

IN THE SENATE

SENATE BILL NO. 1104

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO ADOPTION; AMENDING SECTION 18-1511, IDAHO CODE, TO PROVIDE
2 FOR CERTAIN COUNSELING SERVICES AND THAT CERTAIN NOTICE BE PROVIDED
3 TO BIRTH PARENTS AND TO MAKE CODIFIER'S CORRECTIONS; AND DECLARING AN
4 EMERGENCY AND PROVIDING AN EFFECTIVE 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 no more than fourteen (14) years, or by a fine of no more than five
14 thousand dollars (\$5,000), or by both such fine and imprisonment.

15 (2) Any person or organization without a valid and unrevoked license to
16 place children for adoption issued by the Idaho department of health and wel-
17 fare or a valid and unrevoked license to practice law in Idaho shall be guilty
18 of a misdemeanor if such person or organization:

19 (a) Advertises in any periodical or newspaper, by radio, or by any other
20 public medium that the person or organization will place children for
21 adoption;

22 (b) Accepts, supplies, provides, or obtains children for adoption; or

23 (c) Causes any advertisement to be published in or by any public medium
24 soliciting, requesting, or asking for any child or children for adop-
25 tion.

26 (3) Any person, organization, association, or corporation without a
27 valid and unrevoked license to place children for adoption issued by the
28 Idaho department of health and welfare that places any child for adoption
29 shall be guilty of a misdemeanor. The provisions of this subsection shall
30 not apply to a birth parent.

31 (4) The provisions of this section shall not prohibit any person or
32 adoption agency from providing, in addition to legal and medical costs,
33 which costs shall include counseling services, reasonable maternity and
34 living expenses during the pregnancy and for a period not to exceed six
35 (6) weeks postpartum based on demonstrated financial need. Counseling
36 services provided pursuant to this subsection may include up to three (3)
37 pre-placement counseling sessions and up to six (6) post-placement counsel-
38 ing sessions. ~~(2)~~

39 (5) Any person or agency seeking to provide financial assistance in ex-
40 cess of two thousand dollars (\$2,000) shall do so after informally submit-
41 ting to a court of competent jurisdiction a verified financial plan outlin-
42 ing proposed expenditures. The person or agency seeking to provide finan-

1 cial assistance pursuant to subsection (4) of this section shall notify the
2 birth parents that they are entitled to receive legal advice from an attor-
3 ney of their choosing and counseling services from a licensed counselor. The
4 court may approve or amend such a proposal and shall not be required to make
5 any findings prior to an approval. The court shall take into consideration
6 all of the needs of the birth mother from the time of conception of the child,
7 including housing, medical, basic living, transportation, and any increases
8 to cost of living. A prospective adoptive parent, or another person acting
9 on behalf of a prospective adoptive parent, shall make payments for allowed
10 expenses only to third-party vendors, as is reasonably practical. All ac-
11 tual expenditures shall be presented by verified affidavit at the time of the
12 adoption finalization. ~~(3)~~

13 (6) The financial assistance contemplated by this section shall be con-
14 sidered a charitable gift, not subject to recovery under the terms of section
15 16-1515, Idaho Code. ~~(4)~~

16 SECTION 2. An emergency existing therefor, which emergency is hereby
17 declared to exist, this act shall be in full force and effect on and after
18 July 1, 2025.