



WHY YOUR STATE SHOULD ADOPT THE UNIFORM UNREGULATED CHILD CUSTODY TRANSFER ACT (2021)

The Uniform Unregulated Child Custody Transfer Act provides a uniform regulatory framework to deal with two issues: (1) the unregulated custody transfer of children, and (2) provision of better information and guidance to prospective adoptive parents of children in certain adoptions. An unregulated child custody transfer occurs when a parent or guardian of a child or an individual with whom a child has been placed for adoption transfers custody of the child without state agency or court oversight to assure the new custodian is safe and appropriate for the child.

- **The act addresses certain child custody transfers that might present dangers of various kinds to a child.** A custody transfer to an unrelated person who is unknown to the child might expose the child to a transferee who is unfit or unable to care for the child. It might cause or exacerbate existing psychological problems for the child. The transferee might not have the authority required by law to make everyday decisions regarding the child's health, education, and welfare. In some cases, the child might be exposed to a child molester or sex trafficker.
- **The act is consistent with recommendations from a U.S. Working Group composed of representatives from several federal agencies, state child welfare organizations, and the National Association of Attorneys General.** This group identified the need for legislation that addresses issues regarding unregulated child custody transfers. This act directly addresses those issues and provides clear answers.
- **The act protects children by prohibiting a parent from transferring custody of a child to someone beyond family members and certain other specified categories of individuals if the parent intends to abandon the parent's rights and responsibilities regarding the child.** The prohibition applies to a parent or guardian with custody of a child as well as to an individual with whom a child has been placed for adoption. It prohibits a prospective transferee from receiving custody of a child in an unregulated transfer and an intermediary from arranging the unregulated child custody transfer. The act prohibits a parent from using various forms of advertising or solicitation (social media, chatrooms, etc.) to identify a prospective transferee of the child. The act also prohibits a prospective transferee or intermediary from advertising or soliciting to find a child or facilitate the child's transfer.
- **The act provides the state child protection agency and law enforcement with authority to investigate alleged transfers in violation of the act, to enforce the act and other state law, and to punish violators.**
- **The act supports families by providing information and training to prospective adoptive parent regarding the adoption of children with special needs.** A subset of children who are the subject of unregulated child custody transfers are adopted children with certain special needs. Due to an adoptive parent's unexpected difficulties in caring for their child, the parent might seek to transfer custody of the child through an unregulated custody transfer. In an effort to avoid these unexpected difficulties, the act requires the provision of information and training to the prospective adoptive parent regarding the adoption of children with special needs and specific information about the proposed adoptive child. It also requires a child placing agency or the child protection agency to provide the adoptive parent or child with information on how to obtain financial assistance or support services on certain matters to preserve the adoption.

For further information about this act, please contact Legislative Counsel, Libby Snyder at (312) 450-6619 or lsnyder@uniformlaws.org.

The ULC is a nonprofit formed in 1892 to create nonpartisan state legislation. Over 350 volunteer commissioners—lawyers, judges, law professors, legislative staff, and others—work together to draft laws ranging from the Uniform Commercial Code to acts on property, trusts and estates, family law, criminal law and other areas where uniformity of state law is desirable.