



## Understanding Infant Adoption 7

# Maryland 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.

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

## Maryland 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 Maryland's adoption laws.

### Does Maryland allow independent (non-agency) adoptions?

Yes. Maryland 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 Maryland allow unlicensed adoption facilitators?

No. Only a licensed child placing agency may charge a fee for providing adoption services. [MD. Code Fam. Law § 5-362\(a\) \(2024\)](#)

### Does Maryland require that placing parents have separate legal representation?

No. However, in cases where the placing parent is a minor or disabled, the court shall appoint the placing parent an attorney. [MD. Code Fam. Law § 5-3B-06 \(2024\)](#)

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

Yes. An expectant mother may accept money for adoption counseling, hospital, legal, or medical services, reasonable expenses for transportation for medical care associated with the pregnancy or birth of the child, and reasonable expenses for food, clothing, and shelter for a birth mother if, on written advice of a physician, the birth mother is unable to work or otherwise support herself because of medical reasons associated with the pregnancy or birth of the child. The birth mother can also accept money for reasonable expenses associated with any required court appearance relating to the adoption. [MD. Code. Fam. Law. § 5-3B-32 \(2024\)](#)

### When can the placing parent sign the adoption consent or relinquishment?

Placing parents are allowed to sign adoption consents at any time after the child's birth. [MD. Family Law Code Ann. § 5-3B-21 \(2024\)](#)

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

Yes, she can. She can withdraw her consent at any time within thirty days. [MD. Family Law Code Ann. § 5-3B-21 \(2024\)](#)

### Are post-adoption contact agreements legally binding in Maryland?

Yes. [MD. Code. Fam. Law. § 5-3B-07 \(2024\)](#)

### What legal rights do birth fathers have in a Maryland adoption?

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

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

If you witness violations of Maryland 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	Department of Human Services, Office of Licensing and Monitoring	<a href="https://dhs.maryland.gov/licensing-and-monitoring/contact-us/">https://dhs.maryland.gov/licensing-and-monitoring/contact-us/</a> (410) 767-7871
Licensed Attorney	Attorney Grievance Commission and Office of Bar Counsel	<a href="https://www.courts.state.md.us/attygrievance/complaint">https://www.courts.state.md.us/attygrievance/complaint</a> (410) 514-7051
Unlicensed Adoption Facilitator	Department of Human Services, Office of Licensing and Monitoring or Attorney General Consumer Protection Division	(410) 767-7871 (410) 528-8662

## Child Protection in Maryland

### Child Protective Services Referrals

Among mandated reporters in Maryland are health practitioners and human service workers acting in an official capacity.

A mandated reporter who is acting as a staff member of a hospital, public health agency, childcare institution, juvenile detention center, school, or similar institution immediately shall notify and give all information required by this section to the head of the institution or the designee of the head.

[\*MD. Code. Fam. Law. § 5-704 \(2024\)\*](#)

### Child Abuse, Neglect, and Exploitation Definitions under Maryland Law

Under Maryland law, a child is any person under the age of 18. (COMAR 07.02.07.02, D)

- **Abuse** means the physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; sexual abuse of a child, whether physical injuries are sustained or not; or labor trafficking of a child.
- **Neglect** means the leaving of a child unattended or other failure to give proper care and attention to a child so that the child's health or welfare is harmed or placed at substantial risk of harm, or that there is mental injury to the child or a substantial risk of mental injury.

[\*MD. Code. Fam. Law. § 5-701 \(2024\)\*](#)

### Maryland Department of Human Services County Offices Contact Information

Learn more about mandated reporter responsibilities online at <https://dhs.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-neglect/mandated-reporters/>.

Contact the local county office of the Maryland Department of Human Services to report incidents of abuse, neglect, or exploitation.

- **State Hotline:** (800) 917-7383
- **County Listing:** <https://dhs.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-neglect/local-offices/>

## 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)
- **Maryland Safe Haven Information:** <https://dhs.maryland.gov/safe-haven/>

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

A newborn child who within 60 days of birth may be relinquished. [MD. Code. Cts & Jud. Pro. § 5-641 \(2024\)](#)

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

The child may be delivered to a Safe Haven provider by a mother, or another adult with the approval of the mother. [MD. Code. Cts & Jud. Pro. § 5-641 \(2024\)](#)

Who are the designated Safe Haven/Safe Surrender providers?

