

Section 9	Clinical Policies	12/01/95 -Originated
Subject 9.1	Admissions, Transfers, and Discharges	08/14/14 -Reviewed w/changes -Reviewed w/o changes
Policy 9.1.15	Adoption from the Nurseries	08/14/14-Effective Nursing Service & Care Management -Author

Adoption from the Nurseries

Definitions

Affidavit of Voluntary Relinquishment of Parental Rights A document that can be signed by the parent(s), including minor parents, any time after a newborn child has turned 48 hours old, to voluntarily relinquish their respective parental rights. The affidavit must be notarized and its signing must be witnessed by two credible adults. (Note: UTMB employees may not serve as witnesses). The licensed adoption agency or attorney handling the adoption is responsible for the witnesses and notary public. The affidavit must designate a managing conservator of the child

Designated Managing Conservator: A prospective adoptive parent(s) or licensed adoption agency that has been designated in an *Affidavit of Voluntary Relinquishment of Parental Rights*. The designated person/agency then has the right to possession of the child and the right to consent to medical, surgical, dental, and psychological treatment of the child until such time as those duties and rights are modified, made permanent or terminated by a court order or, if the *Affidavit of Voluntary Relinquishment of Parental Rights* is revocable, until such time as the *Affidavit of Voluntary Relinquishment of Parental Rights* is revoked.

Licensed Adoption Agency: An agency that functions as a child placing agency and has obtained a license to operate as such.

Third Party Release Agreement: A document used to authorize the release of a newborn child from the hospital to a designated person or agency. To be valid, it must be signed by the mother of the newborn child, witnessed by two credible adults, and notarized before a notary public.

Policy

UTMB Employees may not directly engage in “child placing activities.” Further, UTMB employees may not solicit babies for adoption or actively initiate the placement of babies for adoption. Any employee engaging in such activities will be subject to disciplinary action up to and including termination.

Guidelines

The Department of Care Management (Social Work at Angleton Danbury campus) is the designated liaison between UTMB, the adoption agency/attorney handling the adoption, and the mother placing her newborn child for adoption.

When it becomes known that a mother desires to place her newborn child for adoption, the charge nurse is responsible for ensuring that a consult is

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entered for the Department of Care Management (Social Work at Angleton Danbury campus).

**Guidelines,
continued**

The mother of a newborn child may authorize the release of her child from the hospital to a licensed adoption agency (or another designated person) by completing a *Third Party Release* form.

Until an *Affidavit of Voluntary Relinquishment of Parental Rights* has been signed or the newborn child has been released to a licensed adoption agency or other designated person, the birth mother remains responsible for the newborn child. All necessary communication will be with the birth mother until an *Affidavit of Voluntary Relinquishment of Parental Rights* has been signed and presented to a Care Manager/social worker for review and placement in the newborn child's chart. (Note: Only a *Third Party Release* is required for the newborn's release from the Newborn Nursery.)

If a newborn child is in the Infant Special Care Unit, the *Affidavit of Voluntary Relinquishment of Parental Rights* likely will be needed for consent issues, as it designates a managing conservator.

1. If a birth mother wishes to release information other than directory information regarding her newborn child to any individual, she must sign a written authorization for the release of such information and designate the individual(s) to whom the information may be disclosed.
2. If a mother has expressed her desire to place her newborn child for adoption but has not made arrangements with a licensed adoption agency, her Care Manager/Social Worker may give her a list of agencies from which to choose. However, neither UTMB, Care Management/Social Worker, nor any UTMB employee, may provide recommendations.

The Care Manager/Social Worker is responsible for:

1. Confirming with the birth mother her plans for placing her newborn child for adoption.
2. Placing the original *Third Party Release* form in the newborn child's chart. Note: If an *Affidavit of Voluntary Relinquishment of Parental Rights* has been completed, a copy should be placed in the newborn's chart as well.
3. Communicating with nursing and medical staff regarding the

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**Guidelines,
continued**

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- status of the discharge plans.
4. Adding FYI tab to the newborn child’s chart for HIM purposes. Nursery staff is responsible for verifying the identity of the individual designated to whose care the newborn child released. A copy of the individual’s government issued or agency ID should be placed in the newborn child’s chart.

Revocation

Generally, an *Affidavit of Voluntary Relinquishment of Parental Rights* must contain a statement that the relinquishment is: (a) revocable; (b) irrevocable; or (c) irrevocable for a period of time (not to exceed 60 days from the date it was signed).

If a birth mother wishes to discontinue the adoption process after the *Affidavit of Voluntary Relinquishment of Parental Rights* has been signed, the charge nurse should notify the Department of Care Management/Social Work and the Department of Legal Affairs immediately.

References

Texas Family Code, Section 161 and 162