

# Frequently Asked Questions About Adoption in Connecticut

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**WARNING: Adoption is a serious legal proceeding that involves the termination of the legal parental rights of birth parents and the assumption of legal parental responsibilities by the adoptive parents. Individuals who are contemplating an adoption should consult legal and child welfare professionals before proceeding. The information contained in this document is only a general summary of Connecticut adoption policies and procedures. It is not intended to substitute for legal advice about any particular individual or situation.**

## **BIRTH MOTHER RELATED**

- 1. When can the mother of the baby start the adoption process?**
  - The mother can learn about the legal and emotional process of adoption at any time throughout the pregnancy, but cannot consent to pursuing adoption in Connecticut until at least 48 hours after the child's birth.
  
- 2. Can the birth mother choose the adoptive parents?**
  - Yes. The openness of the adoption process has developed significantly in the last several years. Connecticut law supports the mutual identification of birthparents and prospective adoptive parents but a licensed agency must be involved in the process and a placement may only occur with a family whose home has been approved by a licensed agency.
  
- 3. Can the birth mother see and hold the baby after the birth?**
  - There is no law addressing this, but best practice theories encourage birthmothers to spend as much or as little time with their baby as they wish within their comfort level.
  
- 4. What expenses can the adoptive parents pay to or on behalf of the birth mother and child?**
  - Adoptive parents can pay medical expenses for the birth mother. They can also pay up to \$1500 in living expenses (e.g. rent, food, utilities, maternity clothing) and for a maximum of 12 hours of counseling.
  
- 5. Can a minor mother independently sign legal documents placing the child for adoption (consent to the adoption)?**
  - No, a minor birth mother must have a Guardian ad Litem (an Attorney appointed by the Probate Court) to represent her best interests. The G-A-L meets with the minor birthmother, conducts an investigation, is responsible for

protecting her legal rights, and consents as well to the Termination of Parental Rights. The court will accept the application and appoint a Guardian ad Litem.

**6. When does the birth mother actually sign the legal documents required for the adoption?**

- The birth mother cannot sign any of the legal documents until she is at least 48 hours post birth. Papers cannot be signed prior to the birth.

**7. Can the birth mother change her mind before signing the legal consents to the adoption?**

- Yes. Birthparents have until the court acts on the adoption petition to change their mind. Once a judge terminates the parental rights a birth mother has 30 days to appeal the judge's decision but must show grounds for appeal such as fraud or duress. A simple "change of mind" would not be considered sufficient to reverse the decision.

**8. Can the birth mother change her mind after signing the legal consents to the adoption?**

- Yes. Birthmothers have until the court acts on the adoption petition to change their mind. Once a judge terminates her parental rights a birth mother has 30 days to appeal the judge's decision but must show grounds for appeal such as fraud or duress. A simple "change of mind" would not be considered sufficient to reverse the decision.

**9. Can the birth mother communicate with the adoptive parents and child after the adoption?**

- Yes, depending on the degree of openness that was agreed-upon prior to placement (usually in the form of written contract, signed by both parties).

**10. Can a birth mother anonymously surrender a newborn child?**

- The Safe Havens Act for Newborns allows a parent to voluntarily give custody of an infant age 30 days or younger, to the nursing staff of an emergency room. The parent will not be subject to arrest for abandonment. This act does not protect the parent from being arrested and criminally prosecuted if abuse or neglect has occurred.

-Or-

- Safe Havens for Newborns Utilizing the Safe Haven Act In accordance with Public Act 00-207, "An Act Concerning Safe Havens", a parent or lawful agent of the parent may voluntarily surrender physical custody of an infant age thirty (30) days or younger to nursing staff in an emergency room. DCF takes custody of the child.

- For private agencies, the birthmother can be anonymous to the adoptive family. However, in order to file the paperwork properly with the Probate Court, the agency must know and name her in the petition to terminate her legal rights if it is not

**11. What happens if the birth parents do not agree that adoption should be the plan?**

- Adoption cannot occur unless both birthparents agree on an adoption plan except in the case of an unknown or absent birthfather. The agency works with both (if possible) birthparent(s) to implement a plan for the child. If they do not agree on an adoption plan, the agency will work with the birthparent that is interested in parenting to develop a care plan for the baby. If the agency does not believe the plan to be safe for the child, the agency will report concerns that the child may be at risk to Connecticut. Department of Children and Families who may also conduct an investigation and take custody of the child.

**BIRTH FATHER RELATED**

**1. Does the father of the baby have to be notified of the birth and the mother's adoption plan?**

- The court must provide legal notice to fathers and putative fathers prior to the termination of their parental rights in Connecticut. Every effort must be made to notify them of the hearing to terminate their legal rights.

