

UTACA Issues Memo
Drafting Committee Meeting
April 5-6, 2019
Art Gaudio, Reporter

Below are some issues about the current draft of UTACA that either occurred to me or were brought to my attention:

1. Section 2(B) – at the last meeting we used the term “substitute care.” Is “foster care” a better term or is it too limited? If we use “substitute care” should we define it or just discuss it in the Comments?
2. Section 4(a) – we used the term “suspend the legal rights and responsibilities.” What do we mean by “suspend?” Should we define it or just discuss it in the Comments?
3. Section 4(a) – should there be a time limit after the adoption on the prohibited transfer?
4. Section 4(b) – should “specified period” be given a time limit?
5. Section 4(b)(1) – is the list of relatives too narrow? Should others such as cousins, nieces and nephews, great-grandparents, etc. be included?
6. Section 4(b)(2) – are there standards for the word “familiar”? Should we define it or just discuss it in the Comments?
7. Section 6(1) – should the list include factors such as child’s poverty, exposure to polluted water, etc.? What about the impact of the foreign adoption on the child, etc.?
8. Section 6(2)(A) – should the reference be to all drugs or only illegal drugs? Overdoses of legal drugs can be as much of a problem as illegal drugs. The legality of drugs will vary from foreign country to foreign country.
9. Section 6(3) – is this section too broad and subject to a vagueness challenge?
10. Section 7(7) – is “disruption” the proper term?
11. Section 8(a) – should notice be provided when the conduct may be a crime such as sex trafficking, child abuse, etc.?
12. Section 12 – is “legal proceeding” the proper term?