



March 25, 2011

**ENGROSSED  
HOUSE BILL No. 1558**

DIGEST OF HB 1558 (Updated March 23, 2011 11:22 am - DI 106)

**Citations Affected:** IC 35-46.

**Synopsis:** Unauthorized adoption facilitation. Makes it a Class A misdemeanor for a person to knowingly or intentionally provide, engage in, or facilitate adoption services to a birth parent or prospective adoptive parent who lives in Indiana. (Current law makes it a Class A misdemeanor for a person to knowingly or intentionally provide, engage in, or facilitate adoption services to a birth parent or prospective adoptive parent who resides in Indiana.) Provides that the crime of unauthorized adoption facilitation against prospective adoptive parents does not apply to child placing agencies licensed under any state's law or attorneys licensed to practice law in any state. (Current law provides that the crime of unauthorized adoption facilitation does not apply to child placing agencies licensed under Indiana law or attorneys licensed to practice in Indiana.)

**Effective:** Upon passage.

**McMillin, Klinker**

(SENATE SPONSOR — ZAKAS)

January 20, 2011, read first time and referred to Committee on Family, Children and Human Affairs.

February 10, 2011, amended, reported — Do Pass.

February 14, 2011, read second time, amended, ordered engrossed.

February 15, 2011, engrossed. Read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 17, 2011, read first time and referred to Committee on Judiciary.

March 24, 2011, reported favorably — Do Pass.

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EH 1558—LS 6513/DI 110+



March 25, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## ENGROSSED HOUSE BILL No. 1558

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 35-46-1-22, AS AMENDED BY P.L.21-2010,
- 2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: Sec. 22. (a) As used in this section, "adoption
- 4 services" means at least one (1) of the following services that is
- 5 provided for compensation, an item of value, or reimbursement, either
- 6 directly or indirectly, and provided either before or after the services
- 7 are rendered:
- 8 (1) Arranging for the placement of a child.
- 9 (2) Identifying a child for adoption.
- 10 (3) Matching adoptive parents with biological parents.
- 11 (4) Arranging or facilitating an adoption.
- 12 (5) Taking or acknowledging consents or surrenders for
- 13 termination of parental rights for adoption purposes.
- 14 (6) Performing background studies on:
- 15 (A) a child who is going to be adopted; or
- 16 (B) adoptive parents.
- 17 (7) Making determinations concerning the best interests of a child

EH 1558—LS 6513/DI 110+



- 1 and the appropriateness in placing the child for adoption.
- 2 (8) Postplacement monitoring of a child before the child is
- 3 adopted.
- 4 (b) As used in this section, the term "adoption services" does not
- 5 include the following:
- 6 (1) Legal services provided by an attorney licensed in Indiana.
- 7 (2) Adoption related services provided by a governmental entity
- 8 or a person appointed to perform an investigation by the court.
- 9 (3) General education and training on adoption issues.
- 10 (4) Postadoption services, including supportive services to
- 11 families to promote the well-being of members of adoptive
- 12 families or birth families.
- 13 (c) ~~This section~~ **Subsection (d)** does not apply to the following
- 14 persons:
- 15 (1) The department of child services, an agency or person
- 16 authorized to act on behalf of the department of child services, or
- 17 a similar agency or county office with similar responsibilities in
- 18 another state.
- 19 (2) The division of family resources, an agency or person
- 20 authorized to act on behalf of the division of family resources, or
- 21 a similar agency or county office with similar responsibilities in
- 22 another state.
- 23 (3) A child placing agency licensed under the laws of Indiana.
- 24 (4) An attorney licensed to practice law in Indiana.
- 25 (5) A prospective biological parent or adoptive parent acting on
- 26 the individual's own behalf.
- 27 (d) A person who knowingly or intentionally provides, engages in,
- 28 or facilitates adoption services to a birth parent ~~or prospective adoptive~~
- 29 ~~parent who resides lives~~ in Indiana commits unauthorized adoption
- 30 facilitation, a Class A misdemeanor.
- 31 (e) **Subsection (f) does not apply to the following persons:**
- 32 (1) **The department of child services, an agency or person**
- 33 **authorized to act on behalf of the department of child**
- 34 **services, or a similar agency or county office with similar**
- 35 **responsibilities in another state.**
- 36 (2) **The division of family resources, an agency or person**
- 37 **authorized to act on behalf of the division of family resources,**
- 38 **or a similar agency or county office with similar**
- 39 **responsibilities in another state.**
- 40 (3) **A child placing agency licensed under the laws of Indiana**
- 41 **or another state.**
- 42 (4) **An attorney licensed to practice law in Indiana or another**

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1           **state.**  
2           **(5) A prospective biological parent or adoptive parent acting**  
3           **on the individual's own behalf.**  
4           **(f) A person who knowingly or intentionally provides, engages**  
5           **in, or facilitates adoption services to a prospective adoptive parent**  
6           **who lives in Indiana commits unauthorized adoption facilitation,**  
7           **a Class A misdemeanor.**  
8           **SECTION 2. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1558, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 28, strike "resides" and insert "lives".

and when so amended that said bill do pass.

(Reference is to HB 1558 as introduced.)

NOE, Chair

Committee Vote: yeas 9, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1558 be amended to read as follows:

Page 2, line 13, strike "This section" and insert "**Subsection (d)**".

Page 2, between lines 29 and 30, begin a new paragraph and insert:

**"(e) Subsection (f) does not apply to the following persons:**

- (1) The department of child services, an agency or person authorized to act on behalf of the department of child services, or a similar agency or county office with similar responsibilities in another state.**
- (2) The division of family resources, an agency or person authorized to act on behalf of the division of family resources, or a similar agency or county office with similar responsibilities in another state.**
- (3) A child placing agency licensed under the laws of Indiana or another state.**
- (4) An attorney licensed to practice law in Indiana or another state.**
- (5) A prospective biological parent or adoptive parent acting on the individual's own behalf.**



**(f) A person who knowingly or intentionally provides, engages in, or facilitates adoption services to a prospective adoptive parent who lives in Indiana commits unauthorized adoption facilitation, a Class A misdemeanor."**

(Reference is to HB 1558 as printed February 11, 2011.)

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1558, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1558 as printed February 15, 2011.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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