

HB 2631 -- UNREGULATED CHILD CUSTODY TRANSFERS

SPONSOR: Hausman

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Crime Prevention and Public Safety by a vote of 21 to 3. Voted "Do Pass" by Rules-Regulatory Oversight by a vote of 8 to 0.

This bill establishes the "Uniform Unregulated Child Custody Transfer Act". The bill specifies that a parent or guardian of a child or an individual with whom a child has been placed for adoption may not transfer custody of the child to another person with the intent, at the time of the transfer, to abandon the rights and responsibilities concerning the child. That type of transfer is only allowed through the methods described in the bill.

A person may not receive custody of a child, or act as an intermediary in a transfer of custody of a child, if the person knows or reasonably should know the transfer violates any provision in the bill. The person must notify Children's Division within the Department of Social Services of the transfer violation as soon as practicable. A violation of this matter is a class B misdemeanor.

If the Children's Division has a reasonable basis to believe that a person has transferred or will transfer custody of a child in violation of the provisions in this bill, the Children's Division may conduct a home visit as provided by law and take appropriate action to protect the welfare of the child. Law enforcement agencies may also investigate a possible violation of the provisions in this bill.

If the Children's Division conducts a home visit for a child adopted or placed through an inter-country adoption, the Children's Divisions shall:

- (1) Prepare a report on the welfare and plan for permanent placement of the child; and
- (2) Provide a copy to the United States Department of State.

A person may not solicit or advertise to find a person or child in which to violate the provisions in this bill nor to act as an intermediary in violation of the provisions in this bill. A violation of this matter is as class B misdemeanor.

Within a reasonable time before a child-placing agency places a child for adoption with a prospective adoptive parent, the agency must provide or have provided to the prospective adoptive parent general adoption information, which should address the information

as described in the bill, as well as information specific to the child that is known to or reasonably obtainable by the agency and material to the prospective adoptive parent's informed decision to adopt the child, which must include information as specified in the bill. Also, a child-placing agency must provide or have provided to the prospective adoptive parent guidance and instruction specific to the child to help prepare the parent to respond effectively to needs of the child, which must address issues as described in the bill. If new information is discovered by the child-placing agency at any point in the adoption process, they are to provide that information to the prospective parent.

Upon request from the child or the adoptive parent, the child-placing agency or the Children's Division will provide information about how to obtain financial assistance or support services:

- (1) To assist the child or parent to respond effectively to adjustment, behavioral health, and other challenges; and
- (2) To help preserve the placement or adoption.

The Children's Division and law enforcement can initiate proceedings to determine whether a child-placing agency has failed to comply with the provisions in the bill, which can result in either law enforcement filing for injunctive relief or initiating an administrative proceeding, or Children's Division suspending or revoking the agency's license.

The provisions in this bill do not apply to custody of an Indian child, as defined in Section 4(4) of the Indian Child Welfare Act of 1978, 25 U.S.C. Section 1903(4), as amended, to the extent custody is governed by the Indian Child Welfare Act of 1978, 25 U.S.C. Sections 1901 through 1963, as amended.

This bill is similar to HB 2642 (2022).

PROPOSERS: Supporters say that this is a step in fighting sex trafficking of children and provides a needed statutory framework for unregulated transfers of children. This could include adoptions and judicial ward custody. Supporters want to make sure parents who don't want to be parents anymore don't give their children to just anyone. Three states have already enacted, and three others are working to enact, this uniform law. The State wants to be aware when a child has changed custody. The bill makes sense but proponents want to make sure it's not overreaching when a parent has substance abuse issues or have other types of emergency. It's also incumbent upon parents to know where their children are and parents should be held responsible and accountable and this bill does that.

Testifying in person for the bill were Representative Hausman and Arnie C. Dienoff.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.