



UNIFORM UNREGULATED CHILD CUSTODY TRANSFER ACT (2021)

-A Summary-

The Uniform Unregulated Child Custody Transfer Act provides states with a uniform legal framework to prohibit unregulated child custody transfers. An unregulated child custody transfer is a transfer by a parent or guardian of a child or an individual with whom a child has been placed for adoption that is performed without state agency or court oversight that assures the new custodian is safe and appropriate for the child. The act also requires child-placing agencies to provide prospective adoptive parents with important information and guidance regarding adoptions that have a heightened degree of risk for a disruption or dissolution.

Article 2 of the act prohibits a parent from transferring custody of a child to someone beyond family members and other specified categories of individuals if the parent intends to abandon the parent's rights and responsibilities regarding the child. The prohibition applies to a parent or guardian with custody of a child as well as to an individual with whom a child has been placed for adoption. It also prohibits solicitation and advertising for the purpose of transferring or finding a child to transfer in violation of the article, or to facilitate such a transfer. The article provides the child protection agency with authority to perform home visits to investigate probable violations of the act and to take appropriate action to protect the child. It further provides law enforcement authority with the power to investigate and take legal action to enforce the article.

Article 3 of the act deals with the adoption of children whose physical or psychological health or other circumstances at the time of a proposed placement for adoption would predict that the adoptive parent might face challenges in caring for the child. It assures that prospective adoptive parents are informed about, and are given instruction on dealing with, the physical and psychological health of the child as well as other issues. It requires a child-placing agency through which an adoption is facilitated to provide the prospective adoptive parent with: (1) general information about adopting a child with certain health or behavioral issues; (2) specific information about the physical and psychological health of their prospective adoptive child; (3) guidance and instruction on dealing with the challenges that may present themselves in rearing the child placed with them; and (4) information on accessing certain post-placement and post-adoption financial assistance and support services to help preserve the adoption. It provides law enforcement authority with the power to investigate an alleged violation of the article by a child-placing agency and to commence action to enforce the article. It also provides the state licensing agency with authority to suspend or revoke the license of a child-placing agency that has violated the article.

For further information about the act, please contact Legislative Counsel, Libby Snyder at (312) 450-6619 or lsnyder@uniformlaws.org.