



Understanding Infant Adoption 7

Minnesota 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 Minnesota 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 Minnesota are licensed by the Minnesota 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. Minnesota does not permit unlicensed adoption facilitators. Only licensed child placement agencies may place or facilitate the placement of a child for adoption. See [Minnesota 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 Minnesota. It's crucial to ensure these out-of-state providers are licensed to provide adoption services and that they work cooperatively with a Minnesota-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 Minnesota-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.

Minnesota 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 Minnesota's adoption laws.

Does Minnesota allow independent (non-agency) adoptions?

Yes. Minnesota 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 Minnesota allow unlicensed adoption facilitators?

No. Minnesota does not permit unlicensed adoption facilitators. Only licensed child placement agencies may place or facilitate the placement of a child for adoption. [Minn. Stat. § 259.47. Subd. 11 \(2024\)](#)

Does Minnesota require that placing parents have separate legal representation?

No, however, if a birth parent requests legal counsel, a separate attorney must be made available at the expense of the prospective adoptive parents. [Minn. Stat. § 259.47 Subd. 5 \(2024\)](#)

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

Yes, an expectant mother may receive assistance from the adoptive parents towards medical, counseling, and legal expenses. These expenses should be paid directly to the service provider. She may also receive money towards related transportation costs as well as reasonable living expenses necessary to provide an adequate standard of living if otherwise unable due to loss of income related to pregnancy. The adoptive parents may not pay for loss of income, but they may pay for expenses incurred due to incapacity during the pregnancy and up to six weeks postpartum. [Minn. Stat. § 259.55 \(2024\)](#)

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

Placing parents are allowed to sign adoption consents no sooner than 72 hours after the child's birth. [Minn. Stat. § 259.24 \(2024\)](#)

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

Yes, they can. They can withdraw their consent within ten working days after signing. [Minn. Stat. § 259.24 \(2024\)](#)

Are post-adoption contact agreements legally binding in Minnesota?

Yes. [Minn. Stat. § 259.58 \(2024\)](#)

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

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

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

If you witness violations of Minnesota 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 | Minnesota Department of Children, Youth & Families Licensing | DCYF.ccc.licensing@state.mn.us (651) 539-8300 |
| Licensed Adoption Attorney | Minnesota State Bar Association, Office of Lawyers Professional Responsibility | (651) 296-3952 https://lprb.mncourts.gov/complaints/ |

| Type of Entity | Where to Report | Contact Information |
|--|--------------------------------|---|
| Unlicensed Adoption Facilitator Unlicensed Adoption Advertising | Office of the Attorney General | https://www.ag.state.mn.us/Office/ContactUs.asp |

Child Protection in Minnesota

Child Protective Services Referrals

Among mandated reporters in Minnesota are professionals or professional's delegates who are engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, and clergy. [Minn. Stat. §§ 260E.06, 260E.055 \(2024\)](#)

Learn more about mandated reporter responsibilities at <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-2917-ENG>.

Child Abuse, Neglect, and Exploitation Definitions under Minnesota Law

Under Minnesota law, "Child" means an individual under 18 years of age. For purposes of this chapter and chapter 260D, child also includes individuals under age 21 who are in foster care pursuant to section [260C.451](#).

- **Physical abuse** means any physical injury, mental injury, or threatened injury inflicted by a person responsible for the child's care on a child by other than accidental means; physical or mental injury that cannot reasonably be explained by the child's history of injuries; or any aversive and deprivation procedures or regulated interventions that have not been authorized by law. [Minn. Stat. § 260E.03 \(2024\)](#)
- **Neglect** includes the commission or omission of the acts specified below by other than accidental means:
 - Failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so
 - Failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so, including a growth delay (which may be referred to as failure to thrive) that has been diagnosed by a physician and is due to parental neglect
 - Prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance, or the presence of a fetal alcohol spectrum disorder.

Additional acts (by commission or omission) are outlined in the statute.

[Minn. Stat. § 260E.03 \(2024\)](#)

Minnesota Department of Human Services County and Tribal Child Protection Agencies Contact Information

If the child is in immediate risk of harm, please contact your local law enforcement agency or dial 911.

To report concerns about child abuse, neglect or sexual abuse, contact the county or reservation where the child lives, during business hours: <https://mn.gov/dhs/people-we-serve/children-and-families/services/child-protection/contact-us/>.

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)

In Minnesota, this program is referred to as **Safe Place for Newborns**. For more information, visit <https://mn.gov/dhs/people-we-serve/children-and-families/services/child-protection/programs-services/safe-place-for-newborns/>.

