

MEMORANDUM

To: Committee Members, Advisors, & Observers
From: David Biklen, Chair & Art Gaudio, Reporter
Re: Tentative redraft of UTACA – Article 3 applying to all children
Date: January 24, 2020

We submitted a request to the Executive Committee to expand the scope of the Unregulated Transfers of Adopted Children Act. That change in scope would apply Article 3 (Prohibited Transfers) to all children rather than limit it to adopted children as it is in the current draft. The Executive Committee has discussed our proposal and a decision is pending.

In preparation for that potential change in scope we're attaching a tentative draft of that new version. This draft sets out what a revision of the act might look like if Article 3 (Prohibited Transfers) is applied to all children. It is a redlined version showing the differences between the proposed new version of the act and the working draft (applying Article 3 only to adopted children) that we sent to you last week.

We anticipate a discussion of this new tentative version of the act at our meeting next week after discussion of the official version previously sent to you on January 17th. We ask that you review this draft prior to that time so that we can have a hearty discussion.

Thank you.

In general, the change made in this version of the Act is that Article 3 applies to all children; not just adopted children. To accomplish that result, I changed all usage of “adopted child” or “adopted children” in Article 3 to “child” or “children.” I also made several other conforming changes noted below.

D R A F T

FOR DISCUSSION ONLY

~~UNREGULATED TRANSFERS OF ADOPTED
CHILDREN ACT~~

~~{Name change for consideration:
UNIFORM CHILD PLACEMENT PROTECTION ACT}~~

NATIONAL CONFERENCE OF COMMISSIONERS

ON UNIFORM STATE LAWS

~~Interim Draft for Style Review~~

Tentative Redraft of UTACA

January 31 – February 1, 2020 Drafting Committee Meeting



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By

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

The ideas and conclusions set forth in this draft, including the proposed statutory language and any comments or reporter's notes, have not been passed upon by the National Conference of Commissioners on Uniform State Laws or the drafting committee. They do not necessarily reflect the views of the Conference and its commissioners and the drafting committee and its members and reporter. Proposed statutory language may not be used to ascertain the intent or meaning of any promulgated final statutory proposal.

~~January 8, 2020~~ January 24, 2020

UNREGULATED TRANSFERS OF ADOPTED CHILDREN ACT

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UNREGULATED TRANSFERS OF ADOPTED CHILDREN ACT

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1 ~~UNREGULATED TRANSFERS OF ADOPTED CHILDREN ACT~~

2 ~~[Name change for consideration:~~

3
4 ~~UNIFORM CHILD PLACEMENT PROTECTION ACT]~~

5 [ARTICLE] 1

6 GENERAL PROVISIONS

7 SECTION 1-101. SHORT TITLE. This [act] may be cited as the ~~Unregulated~~
8 ~~Transfers of Adopted Children Act~~ ~~[Name change for consideration:~~ Uniform Child Placement
9 Protection Act].

10 Reporter’s Notes

11
12 ~~—————~~ ~~I left the short title of the act as we proposed in our prior version since it did not~~
13 ~~specifically refer to “adopted” children. However, since Article 3 now applies to a parent’s~~
14 ~~biological child, it would seem rather odd to refer to that parent’s custody of the child as a~~
15 ~~“placement”. Should the name of the act be changed to something like “Uniform Child~~
16 ~~Protection Act”?~~ ~~That is simpler and more inclusive of the two main operative provisions of the~~
17 ~~act, although it doesn’t tell much about what the act does.~~

18
19 ~~The Style Committee asked whether the new name to be considered for the act should be~~
20 ~~Uniform Adopted Child Placement Protection Act since the act deals with adopted children. I~~
21 ~~have left it as it is pending (a) any further discussions we may have about it, and (b) the results of~~
22 ~~our request to change the scope of Article 3 to cover all children.~~

23
24 SECTION 1-102. DEFINITIONS. In this [act]:

25 ~~(1) “Adopted child” means a child who, under the law of a state or a foreign country, is:~~

26 ~~————— (A) adopted by final decree; or~~

27 ~~(B) in a placement with an individual preliminary to adoption of the child by the~~

28 ~~individual.~~

29 ~~(2)(1) “Child” means an unemancipated individual under [18] years of age.~~

30 ~~(3) “Child-placing agency” means a person with authority under law of this state other~~
31 ~~than this [act] or federal law to identify or place a child for adoption.~~

1 (43) “Person” means an individual, estate, trust, partnership, business or nonprofit entity,
2 public corporation, government or governmental subdivision, agency, or instrumentality, or other
3 legal entity.

