



# Adoptions From The Heart®

## New Jersey Birth Father Rights

1. You, as the birthfather, have the same legal rights to a child as birth mothers, regardless of the marital status of the parents, (Title 9:17-40), and a birth father, regardless of age, has the right to make an adoption plan and place a child for adoption including through a NJ licensed adoption agency. Birth parents who choose to work with an agency to make an adoption plan have the right to free and confidential option counseling.
2. New Jersey requires that when the identity of the birth father is known, he must be notified regarding the birth of the baby, the adoption plan and his right to object to the adoption plan by filing a written objection with the Court within 20 days of receipt of the notice if living in NJ and within 35 days of receipt of the letter if residing outside of NJ. Failure to respond to the notice constitutes a waiver of all notice of any subsequent proceedings with regard to the adoption or termination of parental rights.
3. A birth father who is in agreement with the adoption plan can sign a voluntary surrender of his parental rights with the agency no earlier than 72 hours after the birth of the child. The agency Surrender of Parental Rights and consent to Adopt is full, final and irrevocable and cannot be withdrawn once it is signed. Under the law, a birth parent has the right to three face-to-face counseling sessions on three separate days with a social worker prior to signing the Surrender.
4. In New Jersey a birth mother has the right to refuse to name the father of her child. If the mother refuses to name, the agency is required to search for and notify the birth father if his name becomes known through some other source such as hospital records.
5. Under New Jersey law, there is a presumption of abandonment if a birth father has not been involved in the parenting or planning for a child within 120 days of birth. The rights of an unknown or an unnamed birth father can be terminated by the Court under the abandonment statute at either a Preliminary Hearing or at the Final adoption hearing.

In Addition: You have the right,

- To have counseling to help you with your decision.
- To have counseling even after your rights have been terminated
- To select and meet the adoptive family.
- To ask to get letters and pictures of your child after placement.
- To get help from the hospital social worker:
  - About your decision
  - If someone is bothering or pressuring you
  - For a list of adoption agencies and counselors in your area