



Understanding Infant Adoption 7

New Jersey 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 Jersey 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 Jersey are licensed by the New Jersey 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 New Jersey, only licensed child placement agencies may place, offer to place, or materially assist in the placement of a child for adoption. See [New Jersey 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 Jersey. It's crucial to ensure these out-of-state providers are licensed to provide adoption services and that they work cooperatively with a New Jersey-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 Jersey-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 Jersey 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 Jersey's adoption laws.

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

Yes. New Jersey 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 Jersey allow unlicensed adoption facilitators?

No. New Jersey does not permit unlicensed adoption facilitators. Only licensed child placement agencies may place, offer to place, or materially assist in the placement of a child for adoption. [N.J. Stat. Ann. § 9:3-38\(1\), 9:3-39.1\(a\)\(4\) \(2024\)](#)

A violator is guilty of a crime in the second degree. [N.J. Stat. Ann. § 9:3-39.1\(d\) \(2024\)](#)

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

The laws in New Jersey do not address this issue.

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

Yes, an expectant mother may receive payment, provision, or reimbursement for her medical, hospital, counseling, or other similar expenses incurred in connection with the birth or any illness of the child, and reasonable living expenses during her pregnancy. Payments may be made directly to her or to the provider on her behalf, not more than four weeks after birth. [N.J. Stat. Ann. § 9:3-39.1\(e\) \(2024\)](#)

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.J. Stat. Ann. § 9:3-41\(5\)\(e\) \(2024\)](#)

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

No. Consent is irrevocable upon signature unless a court finds that there is evidence of fraud, duress, or misrepresentation. [N.J. Stat. Ann. § 9:3-41\(5\)\(a\) \(2024\)](#)

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

No. The laws in New Jersey do not address this issue.

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

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

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

If you witness violations of New Jersey 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 Children and Families	<u>https://www.nj.gov/dcf/reporting/how/</u>
Licensed Attorney	New Jersey State Bar Association	<u>https://njsba.com/contact/</u>
Unlicensed Adoption Facilitator	Local Law Enforcement	

Child Protection in New Jersey

Mandated Reporters

Any person having reasonable cause to believe that a child has been subjected to child abuse, including sexual abuse, or acts of child abuse is required to report to the Division of Child Protection and Permanency. [N.J. Stat. Ann. § 9:6-8.10](#)

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

Under New Jersey law, a child is less than 18 years of age. [N.J. Stat. Ann. § 9:6-8.21](#)

- **Abuse of child** includes (a) disposing of the custody of a child contrary to law; (b) employing or permitting a child to be employed in any vocation or employment injurious to its health or dangerous to its life or limb, or contrary to the laws of this State; (c) employing or permitting a child to be employed in any occupation, employment or vocation dangerous to the morals of such child; (d) the habitual use by the parent or by a person having the custody and control of a child, in the hearing of such child, of profane, indecent or obscene language; (e) the performing of any indecent, immoral or unlawful act or deed, in the presence of a child, that may tend to debauch or endanger or degrade the morals of the child; (f) permitting or allowing any other person to perform any indecent, immoral or unlawful act in the presence of the child that may tend to debauch or endanger the morals of such child; (g) using excessive physical restraint on the child under circumstances which do not indicate that the child's behavior is harmful to himself, others or property; or (h) in an institution, willfully isolating the child from ordinary social contact under circumstances which indicate emotional or social deprivation. [N.J. Stat. Ann. § 9:6-1 \(2024\)](#)
- **Neglect of a child** includes (a) willfully failing to provide proper and sufficient food, clothing, maintenance, regular school education as required by law, medical attendance or surgical treatment, and a clean and proper home, or (b) failure to do or permit to be done any act necessary for the child's physical or moral well-being. Neglect also means the continued inappropriate placement of a child in an institution with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being. [N.J. Stat. Ann. § 9:6-1 \(2024\)](#)

Where to Report

Contact the Department of Children and Families Central Registry to report incidents of abuse, neglect, or exploitation to the proper state child protection agency. Learn more online at <https://www.nj.gov/dcf/reporting/how/>.

- **State Hotline:** (877) 652-2873

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 Jersey?

The infant must be 30 days old or younger. [N.J. Stat. Ann. § 30:4C-15.7 \(2024\)](#)

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

The parent of the child may relinquish the infant. [N.J. Stat. Ann. §§ 30:4C-15.6, 30:4C-15.7 \(2024\)](#)

Who are the designated Safe Haven/Safe Surrender providers?

In New Jersey, a parent may relinquish the infant for a Safe Haven/Safe Surrender through a state, county, or municipal police station; a fire station of a municipal, county, fire district, or volunteer fire department that is staffed 24 hours a day, seven days a week; a public or private ambulance, first aid, or rescue squad that is staffed 24 hours a day, seven days a week; or the emergency department of a licensed general hospital. [N.J. Stat. Ann. §§ 30:4C-15.6, 30:4C-15.7 \(2024\)](#)

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 Jersey does not have a state registry. Those seeking to establish parentage may learn more about options and procedures at <https://www.nj-paternity.com/faqs> and https://www.nj.gov/health/vital/documents/factsheet/birth/pop_flyer_english.pdf.

New Jersey Adoption Service Providers

Licensed Private Adoption Agencies

In New Jersey, adoption agencies are licensed by the state Department of Children and Families. The following licensed agencies focus on domestic infant adoption with counseling and/or services available for expectant parents. A full listing of state-licensed agencies is available from <https://www.nj.gov/njfofosteradopt/adoption/path/>. Some agencies are licensed in multiple states.

