



Understanding Infant Adoption 7

West Virginia Adoption Guide for Healthcare Providers & Staff

Prepared by Kelsey Vander Vliet Ranyard and Celeste Liversidge, JD, of Ethical Family Building; [Ethical Family Building](#) is a nonprofit organization working to safeguard domestic adoptions through education, transparency, and accountability.

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 the adoptive parents. However, adoption is more than just a legal agreement; it is a life-altering experience that reflects a commitment to the 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 “freed for adoption” after a court terminates 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.

- **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 the services and providers that can assist patients in finding the appropriate support.

Pregnancy Options Counseling

Many non-profit organizations in West Virginia 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 West Virginia are licensed by the West Virginia State Bar.
- **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.

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 West Virginia, only a licensed child-placing agency may place a minor for adoption or engage in the business of placing a minor for adoption. See [West Virginia 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 West Virginia. It's crucial to ensure these out-of-state providers are licensed and collaborate with a West Virginia-licensed adoption agency and attorney. 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 West Virginia-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.

West Virginia 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 West Virginia's adoption laws.

Does West Virginia allow independent (non-agency) adoptions?

Yes. West Virginia 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 West Virginia allow unlicensed adoption facilitators?

No. West Virginia does not permit unlicensed adoption facilitators. Only licensed child placement agencies may charge or accept fees for adoption services. Violators of this law are guilty of a felony. [W.Va. Code Ann. § 61-2-14h \(2024\)](#)

Does West Virginia require that placing parents have separate legal representation?

Yes, [W.Va. Code Ann. § 48-22-704 \(2024\)](#)

Are adoptive parents allowed to pay a birth mother's living expenses?

Yes. Adoptive parents may provide for an expectant mother's legal services, medical services, and other expenses approved by the court. [W.Va. Code § 61-2-14H\(e\) \(2025\)](#)

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

No consent or relinquishment may be executed before the expiration of 72 hours after the birth of the child to be adopted. [W.Va. Code § 48-22-302 \(2024\)](#)

Can a birth parent change their mind and revoke their consent after signing the adoption consent?

Generally, no, unless very specific circumstances are met. [W.Va. Code § 48-22-305 \(2024\)](#)

Are post-adoption contact agreements legally binding in West Virginia?

Yes, subject to the child's best interest. [W.Va. Code § 48-22-704\(e\) \(2020\)](#)

What legal rights do birth fathers have in a West Virginia adoption?

In all states, including West Virginia, 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 West Virginia adoption attorney for guidance.

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

If you witness violations of West Virginia 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	State Department of Human Services	One Davis Sq Ste 100 E Charleston, WV 25301 Phone: (304) 558-0684 Fax: (304) 558-1130 Email: DHHRSecretary@wv.gov
Licensed Attorney	West Virginia Office of Disciplinary Counsel	(304) 558-7999 https://wvodc.org/
Unlicensed Adoption Facilitator	Local Law Enforcement	

Child Protection in West Virginia

Child Protective Services Referrals

All medical, dental, and mental health professionals are considered mandated reporters in West Virginia. [W.Va. Code § 49-2-803\(a\) \(2025\)](#)

Child Abuse, Neglect, and Exploitation Definitions under West Virginia Law

Under West Virginia law, a child is any person under 18 years of age. [W.Va. Code § 49-1-202 \(2025\)](#)

- **Child Abuse:** Knowingly or intentionally inflicting, attempting to inflict, or knowingly allowing another person to inflict physical, mental, or emotional injury upon the child or another child in the home; sexual abuse or exploitation; the sale or attempted sale of a child; harm or threat due to domestic violence; and human trafficking or attempted human trafficking.
- **Child Neglect:** Harm or threat to a child's physical or mental health due to refusal, failure, or inability to supply the child with necessary food, clothing, shelter, supervision, medical care, or education, when that refusal, failure, or inability is not due primarily to a lack of financial means. Such neglect may be due to the disappearance or absence of the child's parent or custodian.

[W.Va. Code § 49-1-201 \(2025\)](#)

State Department of Social Services Contact Information

Reports must be filed with the Department of Social Services and, in many cases, to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint.

- **West Virginia Bureau for Social Services:** (800) 352-6513;
<https://dhhr.wv.gov/bss/services/Pages/Centralized-Intake-for-Abuse-and-Neglect.aspx>

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 West Virginia?

The infant must be voluntarily delivered to the safe surrender site within 30 days of the child's birth. [W. Va. Code § 49-4-201\(a\) \(2025\)](#)

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

The parent of the child may relinquish the infant. [W. Va. Code § 49-4-201\(a\) \(2025\)](#)

Who are the designated Safe Haven/Safe Surrender providers?

In West Virginia, a parent may relinquish the infant for a Safe Haven/Safe Surrender through a hospital or healthcare facility operating in the state, or a fire department that has been designated a safe-surrender site. [W. Va. Code § 49-4-201\(a\) \(2025\)](#)

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.

The state of West Virginia does not have a putative father registry. Information about establishing parentage in West Virginia is available at <https://dhhr.wv.gov/bcse/Pages/Paternity-FAQs.aspx>.

West Virginia Adoption Service Providers

Licensed Private Adoption Agencies

In West Virginia, adoption agencies are licensed by the state Department of Human Services. The following licensed agencies focus on domestic infant adoption with counseling and/or services available for expectant parents. Some agencies are licensed in multiple states.

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

- **Adoption Services Inc.**
28 Central Blvd
Camp Hill, PA 17011
Phone: (800) 943-0400
vince@adoptionsservices.org
<https://www.adoptionsservices.org/>
- **Burlington United Methodist Family Services**
539 New Creek Hwy
Keyser, WV 26726
Phone: (304) 788-2342
sleasure@bumfs.org
<https://bumfs.org/adoption/>
- **Children's Home Society of West Virginia**
1422 Kanawha Blvd E
PO Box 2942
Charleston, WV 25330
Phone: (304) 988-5410
<https://childhswv.org/foster-care-adoption/#adopt>

Licensed Adoption Attorneys

This listing reflects West Virginia 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.

- **Vivian Hatz Basdekis**
500 Virginia St E Ste 1100
Charleston, WV 25301
Phone: (304) 348-2437
Fax: (304) 345-0115
Email: vbasdekis@fbtlaw.com
Website: <https://frostbrowntodd.com/>

Resources

- [Academy of Adoption & Assisted Reproduction Attorneys](#)
- [AdoptChange](#)
- [Child Welfare Information Gateway: State, Territory, and Tribal Resources](#)
- [West Virginia Department of Human Services](#)
- [West Virginia Legislature: West Virginia Code](#)
- [West Virginia State Bar](#)

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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