4 (54) “Record”, used as a noun, means information that is inscribed on a tangible medium
5 or that is stored on an electronic or other medium and is retrievable in perceivable form.

6 (65) “State” means a state of the United States, the District of Columbia, Puerto Rico, the
7 United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of
8 the United States. The term includes a federally recognized Indian tribe.

9 **Legislative Note:** *In subsection (2) a child is defined as “an unemancipated individual under*
10 *[18] years of age.” Eighteen years of age is used because it is the common age of majority in*
11 *the United States. However, if the state’s age of majority is defined as a different age, it should*
12 *be inserted here instead of 18 years.*

13
14 **Reporter’s Notes**

15
16 ~~————Deleted the definition of “adopted child” as unnecessary. It is no longer used in Article~~
17 ~~3. In 2-101(2) – “adopted child’s” changed to “child’s. In 4-101(b) – “placement of an adopted~~
18 ~~child” changed to “a child placed for adoption.”~~

19
20 ~~Subsection (3): During our online meeting we decided not to use the word “match” in the then-~~
21 ~~existing phrase “to match or place a child for adoption.” We decided to replace it with the word~~
22 ~~“identify” and it now reads “to identify or place a child for adoption.”~~

23
24 ~~I was asked to search for possible synonyms for “match” or “identify” and also to see~~
25 ~~how the Hague Convention deals with this concept. Unfortunately, there don’t seem to be any~~
26 ~~simple word synonyms that work better than “identify.” However, the Hague Convention uses~~
27 ~~the term “assist in the placement...” when dealing with the same concept. Thus, the phrase might~~
28 ~~read “to assist in the placement of a child for adoption.”~~

29
30
31 **SECTION 1-103. LIMITATION ON APPLICABILITY.** This [act] does not apply to
32 an Indian child, as defined in the Indian Child Welfare Act, 25 U.S.C. Section 1903(4),[as
33 amended,] to the extent that application of this [act] would conflict with the Indian Child Welfare
34 Act, 25 U.S.C. Sections 1901 through 1963[, as amended].

1 **Legislative Note:** *A United States Code citation (U.S.C.) follows a reference to a federal statute*
2 *in this section. The United States Code citation is included as an aid to the reader. If the state’s*
3 *convention is to omit the United States Code citation, omit the United States Code citation in this*
4 *section.*

5
6 *It is the intent of this act to incorporate future amendments to the cited federal law.*
7 *However, in a state in which the constitution or other law does not permit the phrase “as*
8 *amended” when a federal statute is incorporated into state law, the phrase should be omitted.*
9 *The phrase should likewise be omitted in a state whose law provides that absent a legislative*
10 *declaration, the referenced provision speaks as of the time the provision is applied.*

11
12 **Reporter’s Notes**

13
14
15 **[ARTICLE] 2**

16 **INFORMATION AND PREPARATION IN HIGH-RISK ADOPTION**

17 **SECTION 2-101. DEFINITIONS.** In this [article]:

18 (1) “High-risk adoption” means adoption of a child who:

19 (A) has been or is in foster or institutional care;

20 (B) previously has been adopted in the United States;

21 (C) has been or is being adopted under the law of a foreign country;

22 (D) has come or is coming to the United States to be adopted; or

23 (E) is not a citizen of the United States.

24 (2) “Inter-country adoption” means an adoption, finalized in the ~~adopted~~ child’s native
25 country or this state, of a foreign-born child for whom federal law makes a special immigration
26 visa available.

27 (3) “Prospective adoptive parent” means an individual who has been approved under law
28 of this state other than this [act] to adopt a child.

29 **Reporter’s Notes**

30
31
32 **SECTION 2-102. HIGH-RISK ADOPTION: GENERAL INFORMATION.**

1 (a) Before- a child-placing agency places a child in a high-risk adoption with a
2 prospective adoptive parent, the agency shall provide, or cause to be provided, to the prospective
3 adoptive parent information in subsection (b). The information must be provided under rules
4 ~~adopted~~promulgated under Section 2-107.

5 (b) The information provided under subsection (a) must address:

6 (1) possible physical, mental, emotional, and behavioral issues concerning
7 identity, loss, and trauma which a child might experience in adoption and probable effects on a
8 child in a high-risk adoption of leaving familiar ties and surroundings;

9 (2) financial resources, insurance coverage, and time management skills necessary
10 for successful placement of a child in a high-risk adoption;

11 (3) medical, therapeutic, and educational services available for a child in a high-
12 risk adoption, including language-acquisition training;

13 (4) post-placement and post-adoption services available to an adoptive parent and
14 child in a high-risk adoption to assist in responding effectively to physical, mental, emotional
15 and behavioral issues;

16 (5) causes of disruption of an adoptive placement or dissolution of an adoption
17 and services and resources available to help avoid disruption or dissolution; and

18 (6) prohibitions under [Article] 3.

