



Understanding Infant Adoption 7

New York 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 York 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 York are licensed by the New York 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. Only a New York-licensed child placing agency may place a child or facilitate an adoption. See [New York 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 York. It's crucial to ensure these out-of-state providers are licensed to provide adoption services and that they work cooperatively with an New York-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 New York-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 York 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 York's adoption laws.

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

Yes. New York 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 York allow unlicensed adoption facilitators?

No. Only a New York-licensed child placing agency may place a child or facilitate an adoption [N.Y. Soc. Serv. Law § 374\(2\) \(2024\)](#)

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

Yes. A birth parent may go unrepresented but if they are represented, it must be by independent legal counsel. [N.Y. Soc. Serv. Law § 374\(6\) \(2024\)](#)

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

Yes. Adoptive parents may pay for the birth mother's reasonable and actual medical fees or hospital charges for services rendered in connection with the birth of such child, or of other necessary expenses incurred by the birth mother in connection with or as a result of her pregnancy of the birth of the child. Adoptive parents may pay reasonable and actual legal fees. They may also pay the birth mother's reasonable and actual expenses for housing, maternity clothing, clothing for the child and transportation for a reasonable period not to exceed sixty days prior to the birth and 30 days after the birth or after the parental consent to the adoption. [N.Y. Soc. Serv. Law § 374\(6\) \(2024\)](#)

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

Consent to adoption may be executed at any time after the child's birth. [N.Y. Dom. Rel. Law § 115-B\(2\)\(a\) \(2020\)](#)

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

Consent is irrevocable upon execution in front of a judge, but if the consent was in front of a notary, it may be revoked for up to 45 days after signing if a court so orders it after a hearing on the child's best interests. [N.Y. Dom. Rel. Law § 115-B \(2020\)](#)

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

Yes, subject to the child's best interests. [N.Y. Dom. Rel. Law § 112 \(2020\)](#); [N.Y. Soc. Serv. Law § 383 \(2020\)](#)

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

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

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

If you witness violations of New York 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	Office of Children and Family Services	https://ocfs.ny.gov/programs/cps/
Licensed Attorney	New York State Bar Association	https://nysba.org/contact-us/
Unlicensed Adoption Facilitator	Local Law Enforcement	

Child Protection in New York

Child Protective Services Referrals

Among mandated reporters in New York are all hospital personnel engaged in the admission, examination, care or treatment of persons, clinics, doctors, physicians, surgeons, medical examiners, nurses, social workers, and mental health professionals. [N.Y. Soc. Serv. Law § 371 \(2024\)](#)

- **Mandated Reporter Resource Center:** <https://nysmandatedreporter.org/>

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

Under New York law, a child is any person actually or apparently under the age of 18 years.

- **Child Abuse:** Occurs when a parent or other person legally responsible for a child's care (i) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or (ii) creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or (iii) commits, or allows to be committed, an act of sexual abuse against such child as defined in the penal law.
- **Child Neglect:** Occurs when the physical, mental or emotional condition of a child has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care; or when a child has been abandoned by his parents or other person legally responsible for his care.

[N.Y. Soc. Serv. Law § 371 \(2021\)](#)

Contact Child Protective Services

Contact the Office of Children and Family Services (OCFS) Child Protective Services to report incidents of abuse, neglect, or exploitation to the proper state child protection agency: <https://ocfs.ny.gov/programs/cps/>.

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 York?

The infant must be 30 days old or younger. [N.Y. Pen. Code § 260.00 \(2014\)](#)

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

The child's parent, guardian, or other person legally charged with the child's care or custody may relinquish the infant. [N.Y. Pen. Code § 260.00 \(2014\)](#), [New York State Office of Children and Family Services](#)

Who are the designated Safe Haven/Safe Surrender providers?

In New York, a parent may relinquish the infant for a Safe Haven/Safe Surrender through an appropriate person at a suitable location (e.g., hospital or a staffed police or fire station). [N.Y. Pen. Code § 260.00 \(2014\)](#)

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 York has a state registry; alleged, unmarried fathers must submit a notice of intent to claim paternity to the Office of Children and Family Services. This claim must be filed no later than ten days after the birth of the child. [N.Y. Soc. Serv. Law § 372-C \(2021\)](#)

Those seeking to establish parentage may learn more about options and procedures at <https://ocfs.ny.gov/publications/Pub5040/Pub5040.pdf>.

New York Adoption Service Providers

Licensed Private Adoption Agencies

In New York, adoption agencies are licensed by the state Office of Children and Family 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 agencies is available from <https://ocfs.ny.gov/programs/adoption/agencies/voluntary.php>. Some agencies are licensed in multiple states.

