



Understanding Infant Adoption 7

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

Wisconsin 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 Wisconsin's adoption laws.

Does Wisconsin allow independent (non-agency) adoptions?

Yes. Wisconsin allows 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 Wisconsin allow unlicensed adoption facilitators?

No. Wisconsin does not permit unlicensed adoption facilitators. Only Wisconsin-licensed child placement agencies may place a child for adoption. Violators are guilty of a Class H felony. [Wis. Stat. § 948.824 \(2024\)](#)

Does Wisconsin require that placing parents have separate legal representation?

No. The laws in Wisconsin do not address this issue.

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

Yes. Adoptive parents may pay for an expectant mother's counseling services, maternity clothes for the child's birth mother (in an amount not to exceed \$300), transportation, medical and legal expenses, living expenses (in an amount not to exceed \$5,000), and a gift of no greater than \$100 in value. [Wis. Stat. § 48.913 \(2024\)](#)

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

After the birth of a child being placed for adoption, a placing parent may sign a consent to the termination of their parental rights and petition the court for its approval. A hearing to grant the petition must be held within thirty days of filing; the placing parent must be present at the hearing in person and the termination of the other parent's parental rights must be addressed, as well. [Wis. Stat. §§ 48.41\(2\), 48.837\(3\)-\(4\)\(a\) \(2024\)](#)

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

The consent is not final until the court enters an order terminating parental rights. A hearing on the petition for termination of parental rights must be held within thirty days of filing. If the court accepts the placing parent's consent at the hearing, the consent becomes irrevocable. [Wis. Stat. §§ 48.46, 48.028, 48.41\(2\) \(2024\)](#)

Are post-adoption contact agreements legally binding in Wisconsin?

No. The laws in Wisconsin do not address this issue.

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

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

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

If you witness violations of Wisconsin 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	Wisconsin Department of Children and Families	201 Washington Ave PO Box 8916 Madison, WI 53703-8916 (608) 422-7000 DCFCWLR@wisconsin.gov
Licensed Attorney	Wisconsin Court System Office of Lawyer Regulation	https://www.wicourts.gov/services/public/lawyerreg/file.html olr.intake@wicourts.gov (608) 267-7274; choose option 1
Unlicensed Adoption Facilitator	Local Law Enforcement	

Child Protection in Wisconsin

Child Protective Services Referrals

Among mandated reports in Wisconsin are physicians, coroners, medical examiners, nurses, dentists, chiropractors, optometrists, acupuncturists, other medical or mental health professionals, physical therapists, physical therapist assistants, dietitians, occupational therapists, speech-language pathologists, audiologists, emergency medical technicians, or emergency medical services practitioners. [Wis. Stat. § 48.981\(2\)](#)

Mandated reporters are required by law to report cases of child abuse and/or neglect to law enforcement or the [county child protective services agency](#) where the child or the child's family lives.

Child Abuse, Neglect, and Exploitation Definitions under Wisconsin Law

Under Wisconsin law, a child is defined as a person who has not attained the age of 18 years (except that for purposes of prosecuting a person who is alleged to have violated a state or federal criminal law, a child does not include a person who has attained the age of 17 years). [Wis. Stat. § 948.01\(1\)](#)

- **Child Abuse:** Physical abuse of a child is defined as intentional causation of bodily harm, reckless causation of bodily harm, or failing to act to prevent bodily harm. [Wis. Stat. § 948.03 \(1\)](#)

The state also separately defines specific mental harm, sexual harm, and abandonment offenses against children. [Wis. Stat. §§ 948.04-948.20](#)

- **Child Neglect:** Through action or failure to take action (for reasons other than poverty), failure to provide any of the following, so as to seriously endanger the physical, mental, or emotional health of a child: necessary care, food, clothing, medical care, and shelter; education; and protection from exposure to controlled substances and drug abuse. [Wis. Stat. § 948.21\(2\)](#)

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 more information about Safe Haven/Safe Surrender in Wisconsin, visit <https://www.safeplacefornewborns.org/>.