19 **Reporter's Notes**

20
21 Changed the word "adopted" when used to refer to adoption of rules under section 2-107
22 to "promulgated." Thought this would avoid unnecessary confusion of the two meanings of the
23 word given the subject matter of this act. This change was carried through in the next several
24 sections also.

25
26 **SECTION 2-103. HIGH-RISK ADOPTION: CHILD-SPECIFIC INFORMATION.**

27 (a) Except as prohibited by law of this state other than this [act], before a child-placing

1 agency places a child in a high-risk adoption with a prospective adoptive parent, the agency shall
2 provide, or cause to be provided, to the prospective adoptive parent the information in subsection
3 (b) about the child which is known or reasonably should be known by the agency and is material
4 to an informed decision to adopt. The information must be provided under rules
5 ~~adopted~~[promulgated](#) under Section 2-107.

6 (b) The information provided under subsection (a) must include:

7 (1) the child's familial, cultural, racial, religious, ethnic, linguistic, and
8 educational background;

9 (2) the child's physical, mental, emotional, and behavioral health;

10 (3) any circumstance to which the child likely was exposed which might
11 adversely affect the child's physical, mental, emotional, or behavioral health;

12 (4) the history of any institutionalization or adoptive or foster-home placement of
13 the child and the reason the institutionalization or placement was terminated;

14 (5) the child's medical history, including immunizations;

15 (6) the child's family medical history;

16 (7) the child's United States immigration status, if applicable; and

17 (8) available records relevant to the information.

18 (c) Before a high-risk adoption is finalized, if additional information in subsection (b)
19 which is material to an informed decision to adopt the child becomes known or reasonably
20 should be known to the child-placing agency placing the child for adoption, the agency shall
21 provide the information, or cause the information to be provided, to the prospective adoptive
22 parent. The information must be provided under rules ~~adopted~~[promulgated](#) under Section 2-107.

23 (d) A child-placing agency placing a child in a high-risk adoption has a duty to make

1 reasonable efforts to ascertain information about the child that is material to a prospective
2 adoptive parent’s informed decision to adopt the child.

3 **Reporter’s Notes**

4
5 ~~———— Subsection (d): The Style Committee asked whether a child-placing agency has a duty to~~
6 ~~use reasonable efforts to ascertain information about a prospective adoptive child in a high-risk~~
7 ~~adoption, as assumed in subsections (a) — (c). It suggested that the duty be made clearer.~~
8 ~~Therefore, I’ve added subsection (d) to state that duty.~~
9

10
11 **SECTION 2-104. HIGH-RISK ADOPTION: CHILD-SPECIFIC PREPARATION.**

12 (a) Before a high-risk adoption is finalized, or in an inter-country adoption before the
13 child enters the United States, a child-placing agency placing the child, to prepare the
14 prospective adoptive parent to respond effectively to the needs of the child, shall provide, or
15 cause to be provided, to the prospective adoptive parent applicable preparation in subsection (b).
16 The preparation must be provided under rules adoptedpromulgated under Section 2-107.

17 (b) The preparation provided under subsection (a) must include:

18 (1) the probable effect on the child of:

- 19 (a) previous institutional care, adoption or foster-care placement, or
20 multiple placements;
- 21 (b) attachment disorder, trauma exposure, or a similar emotional problem;
- 22 (c) fetal-alcohol-spectrum disorder, drug exposure, malnutrition, or similar
23 adversity;
- 24 (d) any difference in ethnicity, race, or cultural identity between the child
25 and the prospective adoptive parent or another child of the parent;

26 (2) the steps necessary for the child to acquire United States citizenship;

27 and

1 (3) any other matter the child-placing agency considers important to the adoption.

2 **Reporter's Notes**

3
4
5 **[SECTION 2-105. HIGH-RISK ADOPTION: POST-ADOPTION SUPPORT**

6 **SERVICES.**

7 (a) After a high-risk adoption is finalized, or after a child in an inter-country adoption is
8 placed with a prospective adoptive parent, if post-adoption support services will help ensure that
9 the child will remain safely in the custody of the parent or prospective adoptive parent, the child-
10 placing agency placing the child shall provide, or cause to be provided, the support services to
11 the parent or prospective adoptive parent. The support services must be provided under rules
12 ~~adopted~~promulgated under Section 2-107.