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

- **Adoption ARC**
811 Church Rd Ste 202
Cherry Hill, NJ 08002
Phone: (215) 608-2401
Contact Form: <https://www.adoptionarc.com/contact-us/>
<https://www.adoptionarc.com/>
- **Adoption Services, Inc.**
28 Central Blvd
Camp Hill, PA 17011
Phone: (800) 943-0400
vince@adoptionsservices.org
<https://www.adoptionsservices.org/>
- **Adoptions from the Heart**
523 Hollywood Ave Ste 209
Cherry Hill, NJ 08002
Phone: (856) 665-5655
Contact Form: <https://afth.org/pregnant/request-information/>
<https://afth.org/>

- Alliance for Children**
 500 Paterson Plank Rd
 Union City, NJ 07087
 Phone: (201) 474-5603
 Contact Form: <https://www.allforchildrenadoption.org/contact-new/>
<https://www.allforchildrenadoption.org/>
- Catholic Charities, Diocese of Camden, Inc**
 1845 Haddon Ave
 Camden, NJ 08103
 Phone: (856) 342-4100
 Contact Form: <https://catholiccharitiescamden.org/contact-us/>
<https://catholiccharitiescamden.org>
- The Children's Home Society of New Jersey**
 635 S Clinton Ave
 Trenton, NJ 08611
 Phone: (609) 695-6274 x107
info@chsofnj.org
<https://chsofnj.org/>
- Family Focus Adoptions Services**
 1528 Columbia Tpke Ste 202
 Castleton, NY 12033
 Phone: (718) 224-1919
 Fax: (718) 225-8360
<https://www.familyfocusadoption.org/>
- Family Options**
 3350 NJ-138 Ste #121
 Wall Township NJ 07719
 Phone: (732) 936-0770
info@famopt.org
<https://famopt.org/>
- Gladney Center for Adoption**
 6300 John Ryan Dr
 Fort Worth, TX 76132
 Phone: (817) 922-6000
 Fax: (817) 922-5955
- A Loving Choice Adoption Associates**
 25 Monroe Ave
 Shrewsbury, NJ 07702
 Phone: (732) 224-0924
 Fax: (732) 842-1740
info@alovingchoice.org
<https://alovingchoice.org/>

- **Open Arms Adoption Network**
345 Montgomery Ave
Bala Cynwyd, PA 19004
Phone: (888) 673-6276
Contact Form: <https://openarmsadoption.net/contact-us/>
<https://openarmsadoption.net/>
- **Spence-Chapin Services to Families and Children**
50 Park Pl Ste 1538
Newark, NJ 07102
Phone: (347) 334-6219
info@spence-chapin.org
<https://spence-chapin.org/>

Licensed Adoption Attorneys

This listing reflects the current New Jersey 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.

- **Craig B. Bluestein**
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jean@jeanmcavaliere.com
<https://www.jeanmcavaliere.com/>
- **Donald C. Cofsky**
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Haddonfield, NJ 08033
Phone: (856) 429-5005
Fax: (856) 429-6328
<https://www.209law.com/>
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Albany, NY 12205
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- **Robin A. Fleischner**
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formfamilies@gmail.com
<https://adoptsurrogatelaw.com/>
- **Dorota Gasienica-Kozak**
One W Broad St Ste 700
Bethlehem, PA 18018
Phone: (610) 332-0390
Fax: (610) 332-0314
contact@kingspry.com
<http://www.kingspry.com/>
- **Debra E. Guston**
55 Harristown Rd Ste 106
Glen Rock, NH 07452
Phone: (201) 447-6660
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mail@gustonlaw.com
<https://www.gustonlaw.com/>
- **Tara E. Gutterman**
5 Village Dr
Voorhees, NJ 08043
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766 Shrewsbury Ave Ste 102
Tinton Falls, NJ 07724
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Fax: (732) 224-8914
adoptionattorney@comcast.net
<http://www.njadoptioncounsel.com/>
- **Rebecca L. Mendel**
228 E 45th St
New York, NY 10017
Phone: (212) 972-5430
Fax: (212) 972-5835
information@lawrsm.com
<https://www.lawrsm.com/>
- **Suzanne Nichols**
800 Westchester Ave Ste 641 N
Rye Brook, NY 10573
Phone: (914) 697-4870
Fax: (866) 876-4051
Contact Form: <https://rlnlaw.com/contact-us.php>
<https://rlnlaw.com/>

- **Denise Seidelman**
7 Orchard St
Nyack, NY 10960
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Fax: (914) 931-1786
info@adoptionlawny.com
<https://adoptionlawny.com/>
- **Deborah E. Spivack**
1515 Market St Ste 1200
Philadelphia, PA 19102
Phone: (215) 763-5550
Debbie@familybuildinglaw.net
<https://www.familybuildinglaw.net/>
- **Lauri R. Steinberg**
86 Summit Ave Ste LL400
Summit, NJ 07901
Phone: (973) 748-8887
Fax: (973) 748-3999
Contact Form: <https://www.pineandsteinberg.com/contact-us/>
<https://www.pineandsteinberg.com/>

Resources

- [Academy of Adoption & Assisted Reproduction Attorneys](#)
- [AdoptChange](#)
- [Child Welfare Information Gateway: State, Territory, and Tribal Resources](#)
- [New Jersey Department of Children and Families: Adoption](#)
- [New Jersey Department of State - Statutes & Rules](#)
- [New Jersey State Bar Association](#)

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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