Section 9 Subject 9.1	Clinical Policies Admissions, Transfers, and Discharges	12/01/95 -Originated 10/08/07 -Reviewed w/changes -Reviewed w/o changes
Policy 9.1.15	**Adoption from the Neonatal Nurseries**	Nursing Service & Care Management -Author

Adoption from the Neonatal Nurseries

Definitions

Affidavit of Voluntary Relinquishment of Parental Rights (*"Affidavit of Voluntary Relinquishment****"):*** An affidavit for the voluntary relinquishment of parental rights that must be signed no earlier than 48 hours after the birth of the child by the parent, whether or not a minor, whose rights are to be relinquished. The affidavit must be notarized and its signing must be witnessed by two credible people (UTMB employees may not serve as witnesses). The Department of Protective and Regulatory Services [DPRS], licensed adoption agency, or other entity involved is responsible for obtaining two credible witnesses and notarization). The affidavit must designate a prospective adoptive parent, licensed adoption agency, or the DPRS to serve as managing conservator of the child. It may contain consent to the placement of the child for adoption by the DPRS or a licensed adoption agency.

Designated Managing Conservator: A prospective adoptive parent, licensed adoption agency, or the DPRS that has been designated in an *Affidavit of Voluntary Relinquishment*. 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* is revocable, until such time as the *Affidavit of Voluntary Relinquishment* is revoked.

***Licensed Adoption Agency*:** An agency that functions as a child placing agency and has obtained a license to operate as such from the state of Texas.

Third Party Release Agreement: A document used by the mother of a newborn child to authorize the release of her child to a licensed adoption agency, the DPRS, or another designated person. This document may be signed before or at the time an *Affidavit of Voluntary Relinquishment* is signed.

To be valid, it MUST be: (1) executed in writing; and (2) witnessed by two credible adults (UTMB employees may not serve as witnesses.

Definitions (cont'd)

The DPRS, licensed adoption agency, or other entity involved is responsible for obtaining two credible witnesses); and (3) notarized before a notary public.

Policy

Neither the University of Texas Medical Branch Hospitals and Clinics nor its employees or staff may directly engage in "child placing activities" nor solicit babies for adoption or act as an instigator in placing 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 is the designated liaison between UTMB, the designated managing conservator, and the mother desiring to place her neonate for adoption.

When it becomes known that a mother desires to place her neonate for adoption, the charge nurse is responsible for ensuring that a consult is entered for the Department of Care Management. Documentation of the consult will be placed in the mother's progress notes within 24 hours of the receipt of the consult.

There should be no signs or symbols in the neonate's chart binder that indicate that the neonate is being placed for adoption. However, the Care Manager should indicate this in his/her note to ensure communication among the medical staff.

Either before or at the time an *Affidavit of Voluntary Relinquishment of parental rights* is executed, the mother of a newborn child may authorize the release of the child from the hospital to a licensed adoption agency, the DPRS, or another designated person by completing a *Third Party Release* form relieving UTMB of all responsibility relating to the release of the neonate. Until the *Affidavit of Voluntary Relinquishment* has been signed or the neonate has been released to a designated person, the birth mother is responsible for the neonate. All necessary communication will be with the birth mother until the *Affidavit of Voluntary Relinquishment* has been signed and presented to the Care Manager for review and placement in the neonate's chart.

- If the birth mother wishes to release information other than

Guidelines, continued

directory information regarding her newborn to any individual, she must sign consent for release of such information and designate the individual(s) authorized to receive the information.

- If a mother has not made arrangements with an adoption agency, the Care Manager gives her a list of agencies from which to choose. The Care Management Department or nursing staff do not make recommendations.

The care manager is responsible for:

- Interviewing the birth mother within 24 hours of receipt of consult for adoption;
- Placing a copy of the *Affidavit of Voluntary Relinquishment* of parental rights and/or the Third Party *Release* form, along with the documentation of the interview with the birth mother, in the neonate's chart;
- Verifying the identity of the designated managing conservator, its representative, or designated individual upon discharge of the neonate and placing a copy of adoption agency's license and representatives in the chart.
- Communicating with nursing and medical staff the status of the discharge plans.

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 the *Affidavit of Voluntary Relinquishment* is signed). However, an *Affidavit of Voluntary Relinquishment* that designates the DPRS or a licensed adoption agency to serve as the managing conservator is deemed to be irrevocable. Any other *Affidavit of Voluntary Relinquishment* is deemed to be revocable unless it expressly provides that it is irrevocable for a stated period of time (not to exceed 60 days). In order to revoke a revocable *Affidavit of Voluntary Relinquishment*, the revocation must be made within 10 days of the date the *Affidavit of Voluntary Relinquishment* is signed.

If the birth mother wishes to discontinue the adoption process after the *Affidavit of Voluntary Relinquishment* has been signed, the nurse will notify the Department of Care Management and Legal Affairs immediately.

References

Texas Family Code, Section 161.108
Texas Family Code, Section 162.001
Texas Family Code, Section 162.018