13 (b) The post-adoption support services provided under subsection (a) may include:

14 (1) parenting-skills training and education, individual and family counseling, and
15 other in-home parent skill-based programs;

16 (2) services provided by a qualified clinician to prevent and treat mental health
17 issues; and

18 (3) substance-abuse prevention and treatment services provided by a qualified
19 clinician.]

20 **Legislative Note:** *If the law of the enacting state already requires a child-placing agency to*
21 *provide post-adoption support services, a restatement of those services or a reference to the*
22 *other law requiring provision of those services should be inserted instead of subsection (b). If*
23 *other law of the enacting state does not already require provision of post-adoption support*
24 *services, subsection (b) should be adopted.*

25
26 **Reporter's Notes**

27
28 ~~———— The Style Committee asked whether the “ensure” standard stated in the second line of~~
29 ~~subsection (a) is too tough of a standard to impose. Instead, would it the following be a better~~
30 ~~standard: “if post-adoption support services will help the child to remain safely in the custody of~~

1 ~~the parent...” (i.e. leave out “ensure”). I have left the provision as it previously was written~~
2 ~~pending discussion at our meeting.~~

3
4 ~~During the online meeting I was asked to determine what the Utah statute provides on~~
5 ~~post adoption support services. The Utah statute provides that a prospective adoptive parent is to~~
6 ~~receive, at a minimum, training on:~~

7
8 ~~———“(f) how to access post placement and post adoption services that may assist the family~~
9 ~~to respond effectively to adjustment, behavioral, and other difficulties that may arise after the~~
10 ~~high needs child is placed or adopted.”~~

11
12 ~~———This is similar to what is provided in Section 2-102(b)(4) of this act, although the Utah~~
13 ~~act describes the function as “training” rather than “information.”~~

14
15 ~~———I have added a Fiscal Note regarding funding for post adoption services available under~~
16 ~~the Family First Prevention Services Act. I also bracketed the section in the event that the state~~
17 ~~does not take advantage of the funding assistance under the act.~~

18 ~~———~~

19 20 **Reporter’s Comments**

21
22 This section is designed to allow the state to take advantage of funds available to it under
23 the federal Family First Prevention Services Act. Participation in the services made available
24 under that act will fund, or assist in funding, the post-adoption services specified in this section.

25 26 **SECTION 2-106. CHILD-PLACING AGENCY COMPLIANCE.**

27 The [Department of Child Protection] may investigate an allegation that a child-placing
28 agency has failed to comply with this [act] and bring a proceeding against a child-placing agency
29 to enforce this [act].

30 **SECTION 2-107. RULES.** The [Department of Child Protection] shall adopt rules to
31 prescribe the content of and methodologies for providing the information required by Sections 2-
32 102 and 2-103, [and]the preparation required by Section 2-104[, and the support specified in
33 Section 2-105].

34 **Reporter’s Notes**

35 36 37 **[ARTICLE] 3**

1 PROHIBITED TRANSFERS OF ~~ADOPTED~~ CHILDREN

2 Reporter’s Notes

3 I changed the title of the Article from “Prohibited Transfers of Adopted Children” to
4 “Prohibited Transfers of Children.” Would some other title be better, for example, simply
5 “Prohibited Transfers?”

6
7 SECTION 3-101. PROHIBITED TRANSFER.

8 (a) Except as otherwise provided in Section 3-102, a person, with the intent to renounce
9 or abandon the person’s legal rights or responsibilities as a parent or guardian of ~~an adopted~~
10 ~~child~~ child or as an individual with whom a child has been placed for adoption, may not transfer
11 physical custody of the child to, or allow a prior transfer of physical custody to continue with,
12 another person without complying with law of this state other than this [act] relating to:

- 13 (1) adoption or guardianship;
- 14 (2) judicial transfer of custody; or
- 15 (3) placement by or through a child-placing agency.

16 (b) A transfer of physical custody of ~~an adopted~~ child in violation of this section is
17 [abandonment] of the child.

18 *Legislative Note: If the enacting state’s law uses a word other than “abandonment” to identify*
19 *the crime or offense that results from deserting a child without regard for the child's physical*
20 *health, safety, or welfare, that word should replace the bracketed word “abandonment” in*
21 *subsection (b).*

22
23 **Reporter’s Notes**

24
25 In 3-101(a) added “or as an individual with whom a child has been placed for adoption.”
26 Since the definition of “adopted child” containing the above clause was deleted from Section 1-
27 101(a), we need to make sure that an individual who has a placement of a child for adoption is
28 not allowed to make an unregulated transfer.

