign the adoption consent at any time before or after the birth. If the parent signs before birth, they will need to sign a reaffirmation of consent after birth. [Haw. Rev. Stat. §§ 578-2\(f\), 571-61\(a\) \(2024\)](#)

Can placing parents who have consented to an adoption change their mind and revoke their consent?

No. Once a child has been placed for adoption, consent may not be withdrawn without express approval of the court based upon a written finding that withdrawal is in the best interest of the child. [Haw. Rev. Stat. § 578-2\(f\) \(2024\)](#)

Are post-adoption contact agreements legally binding in Hawaii?

The laws in Hawaii do not address this issue.

What legal rights do birth fathers have in a Hawaii adoption?

In all states, including Hawaii, 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 a Hawaii adoption attorney for guidance.

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

If you witness violations of Hawaii 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	Hawaii Department of Human Services, Social Services	(855) 643-1643
Licensed Attorney	Disciplinary Board of the Hawaii Supreme Court	<u>https://dbhawaii.org/how-to-file-a-complaint-with-the-odc/</u>

Child Protection in Hawaii

In the state of Hawaii, mandated reporters include the following clinical care associated professionals:

- Physicians, physicians in training, psychologists, dentists, nurses, osteopathic physicians and surgeons, optometrists, chiropractors, podiatrists, pharmacists, and other health-related professionals
- Medical examiners or coroners
- Employees or officers of any public or private agency or institution, or other individuals, providing social, medical, hospital, or mental health services, including financial assistance

[Haw. Rev. Stat. § 350-1.1 \(2024\)](#)

More information for mandatory reporters is available online at

<https://humanservices.hawaii.gov/ssd/files/2013/01/MANDATED-REPORTER-HANDBOOK.pdf>.

Child Abuse, Neglect, and Exploitation Definitions under Hawaii Law

Under Hawaii law, a child is any person under the age of 18. [Haw. Rev. Stat. § 350-1 \(2024\)](#)

Child abuse or neglect means acts or omissions that have resulted in the physical health or welfare of the child who is under age 18 to be harmed or to be subject to a reasonably foreseeable, substantial risk of being harmed, or when the child has been the victim of sexual contact or contact, or sex trafficking; when there exists observable and substantial injury to the psychological capacity of a child; when a child is not provided with adequate food, clothing, shelter, psychological care, medical care, or supervision; when the child is provided with dangerous, harmful, or detrimental drugs; or when the child has been the victim of labor trafficking. [Haw. Rev. Stat. § 350-1 \(2024\)](#)

Hawaii Division of Family and Children Services Contact Information

Contact the Hawaii Division of Family and Children Services to report incidents of abuse, neglect, or exploitation: (808) 832-5300; from neighbor islands: (888) 380-3088.

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 Hawaii?

A newborn child who is no more than 72 hours old and who is left in an unharmed condition may be relinquished. [Haw. Rev. Stat. §§ 587D-1, 587D-2 \(2024\)](#)

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

A person may leave the child with a Safe Haven provider. [Haw. Rev. Stat. § 587D-2 \(2024\)](#)

Who are the designated Safe Haven/Safe Surrender providers?

The child may be left with the personnel of a hospital, fire station, police station, or emergency services provider. [Haw. Rev. Stat. § 587D-2 \(2024\)](#)

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.

Hawaii does not have a state registry. However, the state does have a process for a Voluntary Declaration of Parentage (VDOP). More information is available at <https://health.hawaii.gov/vitalrecords/paternity>.

Hawaii Adoption Service Providers

Licensed Private Adoption Agencies

In Hawaii, adoption agencies are licensed by the Department of Human Services, Social Services Division. The following licensed agencies focus on domestic infant adoption with counseling and/or services available for expectant parents; an online listing is available from <https://humanservices.hawaii.gov/ssd/home/child-welfare-services/foster-and-adoptive-care/>. Some agencies are licensed in multiple states.

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

- **ADOPT International & Domestic Services**

580 Makaloa St #1020
Honolulu, HI 96814
Phone: (808) 523-1400
adopt@adoptinter.org
<https://www.adoptinter.org/>

- **A Family Tree**

1632 S King St
Honolulu, HI 96826
Phone: (808) 589-2367
hello@afamilytree.org
<https://www.afamilytree.org/>

Licensed Adoption Attorneys

This listing reflects the current Hawaii licensed fellows of the [Academy of Adoption & Assisted Reproduction Attorneys](#). This list 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.

- **Carol E. Lockwood**

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Resources

- [Academy of Adoption & Assisted Reproduction Attorneys](#)
- [AdoptChange](#)

- [Child Welfare Information Gateway: State, Territory, and Tribal Resources](#)
- [Hawaii Department of Child Welfare Services](#)
- [Hawaii State Bar Association](#)
- [Hawaii State Legislature - Revised Statutes 2024](#)

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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