

IN THE SENATE

SENATE BILL NO. 1307

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO ADOPTION; AMENDING SECTION 18-1511, IDAHO CODE, TO PROHIBIT
2 PLACEMENT OF CHILDREN BY UNLICENSED ORGANIZATIONS AND TO MAKE TECHNICAL
3 CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
4 DATE.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 18-1511, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 18-1511. SALE OR BARTER OF CHILD FOR ADOPTION OR OTHER PURPOSE PENAL-
10 IZED -- ALLOWED EXPENSES. (1) Any person or persons who shall sell or barter
11 any child for adoption or for any other purpose, shall be guilty of a felony,
12 and upon conviction shall be punished by imprisonment in the state peniten-
13 tiary for ~~not~~ no more than fourteen (14) years, or by a fine of ~~not~~ no
14 more than five thousand dollars (\$5,000), or by both such fine and imprisonment.
15 Any person or organization that, without holding either a valid and unre-
16 voked license to place children for adoption issued by the Idaho department
17 of health and welfare, or a valid and unrevoked license to practice law in
18 Idaho, advertises in any periodical or newspaper, by radio, or other pub-
19 lic medium, that the person or organization will place children for adoption
20 or accept, supply, provide, or obtain children for adoption, or that causes
21 any advertisement to be published in or by any public medium soliciting, re-
22 questing, or asking for any child or children for adoption is guilty of a mis-
23 demeanor. Any person, other than a birth parent, or any organization, asso-
24 ciation, or corporation that, without holding a valid and unrevoked license
25 to place children for adoption issued by the department, places any child for
26 adoption is guilty of a misdemeanor.

27 (2) Provided however, this section shall not prohibit any person, or
28 adoption agency from providing, in addition to legal and medical costs, rea-
29 sonable maternity and living expenses during the pregnancy and for a period
30 not to exceed six (6) weeks ~~post partum~~ postpartum based ~~upon~~ on demon-
31 strated financial need.

32 (3) Any person or agency, seeking to provide financial assistance in
33 excess of five hundred dollars (\$500) shall do so after informally submit-
34 ting to a court of competent jurisdiction, a verified financial plan outlin-
35 ing proposed expenditures. The court may approve or amend such a proposal.
36 Only after court approval shall assistance totaling more than five hundred
37 dollars (\$500) become available to the birth parent. A prospective adoptive
38 parent, or another person acting on behalf of a prospective adoptive parent,
39 shall make payments for allowed expenses only to third-party vendors, as is
40 reasonably practical. All actual expenditures shall be presented by veri-
41 fied affidavit of counsel or the agency at the time of the adoption finaliza-
42 tion.

1 (4) No financial assistance to a birth parent shall exceed the sum of
2 two thousand dollars (\$2,000) unless otherwise authorized by the court. The
3 financial assistance contemplated by this section shall be considered a
4 charitable gift, not subject to recovery under the terms of section 16-1515,
5 Idaho Code.

6 SECTION 2. An emergency existing therefor, which emergency is hereby
7 declared to exist, this act shall be in full force and effect on and after
8 July 1, 2024.