Designated facilities in Maryland include a hospital, the office of a state-licensed medical provider, a police department or State Police barracks, a professional or volunteer fire company that is insured, or any other facility designed by the Secretary of Human Services. Maryland hospital. [MD. Code. Cts & Jud. Pro. § 5-641 \(2024\)](#)

## 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.

Maryland does not have a putative father registry. More information about establishing paternity in Maryland can be found at <https://dhs.maryland.gov/child-support-services/parents-and-caregivers/establish-paternity>.

## Maryland Adoption Resources

### Licensed Private Adoption Agencies

In Maryland, adoption agencies are licensed by the Social Services Administration within the Maryland 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 state-licensed child placing agencies is available online at <https://dhs.maryland.gov/licensing-and-monitoring/provider-directories>. Some agencies are licensed in multiple states.

Contact [ascc@adoptioncouncil.org](mailto:ascc@adoptioncouncil.org) with any additions, corrections, or updates.

- **Adoption Makes Family, Inc.**  
10635 York Rd  
Cockeysville, MD 21030  
Phone: (410) 683-2100  
[dr.kirschner@adoptionmakesfamily.org](mailto:dr.kirschner@adoptionmakesfamily.org)  
<http://www.adoptionmakesfamily.org/>



- **Barker Adoption Foundation**  
7979 Old Georgetown Rd 1<sup>st</sup> Fl  
Bethesda, MD 20814  
Phone: (301) 664-9664  
[info@barkerfoundation.org](mailto:info@barkerfoundation.org)  
<https://www.barkeradoptionfoundation.org/>
- **Bethany Christian Services**  
2142 Priest Bridge Ct Ste 1  
Crofton, MD 21114  
Phone: (410) 721-2835  
Contact Form: <https://bethany.org/locations/us/md/crofton/contact>  
<http://www.bethany.org/>
- **Cradle of Hope Adoption Center, Inc.**  
8630 Fenton St Ste 310  
Silver Spring, MD 20910  
Phone: (301) 587-4400  
Contact Form: <https://cradlehope.org/contact-us/>  
<http://www.cradlehope.org/>
- **Global Adoption Services**  
2046 Rushmore Ct  
Bel Air, MD 21015  
Phone: (410) 569-9384  
[maryland@adoptglobal.org](mailto:maryland@adoptglobal.org)  
<https://www.adoptglobal.org/domestic-adoptions>
- **Paths For Families**  
22 Bloomsbury Ave Ste 300  
Catonsville, MD 21228  
Phone: (410) 869-0620  
Fax: (410) 869-8419  
[info@pathsforfamilies.org](mailto:info@pathsforfamilies.org)  
<https://pathsforfamilies.org/>

## Licensed Adoption Attorneys

This listing reflects the current Maryland 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](mailto:ascc@adoptioncouncil.org) with any additions, corrections, or updates.

- **Jenna Forman Clothier**  
PO Box 6271  
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<http://www.formanclothier.com/>
- **Sheri A. Mullikin**  
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<https://www.mullikinlegal.com/>
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Fax: (240) 491-9551  
[Catelyn@modernfamilyformation.com](mailto:Catelyn@modernfamilyformation.com)  
<https://www.modernfamilyformation.com/>
- **Margaret “Peggy” Swain**  
PO Box 219  
Riderwood, MD 21139-0219  
Phone: (443) 857-3350  
Fax: (410) 558-6456

## Resources

- [Academy of Adoption & Assisted Reproduction Attorneys](#)
- [AdoptChange](#)
- [Child Welfare Information Gateway: State, Territory, and Tribal Resources](#)
- [Maryland Dept of Human Services, Office of Licensing and Monitoring](#)
- [Maryland Attorney Grievance Commission and Office of Bar Council](#)
- [Maryland Legislature: 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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