- **For Immediate Assistance:** Call or text the Safe Place for Newborns 24/7 crisis line at (877) 440-2229

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

The newborn child must be 72 hours old or younger. [Wis. Stat. § 48.195\(1m\)\(a\)](#)

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

The parent of the child may relinquish the infant. [Wis. Stat. § 48.195\(1m\)\(a\)](#)

Who are the designated Safe Haven/Safe Surrender providers?

In Wisconsin, a parent may relinquish the newborn child for a Safe Haven/Safe Surrender through a newborn infant safety device (permitted to be installed at fire departments, police stations and hospitals with specific requirements) or directly to a law enforcement officer, emergency medical services practitioner, or hospital staff member. [Wis. Stat. §§ 48.195\(1m\)\(a\), 48.195\(1r\)](#)

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 Wisconsin Department of Children and Families operates the putative father registry, referred to as the "Paternal Interest Registry."

- **More information:** <https://dcf.wisconsin.gov/paternalinterest/father>

Wisconsin Adoption Service Providers

Licensed Private Adoption Agencies

In Wisconsin, 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 child placing agencies is available online at <https://dcf.wisconsin.gov/files/cwlicensing/pdf/cpa.pdf>. Some agencies are licensed in multiple states.

* Denotes a for-profit agency.

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

- **Adoption Avenues Inc.***
4465 N Milton Ave
Janesville, WI 53546
Phone: (608) 563-4488
cindy@adoptionave.com
<https://www.adoptionave.com/>
- **Adoption Choice Inc.**
500 W Silver Spring Dr Ste K235
Glendale, WI 53217
Phone: (414) 276-3262
Fax: (262) 364-3606
Contact Form: <https://adoptionchoiceinc.org/contact-us/>
<https://adoptionchoiceinc.org/>
- **Adoptions of Wisconsin Inc.***
433 W Washington Ave Ste 300
Madison, WI 53703
Phone: (608) 821-8220
aowinfo@adoptionsofwisconsin.com
<https://adoptionsofwisconsin.com/>

- Catholic Charities Diocese of Lacrosse**
 3710 East Avenue S
 La Crosse, WI 54601
 Phone: (608) 782-0710
info@cclse.org
<https://cclse.org/>
- Catholic Charities of the Diocese of Green Bay**
 1825 Riverside Dr
 Green Bay, WI 54301
 Phone: (920) 272-8234
 Contact Form: <https://catholiccharitiesgb.org/contact-us/>
<https://catholiccharitiesgb.org/our-services/adoption-and-pregnancy-support-services/>
- Catholic Charities Diocese Milwaukee**
 2021 N 60th St
 Milwaukee, WI 53208
 Phone: (414) 771-2881 x4167
jlayton@ccmke.org
<https://www.ccmke.org/Catholic-Charities/Get-Help/Adoption-Services.htm>
- Evangelical Child & Family Agency**
 1617 S 124th St
 New Berlin, WI 53151
 Phone: (262) 789-1881
info@ecfawisc.org
<https://www.ecfawisc.org/>
- Evolve Adoption And Family Services**
 5850 Omaha Ave N
 Stillwater, MN 55082
 Phone: (651) 439-2446
evolve@evolveservices.org
<https://evolveservices.org/>
- Lutheran Counseling & Family Services**
 3800 N Mayfair Rd
 Wauwatosa, WI 53222
 Phone: (414) 536-8333
 Fax: (414) 536-8348
lcfs@lcfswi.org
<https://lcfswi.org/>

Licensed Adoption Attorneys

This listing reflects Wisconsin 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://dewittllp.com/>

Resources

- [Academy of Adoption & Assisted Reproduction Attorneys](#)
- [AdoptChange](#)
- [Child Welfare Information Gateway: State, Territory, and Tribal Resources](#)
- [Wisconsin Department of Children and Families](#)
- [Wisconsin State Legislature: Wisconsin Statutes & Annotations](#)

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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