

IN THE SENATE

SENATE BILL NO. 1368

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO ADOPTION; AMENDING SECTION 18-1511, IDAHO CODE, TO PROHIBIT  
2 PLACEMENT OF CHILDREN BY UNLICENSED ORGANIZATIONS AND TO MAKE TECHNICAL  
3 CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE  
4 DATE.  
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 18-1511, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 18-1511. SALE OR BARTER OF CHILD FOR ADOPTION OR OTHER PURPOSE PENAL-  
10 IZED -- ALLOWED EXPENSES. (1) Any person or persons who shall sell or barter  
11 any child for adoption or for any other purpose, shall be guilty of a felony,  
12 and upon conviction shall be punished by imprisonment in the state peniten-  
13 tiary for ~~not~~ no more than fourteen (14) years, or by a fine of ~~not~~ no  
14 more than five thousand dollars (\$5,000), or by both such fine and imprisonment.

15 (2) Any person or organization without a valid and unrevoked license to  
16 place children for adoption issued by the Idaho department of health and wel-  
17 fare or a valid and unrevoked license to practice law in Idaho shall be guilty  
18 of a misdemeanor if such person or organization:

19 (a) Advertises in any periodical or newspaper, by radio, or by any other  
20 public medium that the person or organization will place children for  
21 adoption;

22 (b) Accepts, supplies, provides, or obtains children for adoption; or

23 (c) Causes any advertisement to be published in or by any public medium  
24 soliciting, requesting, or asking for any child or children for adop-  
25 tion.

26 (3) Any person, organization, association, or corporation without a  
27 valid and unrevoked license to place children for adoption issued by the  
28 Idaho department of health and welfare that places any child for adoption  
29 shall be guilty of a misdemeanor. The provisions of this subsection shall  
30 not apply to a birth parent.

31 (4) ~~Provided however, this~~ The provisions of this section shall not

32 prohibit any person, or adoption agency from providing, in addition to le-

33 gal and medical costs, reasonable maternity and living expenses during the

34 pregnancy and for a period not to exceed six (6) weeks ~~post partum~~ postpartum

35 based ~~upon~~ on demonstrated financial need.

36 (5) Any person or agency, seeking to provide financial assistance in

37 excess of five hundred dollars (\$500) shall do so after informally submit-

38 ting to a court of competent jurisdiction, a verified financial plan outlin-

39 ing proposed expenditures. The court may approve or amend such a proposal.

40 Only after court approval shall assistance totaling more than five hundred

41 dollars (\$500) become available to the birth parent. A prospective adoptive

42 parent, or another person acting on behalf of a prospective adoptive parent,

1 shall make payments for allowed expenses only to third-party vendors, as is  
2 reasonably practical. All actual expenditures shall be presented by veri-  
3 fied affidavit of counsel or the agency at the time of the adoption finaliza-  
4 tion.

5 (6) No financial assistance to a birth parent shall exceed the sum of  
6 two thousand dollars (\$2,000) unless otherwise authorized by the court. The  
7 financial assistance contemplated by this section shall be considered a  
8 charitable gift, not subject to recovery under the terms of section 16-1515,  
9 Idaho Code.

10 SECTION 2. An emergency existing therefor, which emergency is hereby  
11 declared to exist, this act shall be in full force and effect on and after  
12 July 1, 2024.