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

A newborn no more than seven days old may be left, unharmed, with a Safe Haven/Surrender provider. [*Minn. Stat. § 145.902 \(2024\)*](#)

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

The child's mother or a person with the mother's permission. [*Minn. Stat. § 145.902 \(2024\)*](#)

Who are the designated Safe Haven/Safe Surrender providers?

A licensed hospital, or healthcare facility provider who provides urgent care medical services, or a licensed ambulance service dispatched in response to a 911 call from a mother or a person with the mother's permission to relinquish a newborn infant. [*Minn. Stat. § 145.902 \(2024\)*](#)

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.

In Minnesota, this is referred to as **MFAR - Minnesota Fathers' Adoption Registry**. Comprehensive information is available at <https://www.health.state.mn.us/people/vitalrecords/registry/index.html>.

Minnesota Adoption Service Providers

Licensed Private Adoption Agencies

In Minnesota, adoption agencies are licensed by the state Department of Children, Youth & Families. The following licensed agencies focus on domestic infant adoption with counseling and/or services available for expectant parents. A link to the DHS list of licensed adoption agencies is available through the Foster Adopt Minnesota website at <https://www.fosteradoptmn.org/getting-started/adoption/>. Some agencies are licensed in multiple states.

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

- Adoption Minnesota**
 8441 Wayzata Blvd Ste 220
 Golden Valley, MN 55426
 Phone: (800) 444-3443
info@adoptionmn.com
<https://adoptionmn.com/>
- Catholic Charities of Southern Minnesota**
 111 Market St Ste 2
 PO Box 379
 Winona, MN 55987
 Phone: (507) 454-2270
adoption@ccsomn.org
<https://www.ccsomn.org>
- Children's Home Society of Minnesota and Lutheran Social Service of Minnesota**
 1605 Eustis St
 Saint Paul, MN 55108
 Phone: (651) 646-7771
welcome@chlss.org
<https://chlss.org/>
- Christian Adoption Services**
 3220 S 18 St Ste 8E
 Fargo, ND 58104
 Phone: (701) 237-4473
 Fax: (701) 356-5098
info@casfamily.org
<http://www.christianadoptionsservices.org/>
- EVOLVE Family Services**
 5850 Omaha Ave N
 Oak Park Heights, MN 55082
 Phone: (651) 439-2446
evolve@evolveservices.org
<https://evolveservices.org/>
- Holy Family Catholic Adoption Agency**
 Minneapolis-St. Paul Office
 St. Raphael's Parish
 7301 Bass Lake Rd
 Crystal, MN 55428
 Phone: (651) 298-0133
holyfamilyadoption@protonmail.com
<https://holyfamilyadoption.org/>

- **Lutheran Social Service of Minnesota**

1605 Eustis St
Saint Paul, MN 55108
Phone: (651) 646-7771
welcome@chlss.org
<https://www.lssmn.org/>

- **New Horizons Adoption Agency, Inc.**

302 S Grove St
PO Box 188
Blue Earth, MN 56013
Phone: (507) 526-3518
nhaa@newhorizonsadopt.com
<https://www.nhadoptionagency.org/>

- **New Life Family Services**

1515 East 66th St
Richfield, MN 55423
Phone: (612) 866-7715
info@nlfs.org
<https://nlfs.org/>

Licensed Adoption Attorneys

This listing reflects the current Minnesota 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.

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<https://www.innovativefamilylaw.com/contact-us-location>
- **Mark D. Fiddler**
12800 Whitewater Dr Ste 100
Minnetonka, MN 554343
Phone: (612) 822-4095
Admin@FiddlerOsband.com
<http://www.fiddlerosband.com/>
- **Marian Saksena**
330 Second Ave S Ste 760
Minneapolis, MN 55401
Phone: (612) 361-6180
Fax: (612) 208-1484
info@dcsfamilylaw.com
<https://www.dcsfamilylaw.com/>
- **Brittany Shively**
8441 Wayzata Blvd Ste 285
Golden Valley, MN 55426
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<https://adoptionlaw-mn.com/>

Resources

- [Academy of Adoption & Assisted Reproduction Attorneys](#)
- [AdoptChange](#)
- [Child Welfare Information Gateway: State, Territory, and Tribal Resources](#)
- [Minnesota Department of Children, Youth & Families Licensing](#)
- [Minnesota Legislature: Statutes](#)
- [Minnesota State Bar Association, Office of Lawyers Professional Responsibility](#)

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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