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

- **The Adoption Alliance**
2530 Oak St
Bellmore, NY 11710
Phone: (210) 349-3991
Contact: <https://adoption-alliance.com/contact-lander/>
<https://adoption-alliance.com/>
- **Adoption STAR**
131 John Muir Dr
Amherst, NY 14228
Phone: (716) 639-3900
Fax: (716) 639-3700
Contact Form: <https://www.adoptionstar.com/#contact>
<https://www.adoptionstar.com/>
- **Adoptions From the Heart**
87 Mineola Blvd 2nd Fl
Mineola, NY 11501
Phone: (888) 535-8833
Contact: <https://afth.org/>
<https://afth.org/contact-us/>

- **Adoption Services, Inc. dba Adoption Services International**
7 Orchard St
Nyack, NY 10960
Phone: (800) 943-0400
vince@adoptionsservices.org
<https://www.adoptionsservices.org/>
- **The Alliance for Children, Inc.**
307 W 38th St 16th Fl
New York, NY 10018
Phone: (212) 202-2812
information@allforchildren.org
<https://www.allforchildrenadoption.org/>
- **Bethany Christian Services**
410 Troy Schenectady Rd Ste 202
Latham, NY 12110
Phone: (518) 782-7800
Contact Form: <https://bethany.org/locations/us/new-york/albany/contact>
<https://bethany.org/albany>
- **Catholic Charities of the Diocese of Albany dba Community Maternity Services**
27 N Main Ave
Albany, NY 12203
Phone: (518) 482-8836
Fax: (518) 482-5805
<https://cccms.org/>
- **Children At Heart Adoption Services, Inc.**
44 N Main St
PO Box 270
Mechanicville, NY 12118
Phone: (910) 763-4414
cahadoptions@aol.com
<http://childrenatheart.com/>
- **Family & Children's Agency, Inc.**
600 Mamaroneck Ave Ste 400-20
Harrison, NY 10528
Phone: (914) 834-5806
Email: adoption@fcagency.org
<https://www.familyandchildrensagency.org/>
- **Family Connections, Inc.**
156 Port Watson St
PO Box 5555
Cortland, NY 13045
Phone: (607) 756-6574
Fax: (607) 756-0373
info@adoptfamilyconnections.org
<https://www.adoptfamilyconnections.org/>

- Family Focus Adoption Services**
 1528 Columbia Tpk Ste 202
 Castleton, NY 12033
 Phone: (866) 855-1919
 Contacts: <https://www.familyfocusadoption.org/contact-us>
<https://www.familyfocusadoption.org/>
- Family Services of Westchester, Inc.**
 2975 Westchester Ave Ste 401
 Purchase, NY 10577
 Phone: (914) 274-8334 x232
fsw@fsw.org
<https://www.fsw.org/>
- Forever Families Through Adoption, Inc.**
 62 Bowman Ave
 Rye Brook, NY 10573
 Phone: (914) 939-1180
adopt@foreverfamielstthroughadoption.org
<https://foreverfamielstthroughadoption.org/>
- Friends in Adoption, Inc.**
 125 High Rock Ave
 Saratoga Springs NY 12866
 Phone: (800) 982-3678
info@friendsinadoption.org
<https://www.friendsinadoption.org/>
- The Gladney Center for Adoption**
 250 W 55th St 17th Fl
 New York, NY 10019
 Phone: (347) 435-2031
 Contact Form: <https://adoptionsbygladney.com/contact>
<https://adoptionsbygladney.com/>
- Heart to Heart Adoptions, Inc.**
 200 E Buffalo St # 301
 Ithaca, NY 14850
 Phone: (801) 563-1000
 Fax: (801) 563-9899
<https://hearttoheartadopt.com/contact-us/>
- Hillside Children's Center**
 1 Mustard St
 Rochester, NY 14609
 Phone: (585) 256-7500
info@hillside.com
<https://hillside.com/services/adoption-support/>

- **Hudson Valley Adoption Services, Inc. dba Hudson Hearts Adoption**
2 Woodstock Meadows Ln Ste #280
Woodstock, NY 12498
Phone: (516) 715-5379
info@hudsonvalleyadoption.org
<https://hudsonheartsadoption.org/>
- **Open Arms Adoption Network - Jewish Family and Children's Service of Greater Philadelphia**
641 Lexington Ave 13th Fl
New York, NY 10022
Phone: (888) 673-6276
Email: info@openarmsadoption.net
Website: <https://openarmsadoption.net/locations/new-york/>
- **New Hope Family Services, Inc.**
3519 James St
Syracuse, NY 13206
Phone: (315) 437-8300
adoption@newhopefamilyservices.com
<https://www.nhfsadoption.com/about-us>
- **Spence-Chapin Services to Families and Children**
120 E 16th St 11th Fl
New York, NY 10003
Phone: (347) 657-6291
info@spence-chapin.org
<https://spence-chapin.org>

Licensed Adoption Attorneys

This listing reflects the current New York 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.

