

IN THE SENATE

SENATE BILL NO. 1113

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO ADOPTION; AMENDING CHAPTER 20, TITLE 16, IDAHO CODE, BY THE AD-
2 DITION OF A NEW SECTION 16-2013A, IDAHO CODE, TO ESTABLISH PROVISIONS
3 REGARDING POSTADOPTION CONTACT AGREEMENTS; AND DECLARING AN EMERGENCY
4 AND PROVIDING AN EFFECTIVE DATE.
5

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

7 SECTION 1. That Chapter 20, Title 16, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 16-2013A, Idaho Code, and to read as follows:

10 16-2013A. POSTADOPTION CONTACT AGREEMENTS. (1) As used in this sec-
11 tion, "postadoption contact agreement" means a document agreed to prior to
12 the finalization of an adoption of a child that outlines the relationship be-
13 tween an adoptive parent, a birth parent, and an adopted child after the fi-
14 nalization of adoption.

15 (2) In order for a postadoption contact agreement to be enforceable,
16 all parties shall be given the opportunity to consult with and be represented
17 by a licensed attorney prior to signing the postadoption contact agreement.
18 Additionally, a postadoption contact agreement shall be:

19 (a) Approved by the court before or as part of the finalization of the
20 adoption; and

21 (b) Signed by each party claiming a right or obligation in the agree-
22 ment.

23 (3) A postadoption contact agreement shall describe the information,
24 if any, that shall be provided to the birth parent about the adopted child,
25 the information, if any, that shall be provided to the child about the birth
26 parent as the child grows, how often that information shall be provided, and
27 the method of delivery of such information.

28 (4) A postadoption contact agreement shall be filed with the court upon
29 finalization of adoption.

30 (5) A postadoption contact agreement may not limit the adoptive par-
31 ent's ability to move out of state.

32 (6) A postadoption contact agreement may be modified with the written
33 consent of the adoptive parent and birth parent, or by order of the court if
34 the court finds that modification of the agreement is in the best interest of
35 the child.

36 (7) A postadoption contact agreement that has been found not to be in
37 the best interest of the adopted child shall not be enforced.

38 (8) A violation of a postadoption contact agreement is not grounds:

39 (a) To set aside an adoption; or

40 (b) For an award of monetary damages.

41 (9) Nothing in this section shall be construed to mean that a postadop-
42 tion contact agreement is required before an adoption may be finalized.

1 (10) Refusal or failure to agree to a postadoption contact agreement is
2 not admissible in any adoption proceeding.

3 (11) The court that approves a postadoption contact agreement retains
4 jurisdiction over any modification, termination, and enforcement of any ap-
5 proved postadoption contact agreement.

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, 2025.