

**Feedback on Draft Law of Unregulated Transfers of Adopted Children Act**  
**Submitted by Judy Mayfield, Licensed Clinical Social Worker [Texas]**

Below are issues on which I wanted to comment/make suggestions regarding the current draft of the UTACA (I also give my opinion on some of Art Gaudio's comments):

Section 2(B) – Regarding Art's comment about possibly using the term "foster care" as opposed to "substitute care," I recommend that the term "foster care" be used. "Substitute care" is more a term used by social workers and those in the adoption and child placement fields, and the term "foster care" will be more meaningful – and understandable – to a larger audience. ["Foster care" also has a more generic meaning within the field, and includes children (normally in state custody) who are in therapeutic care, residential treatment facilities, etc.]

Section 2(2) – I recommend that the phrase "Child placing agency means a person that engages..." be changed to "Child placing agency means a person or entity that engages..."

Section 2(2) – Child placing agencies have broader functions/responsibilities than those defined here. I recommend changing (B) to say "placing and overseeing the care of a child, temporarily or permanently, in a foster or adoptive home or other facility, with the goal of achieving permanency for the child." [Note: Most state child welfare agencies are licensed child placing agencies, unless they contract out or out-source all their child placement activities.]

Section 2(B)(5) – Will "prospective adoptive parent" ever refer to an adult to whom the child has been placed by the original adoptive parent, and that adult has the intent to adopt the child but has not applied to a child-placing agency to adopt?

Section 3. – I recommend that the act not be limited only to adoption of a child who is the subject of an intercountry adoption. Same and similar issues exist (unregulated placement and/or transfer of custody) regarding children who are adopted domestically.

Section 4.(a) – Can this be restated in a different way (or divided into two sentences), for clarity of meaning (particularly near the end of the statement)? I read this several times, and by the time I got to the phrases under (1) and (2), I was struggling to comprehend the meaning.

Section 4.(b)(1) – Regarding Art's statement, I agree that the definition of relative should be broadened. [The federal Children's Bureau, for purposes of the Child and Family Services Reviews of state child welfare systems, defines a relative simply as "...a person related to the child by blood, marriage, or adoption."] I think Art's specific suggestion was a good one to include cousins, nieces/nephews, and great-grandparents (I recommend also adding great-aunts and great-uncles).

Section 4.(b)(2)(B) – I agree with Art that the word "familiar" should be reexamined. Many state child welfare systems use the term "fictive kin" to describe close family friends (for placement

purposes). One definition of fictive kin is “an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child.” I recommend that the wording of (B) be changed to: “...with whom the child has a significant relationship...”

Section 6(1) – I recommend that the wording be changed to “a detailed [or comprehensive] social history of the child to be adopted”...

Section 6(1)(A) – I recommend that this phrase include the word “family” [background], since a child’s family history (medical, mental health, social, religious, educational, etc.) is a critical piece of information that needs to be passed on to the adoptive family.

Section 6(2)(A) – I agree with Art that other factors should be included, such as a child’s exposure to poverty, violence, forced family separation, etc.

Section 7 – I recommend adding an additional number, between (3) and (4), that says “how to relate and respond to a child in a trauma-informed manner;” [most, if not all, foster/adoptive parent training programs stress how to respond to a child in a trauma-sensitive, trauma-informed way; education around this issue is critical to stable and successful adoptions, particularly with the child population for which this act is intended].

Section 7(8) I recommend adding, to the end of the phrase (or as an additional number), “...and the importance of education regarding the child’s culture, as well as acceptance of that culture by the adoptive parents as part of the child’s identity.”

Section 8(a) – I recommend that the word “make” be replaced with “conduct,” so that the phrase reads “..the [Department] shall conduct an investigation.”

Section 8(a) – I recommend the last phrase be changed to “...and the person who has custody or physical possession of the child” (if custody transfers have not yet taken place).

Section 8(c) – Regarding the violation of Section 4, I recommend that the latter part of the sentence be changed to “...may bring an action in court under the laws of this state other than this [act] including, but not exclusive to, obtaining temporary custody of the child or terminating the parental rights of the adoptive parent.”

Section 10(a) – I recommend that “advertise” be more specifically defined (e.g., does it include newspaper ads, social media postings, etc.?). Or is it felt that it’s preferable to leave it vague?

Section 10(a)(1) – For clarification, should the term “..or take a child into permanent physical custody” be changed to “...or take a child into permanent physical or legal custody”? (There are several subsequent references to “permanent physical custody” – should consideration be given to changing those as well?)