



Understanding Infant Adoption 7

New Hampshire 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 New Hampshire 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 New Hampshire are licensed by the New Hampshire 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. The laws in New Hampshire do not address this issue. See [New Hampshire 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 New Hampshire. It's crucial to ensure these out-of-state providers are licensed to provide adoption services and that they work cooperatively with a New Hampshire-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 New Hampshire-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.

New Hampshire 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 New Hampshire's adoption laws.

Does New Hampshire allow independent (non-agency) adoptions?

Yes. New Hampshire 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 New Hampshire allow unlicensed adoption facilitators?

The laws in New Hampshire do not address this issue.

Does New Hampshire require that placing parents have separate legal representation?

Yes. New Hampshire does require that a placing parent have separate representation, paid for by the adoptive parents, unless the court decides to waive the requirement for good cause. [N.H. Rev. Stat. Ann. § 170-B:9 \(2024\)](#)

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

Yes. An expectant mother may receive money from adoptive parents for counseling, medical, and legal fees, which shall be paid by the party responsible for payment directly to the provider of the service, living expenses necessary to maintain an adequate standard of living, which the birth mother is unable to maintain because of loss of income due to pregnancy and lost wages resulting from the pregnancy. Payments may cover expenses incurred during the pregnancy-related incapacity, but not for a period longer than six weeks following delivery.

[N.H. Rev. Stat. Ann. § 170-B:13 \(2024\)](#)

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. [N.H. Rev. Stat. Ann. § 170-B:8 \(2024\)](#)

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

Yes, but there is no automatic revocation. While the birth mother may revoke her consent before the final adoption decree, the court determines whether the consent may be revoked based on the best interests of the child. [N.H. Rev. Stat. Ann. §170-B:12](#)

Are post-adoption contact agreements legally binding in New Hampshire?

No, unless the child is adopted from foster care. [N.H. Rev. Stat. Ann. §170-B:14](#)

What legal rights do birth fathers have in a New Hampshire adoption?

In all states, including New Hampshire, 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 New Hampshire adoption attorney for guidance.

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

If you witness violations of New Hampshire 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 Health and Human Services	https://www.dhhs.nh.gov/report-concern/report-child-abuse
Licensed Attorney	New Hampshire Bar Association	https://www.nhbar.org/contact-us
Unlicensed Adoption Facilitator	Local Law Enforcement	

Child Protection in New Hampshire

Child Protective Services Referrals

Among mandated reporters in New Hampshire are all hospitals, clinics, doctors, physicians, surgeons, medical examiners, nurses, social workers, and mental health professionals. [*N.H. Rev. Stat. Ann. § 169-C:29 \(1979\)*](#)

Child Abuse, Neglect, and Exploitation Definitions under New Hampshire Law

Under New Hampshire law, a child is any person who has not reached his 18th birthday.

- **Abused Child:** any child who has been sexually abused, intentionally physically injured, psychologically injured so that said child exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect, physically injured by other than accidental means, or subjected, by any person, to human trafficking.
- **Neglected Child:** A child who has been abandoned by his or her parents, guardian, or custodian; or Who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health, when it is established that the child's health has suffered or is likely to suffer serious impairment; and the deprivation is not due primarily to the lack of financial means of the parents, guardian, or custodian; or whose parents, guardian or custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization or other physical or mental incapacity.

[*N.H. Rev. Stat. Ann. § 169-C:3 \(2022\)*](#)

State Division of Children, Youth and Families Contact Information

Contact the Division for Children, Youth and Families (DCYF) Central Intake Unit to report incidents of abuse, neglect, or exploitation to the proper state child protection agency.

- **Immediate Emergency:** contact 9-1-1.
- **DCYF Central Intake Unit:** (603) 271-6562 or (800) 894-5533 (in-state only)

More information is available online at <https://www.dhhs.nh.gov/report-concern/report-child-abuse>.

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 New Hampshire?

The child must be not more than 61 days old. [*N.H. Rev. Stat. Ann. § 132-A:2 \(2024\)*](#)

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

The child's parent or parents. [*N.H. Rev. Stat. Ann. § 132-A:2 \(2024\)*](#)

Who are the designated Safe Haven/Safe Surrender providers?

In New Hampshire, a parent may relinquish the infant to a person at a hospital or a state-designated safe haven. Safe havens include a church which is attended by a person, or a police or fire station which is attended by a person, or a 911 responder at an agreed transfer location. [*N.H. Rev. Stat. Ann. §§ 132-A:1, 132-A: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.

New Hampshire has a state registry; alleged fathers must submit a Claim of Paternity Affidavit to the Bureau of Child Support Services. This claim may be filed prior to the birth of the child but shall be filed prior to the birth mother's parental rights being surrendered or involuntarily terminated. Failure to file within this timeframe shall bar the alleged father from thereafter bringing an action to establish his paternity of the child, and shall constitute an abandonment of said child and a waiver of any right to a notice of hearing in any adoption proceeding concerning the child. [*N.H. Rev. Stat. Ann. § 170-B:6 \(2006\)*](#)

Those seeking to establish parentage may learn more about options and procedures at <https://www.dhhs.nh.gov/programs-services/childcare-parenting-childbirth/child-support-services/putative-father-registry>.

New Hampshire Adoption Service Providers

Licensed Private Adoption Agencies

In New Hampshire, adoption agencies are licensed by the state Department of Human Resources. 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 New Hampshire is available online at <https://www.dhhs.nh.gov/programs-services/child-protection-jvenile-justice/adoption/adoption-through-private-agencies>. Some agencies are licensed in multiple states.

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

- **Adoptive Families For Children**
18 Centre St
Concord, NH 03301
Phone: (603) 228-6712
Fax: (603) 226-0165
info@adoptivefamiliesforchildren.com
<https://www.adoptivefamiliesforchildren.com/>
- **Bethany Christian Services of Northern New England**
PO Box 320
Candia, NH 03034
Phone: (603) 483-2886
Contact Form: <https://bethany.org/contact-us>
<https://bethany.org/>
- **New Hope for Children**
130 Central Ave
Dover, NH 03820

Phone: (603) 842-4794
adopt@newhopeforchildren.net
<https://www.newhopeadoption.com/>

- **Wide Horizons for Children, Inc.**

4 Bicentennial Sq Ste 3-B
Concord, NH 03301
Phone: (781) 894-5330
Fax: (603) 230-8118
<https://whfc.org/contact/>
<https://whfc.org/>

Licensed Adoption Attorneys

This listing reflects the current New Hampshire 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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Resources

- [Academy of Adoption & Assisted Reproduction Attorneys](#)
- [AdoptChange](#)
- [Child Welfare Information Gateway: State, Territory, and Tribal Resources](#)
- [The General Court of New Hampshire: Revised Statutes](#)
- [New Hampshire Bar Association](#)
- [New Hampshire Department of Health and Human Services: Adoption](#)

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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