



IDENTIFIED ADOPTIONS

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CRIMINAL PENALTY FOR ILLEGAL PLACEMENT

Placing a child for identified adoption in violation of the law or assisting in such a placement is a class D felony, punishable by imprisonment up to five years, a fine up to \$5,000, or both ([CGS § 45a-729](#)).

ISSUE

Summary of Connecticut's identified adoption laws.

SUMMARY

An "identified adoption" is one in which an unrelated child is identified for adoption by prospective adoptive parents before the child's placement in the home ([Conn. Agencies Reg. §](#)

[45a-728-2\(k\)](#)). There are strict requirements for identified adoptions, and the probate court cannot approve an adoption application if the placement violates the law ([CGS § 45a-727\(a\)\(3\)](#)). Under the law, only the Department of Children and Families (DCF) commissioner or a DCF-licensed or -approved child-placing agency may place an identified child for adoption.

The department or a child-placing agency is generally required to conduct a home study to determine if the prospective adoptive parents and their home meet certain standards. The law establishes the level of participation the prospective adoptive parents may have in the adoption process. By law, the birth mother must receive counseling as soon as medically possible after the child's birth. If the birth father is known, he must be offered counseling.

The prospective adoptive parent may, up to specified levels, pay for certain expenses incurred by the birth parents. These expenses include telephone, clothing, transportation, lodging, food, counseling, and foster care. Payments must be sent to the child-placing agency for distribution. The law requires signed sworn financial affidavits from all parties involved about payments promised, received, or made in connection with the adoption.



ADOPTIONS

Under Connecticut law, the adoption process requires the filing of an application and a written adoption agreement in the probate court ([CGS § 45a-727\(a\)\(1\)](#)).

Nonrelated Adoptions in General

The law limits the circumstances under which the probate court may accept an application for the adoption of a minor child who is not related to the prospective adoptive parent. The court may not accept such an application unless the

1. child has been placed for adoption by the commissioner or a child-placing agency, and the placement has been approved by the commissioner or agency;
2. Adoption Review Board waived placement requirements; or
3. application is made by a stepparent or by another person who shares parental responsibility with the parent ([CGS § 45a-727\(a\)\(3\)](#)).

IDENTIFIED ADOPTIONS REQUIREMENTS

The regulations establish specific requirements for identified adoptions. These requirements address:

1. advertising by the birth parent, prospective adoptive parent, and child-placing agency;
2. prospective adoptive parents' home studies;
3. activities in which the prospective adoptive parent may participate;
4. birth parent counseling; and
5. payment of birth parent expenses by the prospective adoptive parents ([CGS §§ 45a-728 et. seq.](#) and [Conn. Agencies Regs. §§ 45a-728-3, et. seq.](#)).

Advertising

A birth parent or prospective adoptive parent may advertise an identified adoption through any Connecticut public media. The department and child-placing agencies may also advertise, in the same media, placement and other adoption services ([Conn. Agencies Reg. § 45a-728-6](#)).

Home Study

Prospective adoptive parents initiate the identified adoption process by requesting a child-placing agency to conduct a study of their home to determine whether they and their home meet the licensing standards for the placement of a child in the home.

The child may not be placed with the prospective adoptive parents less than 45 days after the initiation of the home study process (i.e., the first in-person meeting between the prospective adoptive parents and a qualified representative of a child-placing agency).

With some exceptions, a home study is not required if the child already lives with the prospective adoptive family ([Conn. Agencies Reg. § 45a-728-5](#)).

Allowed Participation and Required Disclosures

Prospective adoptive parents may:

1. participate in the labor and birth of the child identified for adoption;
2. visit the newborn child if the birth mother, her physician, and the child-placing agency agree and if such participation and visitation are consistent with the hospital's medically necessary procedures; and
3. be present when the infant is discharged from the hospital, with the approval of the child-placing agency.

Under the regulations, the child-placing agency or the hospital must provide prospective adoptive parents any nonidentifying information it customarily provides to birth parents about the infant's care, feeding, and health. Prospective adoptive parents must also be permitted, at their own expense, to participate in any infant care and child development instruction programs available through the hospital to birth parents ([Conn. Agencies Reg. § 45a-728-5a](#)).

Birth-parent Counseling

Counseling of the birth mother may occur anytime during the pregnancy but must occur within 72 hours after the birth of the child or as soon as possible thereafter if the mother's medical condition prevents such counseling. Otherwise, the birth mother must receive counseling before the placement of the child. If the birth father is known, counseling must also be offered to him within the same time period ([Conn. Agencies Reg. § 45a-728-7](#)).

Authorized Payment of Expenses

The prospective adoptive parents may pay the child-placing agency in accordance with its fee schedule on file with the department. Additionally, they may pay for certain specific expenses on behalf of the birth parent and the child. The law prohibits them from making payments directly to the birth parent, any relative by blood or marriage, any cohabitor, or to anyone on their behalf ([Conn. Agencies Reg. § 45a-728-8](#)).

All payments must be sent to the child-placing agency for distribution and may cover the following expenses:

1. Birth mother's living expenses (including reasonable telephone and maternity clothing expenses) — up to \$1,500 or any amount approved by the probate court in unusual circumstances.
2. Transportation, lodging, and food (incurred by the birth parent and a child-placing agency representative) — up to the cost of a round trip coach fare on a common carrier from and to the birth parent's established place of residence or the agent's established place of employment, plus necessary related transportation and reasonable and necessary lodging and food costs.
3. Birth parent counseling (including transportation costs to and from counseling) — up to 12 hours for each birth parent at rates that do not exceed the regional fee scales compiled by Family Service America.
4. Necessary foster care at the reasonable and prevailing rates where the foster home is located.
5. Maternity home — for stay in a licensed or government-approved maternity home up to 60 days.
6. Medical (prenatal, delivery, and medical expenses incurred up to 30 days after delivery, except for one post-partum visit) — up to established and generally accepted reasonable and prevailing rates in the community in which the child is born ([Conn. Agencies Reg. § 45a-728-8](#)).

Financial Affidavits

The law also requires signed sworn financial affidavits from the birth parent, prospective adoptive parents, and DCF or the child-placing agency containing specific information about payments or gratuities promised, received, or made, directly or indirectly, in connection with the adoption ([Conn. Agencies Reg. § 45a-728-10](#)).

ADDITIONAL INFORMATION

For additional information on Connecticut's adoption laws, see the following:

1. Connecticut Judicial Branch Law Libraries' [Guide to Adoption in Connecticut](http://www.jud.ct.gov/lawlib/Notebooks/Pathfinders/adoption/Adoption.pdf), available at <http://www.jud.ct.gov/lawlib/Notebooks/Pathfinders/adoption/Adoption.pdf>
2. Probate Court's user guide on [Termination of Parental Rights and Adoptions](http://www.ctprobate.gov/Documents/User%20Guide%20-%20Termination%20of%20Parental%20Rights%20and%20Adoptions.pdf), available at <http://www.ctprobate.gov/Documents/User%20Guide%20-%20Termination%20of%20Parental%20Rights%20and%20Adoptions.pdf>
3. Department of Children and Families' [Policy Manual on Identified Adoptions](http://www.ct.gov/dcf/cwp/view.asp?a=2639&Q=395580), available at <http://www.ct.gov/dcf/cwp/view.asp?a=2639&Q=395580>
4. OLR Reports [2012-R-0506](#) - Adoptions By Foster Parents

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