

SENATE BILL No. 310

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-1.

Synopsis: Adoption deception and adoption expenses. Prohibits payments of more than \$2,500 for certain adoption related expenses of a birth mother. Requires adoption related payments to be disclosed to the court supervising the adoption. Limits payments for certain living expenses of a birth mother to expenses that are incurred during the last trimester of a birth mother's pregnancy and six weeks after childbirth. Provides that a birth mother, or a woman who holds herself out to be a birth mother, who benefits from adoption related expenses incurred under certain false pretenses commits adoption deception, a Class A misdemeanor. Allows a court to order a person who commits adoption deception to make restitution to a prospective adoptive parent, attorney,
(Continued next page)

Effective: July 1, 1999.

Clark

January 7, 1999, read first time and referred to Committee on Judiciary.

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Digest Continued

or licensed child placing agency that incurs an expense as a result of the offense. Requires an attorney or licensed child placing agency to inform a birth mother of the penalties for committing adoption deception before the attorney or agency transfers a payment for adoption related expenses in relation to the birth mother.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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SENATE BILL No. 310



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-46-1-9 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. (a) Except as
- 3 provided in subsection (b), a person who, with respect to an adoption,
- 4 transfers or receives any property in connection with the waiver of
- 5 parental rights, the termination of parental rights, the consent to
- 6 adoption, or the petition for adoption commits profiting from an
- 7 adoption, a Class D felony.
- 8 (b) This section does not apply to the transfer or receipt of:
- 9 (1) reasonable attorney's fees;
- 10 (2) hospital and medical expenses concerning childbirth and
- 11 pregnancy incurred by the adopted person's birth mother;
- 12 (3) reasonable charges and fees levied by a child placing agency
- 13 licensed under IC 12-17.4 or by a county office of family and
- 14 children;
- 15 (4) reasonable expenses for psychological counseling relating to



1 adoption incurred by the adopted person's birth parents;
 2 (5) reasonable costs of housing, utilities, and phone service for the
 3 adopted person's birth mother during the **last trimester of**
 4 pregnancy and not more than six (6) weeks after childbirth;
 5 (6) reasonable costs of maternity clothing for the adopted person's
 6 birth mother;
 7 (7) reasonable travel expenses incurred by the adopted person's
 8 birth mother that relate to the pregnancy or adoption;
 9 (8) any additional itemized necessary living expenses for the
 10 adopted person's birth mother during the **last trimester of**
 11 pregnancy **and not more than six (6) weeks after childbirth**, not
 12 listed in subdivisions (5) through (7) in an amount not to exceed
 13 one thousand dollars (\$1,000); ~~and that are disclosed to the court~~
 14 ~~supervising the adoption~~; or
 15 (9) other charges and fees approved by the court supervising the
 16 adoption, including reimbursement of not more than actual wages
 17 lost as a result of the inability of the adopted person's birth mother
 18 to work at her regular, existing employment due to a medical
 19 condition, excluding a psychological condition, if:
 20 (A) the attending physician of the adopted person's birth
 21 mother has ordered or recommended that the adopted person's
 22 birth mother discontinue her employment; and
 23 (B) the medical condition and its direct relationship to the
 24 pregnancy of the adopted person's birth mother are
 25 documented by her attending physician.

26 In determining the amount of reimbursable lost wages, if any, that are
 27 reasonably payable to the adopted person's birth mother under
 28 subdivision (9), the court shall offset against the reimbursable lost
 29 wages any amounts paid to the adopted person's birth mother under
 30 subdivisions (5) and (8) and any unemployment compensation received
 31 by or owed to the adopted person's birth mother. **In addition,**
 32 **payments made under subdivisions (5) through (9) may not exceed**
 33 **two thousand five hundred dollars (\$2,500) and must be disclosed**
 34 **to the court supervising the adoption.**

35 (c) **An attorney or licensed child placing agency shall inform a**
 36 **birth mother of the penalties for committing adoption deception**
 37 **under section 9.5 of this chapter before the attorney or agency**
 38 **transfers a payment for adoption related expenses under**
 39 **subsection (b) in relation to the birth mother.**

40 SECTION 2. IC 35-46-1-9.5 IS ADDED TO THE INDIANA CODE
 41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 42 1, 1999]: **Sec. 9.5. A person who is a birth mother, or a woman who**

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1 holds herself out to be a birth mother, and who knowingly or
2 intentionally benefits from adoption related expenses paid:
3 (1) when the person knows or should have known that the
4 person is not pregnant; or
5 (2) by or on behalf of a prospective adoptive parent who is
6 unaware that at the same time another prospective adoptive
7 parent is also incurring adoption related expenses in an effort
8 to adopt the same child;
9 commits adoption deception, a Class A misdemeanor. In addition
10 to any other penalty imposed under this section, a court may order
11 the person who commits adoption deception to make restitution to
12 a prospective adoptive parent, attorney, or licensed child placing
13 agency that incurs an expense as a result of the offense.

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