**2. How is the father of the baby notified of the mother's adoption plan?**

- The father, either legal or putative is notified via personal service, certified mail or publication.

**3. Can the father of the baby choose the adoptive parents?**

- Yes. Whenever appropriate and possible it is advisable to have the father involved in the process to select the adopting parents.

**4. What happens if the biological father of the baby is not the baby's legal father?**

- Both the legal and biological fathers must be named in the Termination of Parental Rights petition and both have their parental rights terminated.

**5. What happens if the husband (legal father) is not the biological father?**

- Both the legal and biological fathers must be named in the Termination of Parental Rights petition and both have their parental rights terminated.

**6. What happens if the mother does not know who the biological father is?**

- Reasonable efforts must be made to the identity of the biological father and to locate him. The court decides if the agency has made reasonable efforts to determine who he is before terminating his rights.

**7. What happens if the mother refuses to give the name of the biological father?**

- Birth mothers are required by the probate court to provide full information about the identity of the father, and required to sign a statement of fact regarding this information.

**8. Can the biological father of the baby give notice that he intends to plan for the baby before the baby is born?**

- Connecticut does not have a system in place for this, although there are regulations about who may have legal status as father of the child.

**9. Can the birth father change his mind before signing the legal consents to the adoption?**

Yes. Birthparents have until the court acts on the adoption petition to change their mind. Once a judge terminates the parental rights a birth mother has 30 days to appeal the judge's decision but must show grounds for appeal such as fraud or duress. A simple "change of mind" would not be considered sufficient to reverse the decision.

**10. Can the birth father communicate with the adoptive parents and child after the adoption?**

- There is no presumption of communication unless there is a cooperative postadoption agreement .

**11. Can a minor birth father independently sign legal documents placing the child for adoption (consent to the adoption)?**

- Adoption cannot occur unless both birthparents agree on an adoption plan except in the case of an unknown or absent birthfather. The agency works with both (if possible) birthparent(s) to implement a plan for the child. If they do not agree on an adoption plan, the agency will work with the birthparent that is interested in parenting to develop a care plan for the baby. If the agency does not believe the plan to be safe for the child, the agency will report concerns that the child may be at risk to Connecticut. Department of Children and Families who may also conduct an investigation and take custody of the child.

**12. Can the birth father change his mind after signing the legal consents to the adoption?**

- Yes. Birth fathers have until the court acts on the adoption petition to change their mind. Once a judge terminates his parental rights a birth father has 30 days to appeal the judge's decision but must show grounds for appeal such as fraud or duress. A simple "change of mind" would not be considered sufficient to reverse the decision.

**13. Can a Birth father anonymously surrender a newborn child?**

- The Safe Havens Act for Newborns allows a parent to voluntarily give custody of an infant age 30 days or younger, to the nursing staff of an emergency room. The parent will not be subject to arrest for abandonment. This act does not protect the parent from being arrested and criminally prosecuted if abuse or neglect has occurred.

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- For private agencies, the birthmother can be anonymous to the adoptive family. However, in order to file the paperwork properly with the Probate Court, the agency must know and name her in the petition to terminate her legal rights if it is not

**14. What happens if the birth parents do not agree that adoption should be the option?**

- Adoption cannot occur unless both birthparents agree on an adoption plan except in the case of an unknown or absent birthfather. The agency works with both (if possible) birthparent(s) to implement a plan for the child. If they do not agree on an adoption plan, the agency will work with the birthparent that is interested in parenting to develop a care plan for the baby. If the agency does not believe the plan to be safe for the child, the agency will report concerns that the child may be at risk to Connecticut. Department of Children and Families who may also conduct an investigation and take custody of the child.

**ADOPTIVE PARENT RELATED**

- 1. Who can be an adoptive parent and who selects them?**
  - A person, either married or single who has been assessed as suitable by a licensed child-placing agency will be approved as an adoptive parent. Department of Children and Families licenses private agencies in Connecticut to approve adoptive families. An approval is good for two years.
  
- 2. What information about the birth parents and the child must be provided to the adoptive parents?**
  - All known social and health information must be given to adoptive parents prior to finalization of the adoption. Adoptive parents must sign acknowledgment of receipt of the standardized forms which are on record at the placing agency, with the family and at the Probate Court.
  
- 3. What procedures are followed to ensure that adoptive parents are fit to adopt a child?**
  - Prospective adoptive parents participate in a home study to be approved as prospective adoptive parents. They must obtain a police clearance and a clearance from the child protection agency. They also need to provide health information, financial information, background, family, and educational information as well as documents such as birth certificates and marriage licenses. All prospective parents must meet with a social worker several times to discuss their readiness for parenting, expectations, lifestyle, jobs and hobbies. They are educated about the adoption process and assessed for their readiness to become adoptive parents. A home visit is conducted to ensure that the home meets state standards for an adoptive home.
  
