

## [ARTICLE] 2

### PROHIBITED {PLACEMENT}{CUSTODY TRANSFER}

#### SECTION 201. DEFINITIONS. In this [Article]:

(1) An “unregulated {placement} {transfer of custody}” is a {placement} {transfer of custody} of a child by a parent, guardian, or an individual with whom the child has been placed for adoption, or a prior {placement} {transfer of custody} of a child which the parent, guardian, or individual allows to continue, with the intent of permanently relinquishing the rights and responsibilities of the respective parent, guardian, or individual except through:

- (1) adoption or guardianship;
- (2) judicial award of custody;
- (3) placement by or through a child-placing agency; or
- (4) other judicial or tribal action.

(2) An “unregulated {placement} {transfer of custody}” does not include a {placement} {transfer of custody} of a child to a:

- (1) parent of the child;
- (2) step-parent, guardian, adult family member of the child;
- (3) Indian custodian[ or member of the child’s customary family unit as recognized by the child’s indigenous group by the law of this state other than this [act]]; or
- (4) an adult individual who is unrelated to the child by either birth or marriage but who has a close relationship with the child or parent for a substantial period.

## **SECTION 202. PROHIBITED UNREGULATED TRANSFER.**

(a) A person may not knowingly obtain {a placement} {custody} of a child or facilitate the {placement} {transfer of custody} of a child through an unregulated {placement} {transfer of custody}.

(b) A violation of this section is a [misdemeanor].

## **SECTION 203. PROHIBITED ADVERTISING OR COMMUNICATION.**

(a) In this Section, “advertise” means to communicate in person or by any public medium, including newspaper, magazine, or other print medium; outdoor signage visible to the public; broadcast media, including radio or television; or electronic media, including electronic mail, text messaging, chat room, internet site or account, or any similar means of communication through the internet.

(b) No person may advertise to:

(1) locate a child for a prospective unregulated {placement} {transfer of custody} in violation of Section 202; or

(3) facilitate a prospective unregulated {placement} {transfer of custody} of a child in violation of Section 202 {, whether or not for compensation.}

(c) A violation of subsection (b) is a [misdemeanor].

**[SECTION 205. ENFORCEMENT.** If the [Attorney General] has probable cause to believe that a person has violated this [article], the [Attorney General] may investigate and {take action as provided by law of the state other than this [act].} {};

(1) for a violation of Section 202, take action as provided by law of the state other than this [act];

(2) for a violation of Section 203, bring a proceeding to enjoin the violation.]]