

IN THE SENATE

SENATE BILL NO. 1309

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO ADOPTION; AMENDING SECTION 18-1511, IDAHO CODE, TO REVISE PROVI-
2 SIONS REGARDING ALLOWABLE ADOPTION EXPENSES AND TO MAKE TECHNICAL COR-
3 RECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
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5 Be It Enacted by the Legislature of the State of Idaho:

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

8 18-1511. SALE OR BARTER OF CHILD FOR ADOPTION OR OTHER PURPOSE PENAL-
9 IZED -- ALLOWED EXPENSES. (1) Any person or persons who shall sell or barter
10 any child for adoption or for any other purpose, shall be guilty of a felony,
11 and upon conviction shall be punished by imprisonment in the state peniten-
12 tiary for ~~not no~~ more than fourteen (14) years, or by a fine of ~~not no~~ more
13 than five thousand dollars (\$5,000), or by both such fine and imprisonment.

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

19 (3) Any person or agency, seeking to provide financial assistance in
20 excess of ~~five hundred dollars (\$500)~~ two thousand dollars (\$2,000) shall do
21 so after informally submitting to a court of competent jurisdiction, a veri-
22 fied financial plan outlining proposed expenditures. The court may approve
23 or amend such a proposal and shall not be required to make any findings prior
24 to an approval. The court shall take into consideration all of the needs of
25 the birth mother from the time of conception of the child, including housing,
26 medical, basic living, transportation, and any increases to cost of living.
27 Only after court approval shall assistance totaling more than five hundred
28 dollars (\$500) become available to the birth parent. A prospective adoptive
29 parent, or another person acting on behalf of a prospective adoptive parent,
30 shall make payments for allowed expenses only to third-party vendors, as is
31 reasonably practical. All actual expenditures shall be presented by veri-
32 fied affidavit ~~of counsel or the agency~~ at the time of the adoption finaliza-
33 tion.

34 (4) ~~No financial assistance to a birth parent shall exceed the sum of two~~
35 ~~thousand dollars (\$2,000) unless otherwise authorized by the court.~~ The fi-
36 nancial assistance contemplated by this section shall be considered a chari-
37 table gift, not subject to recovery under the terms of section 16-1515, Idaho
38 Code.

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