- **Jeanine Castagna**
1225 Franklin Ave Ste 325
Garden City, NY 11530
Phone: (516) 495-7906
Fax: (516) 908-7773
Jeanine@JCAoptionLaw.com
<https://www.jcadoptiolaw.com/>
- **Melissa Cianci**
3000 Lava Ridge Ct Ste 115
Roseville, CA 95661
Phone: (916) 797-1575
Fax: (916) 797-1399
Contact Form: <https://www.ciancilaw.com/contact-us/>
<https://www.ciancilaw.com/>

- **Kathleen "Casey" Copps DiPaola**
1 Marcus Blvd Ste 200
Albany, NY 12205
Phone: (518) 436-4170
Fax: (518) 436-1456
Office@theCDSLAWfirm.com
<https://thecdslawfirm.com/>
- **Robin A. Fleischner**
11 Riverside Dr Ste 14 MW
New York, NY 10023
Phone: (212) 362-6945
Fax: (877) 593-7054
formfamilies@gmail.com
<https://adoptsurrogatelaw.com/>
- **Virginia "Ginny" L. Frank**
100 Park Ave
New York, NY 10017
Phone: (303) 756-4673
Contact Form: <https://virginiafrank.com/contact-us/>
<https://virginiafrank.com/>
- **Gregory A. Franklin**
150 Allens Creek Rd
Rochester, NY 14618
Phone: (585) 442-0540
Fax: (585) 442-6889
Contact Form: <https://www.afylaw.com/contact-us>
<https://www.afylaw.com/>
- **Natalie S. French**
200 E Buffalo St Ste 301
Ithaca, NY 14850
Phone: (607) 391-2863
Phone: (607) 277-3330
nfrench@hancocklaw.com
<https://www.hancocklaw.com/>
- **Laurie B. Goldheim**
PO Box 142
Briarcliff Manor, NY 10510
Phone: (845) 624-2727
Fax: (845) 624-8400
lgoldheim@adoptionrights.com
<https://adoptionrights.com/>

- **Michael S. Goldstein**
62 Bowman Ave
Rye Brook, NY 10573
Phone: (914) 939-1111
Fax: (914) 939-2369
Contact Form: <http://adoptgold.com/contact-us/>
<http://adoptgold.com/>
- **Kurt M. Hughes**
431 Pine St Ste 301
Burlington, VT 05401
Phone: (802) 540-0850
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- **Rebecca L. Mendel**
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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/>
- **Harry O'Rourke**
6800 Jericho Tpke Ste 120W
Syosset, NY 11791
Phone: (516) 822-2980
Contact Form: <https://www.lawsmo.com/our-attorneys/harry-o-rourke.html>
<https://www.orourkeseaman.com/>
- **Douglas H. Reiniger**
801 Second Ave 10th Fl
New York, NY 10017
Phone: (646) 627-8875
Fax: (212) 972-5835
dreiniger@lawrsm.com
<https://www.lawrsm.com/>

- **Steven L. Sarisohn**
350 Veterans Memorial Hwy
Commack, NY 11725
Phone: (631) 543-7667
Fax: (631) 543-7901
Contact Form: <http://www.sarisohnlaw.com/Contact.php>
<http://www.sarisohnlaw.com/>
- **Denise Seidelman**
7 Orchard St
Nyack, NY 10960
Phone: (914)779-1050
Fax: (914) 931-1786
info@adoptionlawny.com
<https://adoptionlawny.com/>
- **Donald B. Sherer**
970 Summer St
Stamford, CT 06905
Phone: (203) 327-2084
- **Mary Walsh Snyder**
PO Box 11118
Albany, NY 12211
Phone: (518) 225-2776
- **Michelle A. Tarnelli**
431 Pine St Ste 301
Burlington, VT 05401
Phone: (802) 540-0850
Contact Form: <https://tarnellihugheslaw.com/contact>
<https://tarnellihugheslaw.com/>
- **Yekaterina "Kate" Trambitskaya**
410 E 92nd St
New York, NY 10128
Phone: (212) 369-0300
Fax: (212) 369-8589
info@spence-chapin.org
<https://spence-chapin.org/>
- **Joseph R. Williams**
1 Marcus Blvd Ste 200
Albany, NY 12205
Phone: (518) 436-4170
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<https://thecdslawfirm.com/>

- **Debbie S. Wolf**
120 E 16th St 11th Fl
New York, NY 10003
Phone: (212) 360-0241
info@spence-chapin.org
<https://spence-chapin.org/>

Resources

- [Academy of Adoption & Assisted Reproduction Attorneys](#)
- [AdoptChange](#)
- [Child Welfare Information Gateway: State, Territory, and Tribal Resources](#)
- [Consolidated Laws of New York](#)
- [New York Office of Children and Family Services](#)
- [New York 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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