- 4. Can the potential adoptive parents have the child placed with them prior to the actual court procedures?**
  - Yes, this is considered a legal risk placement. It is considered wise and appropriate for the adoptive parents to sign an affidavit to the effect that they understand and accept the risks inherent in accepting a child prior to legal termination of parental rights.
  
- 5. Can the adoptive parents prevent the birth parents from communicating with the child after the adoption?**
  - Yes, once the adoption is finalized, the adoptive parents have full rights regarding decisions they make for their child. However, the level of contact is agreed upon prior to the placement but can be modified by the adoptive parents if they feel that communication is not in their child's best interests.
  
- 6. Under what circumstances can an adopted child communicate with the birth parents?**

- If the adoptee is a minor the decision is made by the adoptive parents. If the adoptee is an adult they can make the decision regarding contact.
7. **What information must the birth parents provide to the adoptive parents?**
    - Reasonable effort must be made to obtain health and social information on the birthparents in order to provide it to the adoptive parents.
  8. **Who supervises the adoptive placement and for how long?**
    - Representatives from the licensed child-placing agency will supervise the placement to ensure that adoption by the family is in the best interest of the child. Homes are normally monitored for 6 -12 months to determine if finalization of the adoption is appropriate and in the best interest of the child.
  9. **When is the adoption final?**
    - Finalization usually occurs within 6-12 months following placement. (see above)

## **COURT SPECIFIC PROCEDURES**

1. **Who initiates the adoption process?**
  - A birthparent will initiate contact with a licensed adoption agency to facilitate an adoption plan. A Connecticut Court of Probate will eventually terminate parental rights if the birthparent(s) remain firm in this plan. The agency is then appointed Statutory Parent. The agency monitors the placement and adjustment of the child in the adoptive home for a period of 6 months-12 months. If the adoption is considered to serve the child's best interests, the agency, as Statutory Parent of the child, applies to the appropriate Probate Court to finalize the adoption.
2. **When are the legal adoption papers filed with the court?**
  - Birthparent(s) cannot sign legal papers to terminate their legal parental rights until 48 hours post partum. Papers may be filed once they are signed.
3. **When do the birth parents actually sign the legal documents for adoption?**
  - Birthparents can sign anytime after 48 hours post partum.
4. **What happens if the birth parents do not agree on the adoption plan?**

- Adoption cannot occur unless both birthparents agree on an adoption plan except in the case of an unknown or absent birthfather. The agency works with both (if possible) birthparent(s) to implement a plan for the child. If they do not agree on an adoption plan, the agency will work with the birthparent that is interested in parenting to develop a care plan for the baby. If the agency does not believe the plan to be safe for the child, the agency will report concerns that the child may be at risk to Connecticut. Department of Children and Families who may also conduct an investigation and take custody of the child.

**5. Can the baby be placed for adoption without the consent of the birth mother and/or birth father?**

- Yes, but only in cases of involuntary termination through the State Department. of Children and Families. For private agency adoption, the birthmother must consent. Every effort should be made to include the birthfather in the care plan for the child. Known birthfathers are encouraged to participate in the process, receive notice of the court hearing whether through certified mail or delivery by a sheriff. Attempts are made to contact unknown birthfathers or birthfathers whose address is not known by legal notice in the newspaper in the last known city of residence.

## **MISCELLANEOUS QUESTIONS**

**1. What is the process for accessing adoption files, including identifying information?**

- In Connecticut an adoptee can access the adoption file and receive non-identifying information upon adulthood (age 18 yrs) by contacting the agency that handled their adoption. If the Adoptee requests identifying information, the Adoption agency is required to complete a search of up to 10 hours to contact the birth parent(s). With permission of the birth parent(s), the adoptee may be given identifying information. Adoption agencies are required to maintain adoption records for the life of their agency. If the agency is no longer in existence, the adoptee may contact the Department of Children and Families.

**2. What is considered a kinship adoption? How is kinship adoption handled? Are home studies necessary? Who can conduct them? Is there a fee?**

- In Connecticut relative adoptions are considered adoptions by anyone biologically related to the child or one who is related through marriage. These include aunts, uncles, grandparents and step-parents. A Court Study must be completed on the family member(s) who is (are) adopting by a licensed adoption agency. Fees for court studies are determined by the licensed adoption agency completing the study.

**3. Are contracts or binding agreements between birth and adoptive families regarding openness allowed?**

- Most adoption agencies in Connecticut develop agreements regarding openness between the adopting family and the birth family. These agreements are encouraged, but not legally binding.