



Understanding Infant Adoption 7

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

Idaho 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 Idaho's adoption laws.

Does Idaho allow independent (non-agency) adoptions?

Yes. Idaho 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 Idaho allow unlicensed adoption facilitators?

No. Idaho does not permit unlicensed adoption facilitators. Only Idaho-licensed child placement agencies and Idaho-licensed attorneys may place children for adoption. [Idaho Code § 18-1512A \(2024\)](#)

Does Idaho require that placing parents have separate legal representation?

The laws in Idaho do not address this issue.

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

Any person or agency seeking to provide financial assistance over \$500 shall do so after submitting a verified financial plan outlining proposed expenditures to the court. A prospective adoptive parent, or another person acting on behalf of a prospective adoptive parent, shall make payments for allowed expenses only to third-party vendors, as is reasonably practical. No financial assistance to a birth parent shall exceed the sum of \$2,000 unless otherwise authorized by the court. [Idaho Code § 18-1511 \(2024\)](#)

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. The consent must be witnessed by a district judge, a magistrate of a district court, or an equivalent judicial officer of the state where a consenting person resides or is present. [Idaho Code § 16-2005 \(2024\)](#)

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

No. [Idaho Code § 16-2005 \(2024\)](#)

Are post-adoption contact agreements legally binding in Idaho?

The laws in Idaho do not address this issue.

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

In all states, including Idaho, 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 Idaho adoption attorney for guidance.

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

If you witness violations of Idaho 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	Idaho Department of Health and Welfare, Division of Licensing and Certification	Laura Stute, (208) 364-1959

Type of Entity	Where to Report	Contact Information
Licensed Attorney	Idaho State Bar	(208) 334-4500 https://isb.idaho.gov/bar-counsel/grievance-faq/

Child Protection in Idaho

In the state of Idaho, mandated reporters include physicians, residents on hospital staffs, interns, nurses, social workers, coroners, and any other person having reason to suspect child abuse, abandonment, or neglect. [Idaho Code § 16-1605 \(2024\)](#)

Child Abuse, Neglect, and Exploitation Definitions under Idaho Law

Under Idaho law, a child is any person under the age of 18. [Idaho Code § 16-1605 \(2024\)](#)

- **Abused** means any case in which a child has been the victim of conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, head injury, soft tissue swelling, failure to thrive, or death, and such condition or death is not justifiably explained; the history given concerning such condition or death is inconsistent with the degree or type of such condition or death; or the circumstances indicate that such condition or death may not be the product of an accidental occurrence. [Idaho Code § 16-1602 \(2024\)](#)
- **Neglected** means a child to whom any of the following applies:
 - Who is without proper parental care and control, subsistence, medical care, or other care necessary for their well-being because of the conduct or omission of their parents, guardian, or other custodian or their neglect or refusal to provide care
 - Whose parents, guardian, or other custodian is unable to discharge their responsibilities to and for the child, and, as a result of such inability, the child lacks the parental care necessary for their health, safety, or well-being
 - Who has been placed for care or adoption in violation of the law
 - Who is without proper education because of failure to comply with § 33-202

[Idaho Code § 16-1602 \(2024\)](#)

Idaho Division of Health and Welfare Contact Information

Contact the Idaho Department of Health and Welfare, Division of Family and Children Services to report incidents of abuse, neglect, or exploitation:

- Statewide: 855-552-KIDS (5437)
- Treasure Valley: 208-334-KIDS (5437)
- 2-1-1 or local law enforcement

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 Idaho?

An infant who is no more than 30 days old may be relinquished. [Idaho Code § 39-8203-1\(a\) \(2024\)](#)

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

A custodial parent may leave the child with a Safe Haven provider. [Idaho Code § 39-8203-1 \(2024\)](#)

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. [Idaho Code § 39-8203-2 \(2024\)](#)

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.

To claim rights of paternity in Idaho, the father of a child born out of wedlock must begin to establish paternity and file notice of his commencement of proceedings to establish his paternity with the Bureau of Vital Records and Health Statistics, Idaho Department of Health and Welfare; P.O. Box 83720; Boise, Idaho, 83720-0036.

More information is available at <https://healthandwelfare.idaho.gov/services-programs/birth-marriage-death-records/registries>.

Idaho Adoption Service Providers

Licensed Private Adoption Agencies

In Idaho, adoption agencies are licensed by the Department of Health and Welfare, Division of Family and Children Services. The following licensed agencies focus on domestic infant adoption with counseling and/or services available for expectant parents; an online listing is available at

<https://healthandwelfare.idaho.gov/services-programs/children-families-older-adults/child-and-family-services-and-foster-care/private>. Some agencies are licensed in multiple states.

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

- **A New Beginning, Inc.**
8660 W Emerald St Ste 172
Boise, ID 83704
Phone: (208) 939-3865
admin@adoptanewbeginning.org
<https://adoptanewbeginning.org/>

- **Adoption Life**
242 E 7th N #4
Rexburg, ID 83440
Phone: (208) 899-4114
Contact Form: <https://adoptionlife.org/contact/>
<https://adoptionlife.org/>
- **Connected by Love Adoptions**
Couer d'Alene, ID
Phone: (321) 355-2010
heather@connectedbyloveadoptions.com
<https://connectedbyloveadoptions.com/>
- **Forever Bound Adoption**
4190 W 5800 N
Mountain Green, UT 84050
Phone: (385) 445-4701
info@foreverboundadoption.org
<https://www.foreverboundadoption.org/>
- **Idaho Youth Ranch Adoption Service**
5465 W Irving St
Boise, ID 83706
Phone: (208) 377-2613
Fax: (208) 672-0324
Contact Form: <https://www.youthranch.org/contact>
<https://www.youthranch.org/adoption>
- **Modern Adoption Inc.**
741 E Arena Loop
Hayden, ID 83835
Phone: (800) 778-8616
info@modernadoption.org
<https://modernadoption.org>

Licensed Adoption Attorneys

This listing reflects the current Idaho 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.

- **Bart Browning**
516 Hansen St
East Twin Falls, ID 83301
Phone: (208) 733-7180
info@johnsonmaylaw.com
<https://www.johnsonmaylaw.com/>

- **Shelly Cozakos**
12550 W Explorer Dr Ste 100
Boise, ID 83713
Phone: (208) 506-3300
shelly@pclawboise.com
<https://www.cclawidaho.com/>
- **Mark Iverson**
921 W Broadway Ste 305
Spokane, WA 99201
Phone: (509) 462-3678
mark@adoptionlegalservices.org
<http://www.adoptionwa.com/>
- **Stephanie Stout**
10400 Overland Rd #307
Boise, ID 83709
Phone: (208) 996-3710
stephanie@familybuilding.com
<http://www.familybuilding.com/>
- **Jeffrey Sheehan**
465 W Main St
Boise, ID 83702
Phone: (208) 287-4499
jeff@idahofamilylaw.com
<http://www.idahofamilylaw.com/>

Resources

- [Academy of Adoption & Assisted Reproduction Attorneys](#)
- [AdoptChange](#)
- [Child Welfare Information Gateway: State, Territory, and Tribal Resources](#)
- [Idaho Department of Health and Welfare - Child and Family Services and Foster Care](#)
- [Idaho State Bar](#)
- [Idaho State Legislature - Idaho Statutes](#)

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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