29
30 ~~Subsection (a): The Style Committee raised a question about the use of the word “person”~~
31 ~~since that word includes entities other than individuals. I believe that we specifically intended to~~
32 ~~include corporate and other entities that might have custody of the child.~~

33
34 ~~The Committee also asked whether we wanted to change “person” to “parent or~~

1 ~~guardian”? The clause might then be rewritten as follows: “a parent or guardian, with the intent~~
2 ~~to renounce or abandon the parent’s or guardian’s legal rights or responsibilities as a parent or~~
3 ~~guardian of an adopted child ...”. That language might be a bit cumbersome, but it would avoid~~
4 ~~the use of the word “person.”~~

5
6 ~~Pending discussion at our upcoming meeting, I’ve left the subsection as is.~~

7
8 ~~Subsection (b): The Style Committee asked whether the subsection was intended to~~
9 ~~create a crime for purposes of this act? If so, what is the penalty since it’s not stated? If not,~~
10 ~~why are we stating it at all?~~

11
12 ~~I believe that we intended to make a violation of this section a crime or at least an offense~~
13 ~~and to designate it as an “abandonment” of the child (or whatever else the state calls~~
14 ~~“abandonment” — see Legislative Note). Other law of the state would then specify what the~~
15 ~~penalty or punishment, if any, might be. Therefore, I’ve left it as written pending any discussion~~
16 ~~at our meeting.~~

17
18
19 **SECTION 3-102. EXCEPTIONS TO PROHIBITED TRANSFER.** A person may
20 transfer physical custody of ~~an adopted~~ child:

- 21 (1) to a parent, stepparent, grandparent, adult sibling, or adult uncle or aunt of the child;
- 22 (2) temporarily, if the person has no intent to renounce or abandon the legal rights or
23 responsibilities as a parent or guardian of the child; or
- 24 (3) under law of this state other than this [act] permitting informal relinquishment of
25 parental rights.

26 **Reporter’s Notes**

27
28 ~~During the online meeting we decided we wanted to look further during our next meeting~~
29 ~~at the issue of whether a transfer of custody to a person listed in subsection (1) should be~~
30 ~~permitted if there is an intent to renounce or abandon the legal rights or responsibilities as a~~
31 ~~parent.~~

32
33 **SECTION 3-103. MANDATED REPORTER.** If a [mandated reporter] under law of
34 this state other than this [act] reasonably believes this [article] has been violated, the mandated
35 reporter shall report the suspected violation to the [Department of Child Protection].

36 *Legislative Note: If the enacting state’s law uses a term other than “mandated reporter” to*

1 identify an individual who, because of the individual's profession or position, is required to
2 report any suspicion of child abandonment, abuse or neglect to a specified authority, that term
3 should replace the bracketed term "mandated reporter."
4

5 Reporter's Notes

6
7 ~~———The Style Committee asked whether the term "mandated reporter" should be defined? I
8 reviewed the use of the term online and found many entries applying and describing it. Thus, it
9 seems to be a term with a sufficiently common usage that it doesn't need a separate definition in
10 this act. However, if a definition is desired, we could add a new Section 3-101 with a definition
11 of "mandated reporter." That definition might be defined along the following lines"~~

12
13 ~~———"Mandated reporter" means an individual who, because of the individual's profession or
14 position, is required under law of this state other than this act to report any suspicion of child
15 abandonment, abuse or neglect to a specified authority.~~

16
17 ~~——— I added a Legislative Note essentially using that definition in the event the state uses a
18 term other than "mandated reporter" to identify a person who has an obligation to report.~~

19 SECTION 3-104. PROHIBITED ADVERTISING.

20
21 (a) Except as provided in subsection (b), a person may not advertise or communicate,
22 orally or in a record, including on broadcast, in print media, or on the Internet, that the person
23 seeks to make, receive, or facilitate the transfer of physical custody of ~~an adopted~~ child if the
24 person knows the transfer would be a violation of Section 3-101.

