

IN THE SENATE

SENATE BILL NO. 1050

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO ADOPTION; AMENDING SECTION 18-1511, IDAHO CODE, TO PROVIDE FOR CERTAIN COUNSELING SERVICES AND THAT CERTAIN NOTICE BE PROVIDED TO BIRTH PARENTS AND TO MAKE CODIFIER'S CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

18-1511. SALE OR BARTER OF CHILD FOR ADOPTION OR OTHER PURPOSE PENALIZED -- ALLOWED EXPENSES. (1) Any person or persons who shall sell or barter any child for adoption or for any other purpose shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the state penitentiary for no more than fourteen (14) years, or by a fine of no more than five thousand dollars (\$5,000), or by both such fine and imprisonment.

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

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

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

(c) Causes any advertisement to be published in or by any public medium soliciting, requesting, or asking for any child or children for adoption.

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

(4) The provisions of this section shall not prohibit any person or adoption agency from providing, in addition to legal and medical costs, which costs shall include counseling services, reasonable maternity and living expenses during the pregnancy and for a period not to exceed six (6) weeks postpartum based on demonstrated financial need. Counseling services offered pursuant to this subsection shall include at least three (3) pre-placement counseling sessions and at least six (6) post-placement counseling sessions. ~~(2)~~

(5) Any person or agency seeking to provide financial assistance in excess of two thousand dollars (\$2,000) shall do so after informally submitting to a court of competent jurisdiction a verified financial plan outlining 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 of
4 their choosing at the cost of the prospective adoptive parents and shall in-
5 clude such expenditures in the verified financial plan if the birth parents
6 so choose. The court may approve or amend such a proposal and shall not be
7 required to make any findings prior to an approval. The court shall take
8 into consideration all of the needs of the birth mother from the time of con-
9 ception of the child, including housing, medical, basic living, transporta-
10 tion, and any increases to cost of living. A prospective adoptive parent, or
11 another person acting on behalf of a prospective adoptive parent, shall make
12 payments for allowed expenses only to third-party vendors, as is reasonably
13 practical. All actual expenditures shall be presented by verified affidavit
14 at the time of the adoption finalization. ~~(3)~~

15 (6) The financial assistance contemplated by this section shall be con-
16 sidered a charitable gift, not subject to recovery under the terms of section
17 16-1515, Idaho Code. ~~(4)~~

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