

Uniform Unregulated Transfers of Child Custody Act

Amendments

July 10, 2021

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Section 102. Definitions

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(2) “Child-placing agency” means a person with authority under other law of this state to identify or place a child for adoption. The term does not include a parent of the child.

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Section 202. Applicability

This [article] does not apply to a transfer of custody of a child by a parent or [guardian] of the child to:

- (1) a parent of the child;
- (2) a stepparent of the child;
- (3) an adult individual:

(A) who is related to the child by blood, marriage, [or] adoption[, or other relationship recognized by other law of this state]; or

(B) who, at the time of the transfer, had a close relationship for a substantial period with the child or the parent or [guardian] of the child, and whom the parent or [guardian] reasonably believed, at the time of the transfer, to be a fit custodian of the child;[or]

(4) an Indian custodian of the child as recognized by the Indian Child Welfare Act, 25 U.S.C. Section 1903[, as amended][; or

(5) a member of the child's customary family unit recognized by the child's indigenous group ~~by~~ under law of this state].

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Section 203. Prohibited Custody Transfer

(a) Except as permitted in subsection (b), a parent or [guardian] of a child or an individual with whom a child has been placed for adoption may not transfer custody of the child to another person with the intent, at the time of the transfer, to:

~~(1) sever the relationship between the child and the parent, [guardian], or individual; and~~

~~(2) abandon the parent's, [guardian's], or individual's rights and responsibilities concerning the child.~~

* * *

(c) A person may not receive custody of a child, or act as an intermediary in a transfer of custody of a child, if the person knows or reasonably should know the transfer violates subsection (a). This subsection does not apply if the person as soon as practicable notifies the [Department of Child Protection] or [law enforcement] of the transfer or takes appropriate action to establish custody under subsection (b).

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(e) The fact that a parent or [guardian] that transfers custody of a child subsequently does not regain custody of the child does not itself establish that the parent or [guardian] ~~intended, at the time of the transfer, to:~~

~~(1) sever the relationship between the child and the parent, [guardian], or individual; or~~

(2) ~~abandon the parent's, [guardian's], or individual's rights and responsibilities concerning the child~~ violated subsection (a).

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Section 204. Authority and Responsibility of the [Department of Child Protection]

(a) If the [Department of Child Protection] has [probable cause] [reasonable basis] to believe that a person has transferred or will transfer custody of a child in violation of Section 203(a), the [department] may conduct a home visit as provided by other law of the state ~~to assess the welfare of the child and facilitate compliance with Section 203(a)~~ and take appropriate action to protect the welfare of the child.

(b) If the [Department of Child Protection] conducts a home visit for a child adopted or placed through an intercountry adoption, the [Department] shall:

(1) prepare a report on the welfare and plan for permanent placement of the child;
and

(2) provide to the United States Department of State a copy of the report under paragraph ~~(b)~~(1).

(c) This [act] does not prevent the [Department of Child Protection] from taking appropriate action ~~necessary to protect a child from harm~~ under law of this state other than this [act].

Section 205. Prohibited Soliciting or Advertising

(a) A person may not solicit or advertise to:

(1) find a person to which to make a transfer of custody in violation of Section 203(a);

(2) locate a child for a transfer of custody in violation of Section 203(~~b~~ c); or

(3) act as an intermediary in a transfer of custody in violation of Section 203(b c).

(b) Violation of this section is a [insert class of offense].

[Section 206. Enforcement

~~If the [law enforcement authority] has probable cause to believe that a person has violated this [article], the~~ The [law enforcement authority] may investigate and take legal action as provided by ~~this act or other~~ law of this state.]

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Section 306. Information About Financial Assistance and Support Services

(a) ~~A~~ On request by a child who was placed for adoption ~~or whose adoption was finalized~~ or the child's adoptive parent ~~may request financial assistance or support services to help preserve the placement or adoption from,~~ the child-placing agency placing the child or the [Department of Child Protection]; ~~The child-placing agency or the [Department]~~ shall provide information about how to obtain financial assistance or support services;

~~that may~~ (1) to assist the child or parent to respond effectively to adjustment, behavioral, and other challenges ~~that may have arisen;~~ or

(2) to help preserve the placement or adoption.

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Section 403. Transitional Provisions

[(a)] [Article] 2 applies to:

(1) a transfer of custody:

~~(A)~~ on or after [the effective date of this [act]]; ~~and~~

~~(B)~~ before [the effective date of this [act]], if the custody continues in the transferee on or after [the effective date of this [act]]; and

(2) soliciting or advertising on or after [the effective date of this [act]].

[(b) [Article] 3 applies to placement of a child for adoption more than [60] days after [the effective date of this [act]].]