25 (b) This section does not apply to dissemination of information by:

26 (1) the [Department of Child Protection] or a licensed child-placing agency
27 regarding the placement of a child for adoption, in a licensed institution, foster home, or group
28 home, or in the home of a guardian;

29 (2) a licensed foster-care center, adoption-resource center, or post-adoption
30 resource center regarding services available to adoptive parents;

31 (3) an agency licensed to provide caregiving to ~~adopted~~ children regarding
32 caregiving services; or

33 (4) an attorney licensed to practice law in this state regarding the attorney's

1 availability to provide legal services regarding the adoption of a child.

2 [(c) A person that violates this section is guilty of a [class B misdemeanor].]

3 **Reporter’s Notes**

4
5 ~~————Subsection (b)(3): Since this subsection is no longer limited to adopted children, deleted~~
6 ~~“adopted” prior to “children.” This would now mean, for example, that a childcare facility~~
7 ~~would be able to advertise regarding its services.~~

8 Are there any other additions or changes that should be made to this subsection?

9
10 ~~If I recall correctly, in our early deliberations, we identified violation of this section as a~~
11 ~~“class B misdemeanor” simply as a placeholder and that we would return to discuss its final~~
12 ~~treatment. The Style Committee also asked whether “class B misdemeanor” is the intended final~~
13 ~~treatment.~~

14
15 ~~————If we mean to leave the designation of the crime open for the state legislature to insert its~~
16 ~~own choice, I could use empty brackets in subsection (c) and add a Legislative Note telling the~~
17 ~~state legislature to insert its choice.~~

18
19
20 **SECTION 3-105. INVESTIGATION; ENFORCEMENT.**

21 (a) If the [Department of Child Protection] reasonably suspects a violation of this
22 [article], the [Department] shall investigate the suspected violation.

23 (b) If the [Department of Child Protection] determines that a person has violated Section
24 3-101, the [Department] may, in the best interests of the ~~adopted~~-child:

25 (1) provide reunification support and services, if applicable, to the ~~adoptive~~-parent
26 and child;

27 (2) take the child into temporary protective custody under law of this state other
28 than this [act];

29 (3) bring an action in court under law of this state other than this [act] to terminate
30 the parental rights of the ~~adoptive~~-parent; or

31 (4) take other action under law of this state other than this [act] to protect the best
32 interests of the child.

1 (c) If the [Department of Child Protection] determines that a person has violated Section
2 3-104, the [Department] may:

3 (1) bring an action to enjoin the violation; or

4 (2) seek another remedy under law of this state other than this [act] to prevent the
5 person from communicating or making representations in violation of Section 3-104 or to
6 ameliorate the effects of advertising and representations.

7 **Reporter's Notes**

8
9
10 **[ARTICLE] 4**

11 **MISCELLANEOUS PROVISIONS**

12
13 **SECTION 4-101. TRANSITIONAL PROVISIONS.**

14 (a) [Article] 2 applies to a placement of ~~an-adopteda~~ child for adoption occurring more
15 than 60 days after [the effective date of this [act]].

16 (b) [Article] 3 applies to a physical-custody transfer of ~~an-adopteda~~ child and advertising
17 occurring after [the effective date of this [act]].

18 (c) If a physical-custody transfer of ~~an-adopteda~~ child occurred before [the effective date
19 of this [act]] and the custody of the child continues in the transferee in violation of Section 3-
20 101, the [Department of Child Protection] may take action in the best interests of the child in
21 accordance with Section 3-105(b).

22 **Reporter's Notes**

23
24 **SECTION 4-102. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In**

25 applying and construing this uniform act, consideration must be given to the need to promote
26 uniformity of the law with respect to its subject matter among states that enact it.

1 **Reporter's Notes**

2
3 **SECTION 4-103. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL**

4 **AND NATIONAL COMMERCE ACT.** This [act] modifies, limits, or supersedes the federal
5 Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq.,
6 but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or
7 authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15
8 U.S.C. Section 7003(b).

9 **Reporter's Notes**

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11
12 **[SECTION 4-104. SEVERABILITY.** If any provision of this [act] or its application to
13 any person or circumstance is held invalid, the invalidity does not affect other provisions or
14 applications of this [act] which can be given effect without the invalid provision or application,
15 and to this end the provisions of this [act] are severable.]

16 *Legislative Note: Include this section only if this state lacks a general severability statute or a*
17 *decision by the highest court of this state stating a general rule of severability.*

18
19 **Reporter's Notes**

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21
22 **[SECTION 4-105. REPEALS; CONFORMING AMENDMENTS.**

23 (a)

24 (b)

25 (c)]

26 **Reporter's Notes**

27
28 **SECTION 4-106. EFFECTIVE DATE.** This [act] takes effect

29 **Reporter's Notes**