



CLINICAL LAW PROGRAM

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Uniform Child Transfer Protection Act Drafting Committee
Via e-mail

Dear Members of the Uniform Child Transfer Protection Act Drafting Committee:

I write to express concern about the current draft of the Uniform Child Transfer Protection Act. While I understand the importance of addressing the problem of failed international adoptions, the current draft has the potential to do significant harm to others who, for various reasons, may need to give up custody of their children without using or knowing that they are required to use formal processes.

For example, my clients experiencing domestic violence sometimes ask others to take care of their children to prevent the children from being exposed to violence or when trying to leave a violent situation makes it impossible to provide safe and nurturing homes for their children. Often, they turn to family or friends who the child knows to ensure that the transfer disrupts the child's life as little as possible. Sometimes such a placement is not possible, however. As a result, the parent places the child with someone who they believe will be a good caretaker but with whom the child does not have a prior relationship. In these cases, the parent does not want to place the child with someone else but is forced to take action to protect the child. The placement is made with the hope that the parent will reach a more stable situation, but when this will occur may be unclear.

To criminalize that act is counterproductive and might have the unintended consequence of exposing children to greater violence if parents are aware that to ask for assistance exposes them to criminalization and child welfare intervention. Moreover, given the disproportionate representation of children of color in the child welfare system, increased child welfare intervention is likely to have damaging consequences for families of color.

While protecting children from the harm associated with failed adoptions is crucial, this draft has the potential to do a great deal of broader damage. I hope you will consider scaling it back. Thank you for considering these concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Goodmark".

Leigh Goodmark