

## SENATE BILL No. 52

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-46-1-22.

**Synopsis:** Unauthorized adoption facilitation. Provides that the law making unauthorized adoption facilitation a crime does not apply to a child placing agency licensed under the laws of Indiana or another state or to an attorney licensed to practice law in Indiana or another state. (Current law provides that the law making unauthorized adoption facilitation a crime applies to a child placing agency not licensed in Indiana and an attorney not licensed in Indiana.)

**Effective:** Upon passage.

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January 5, 2011, read first time and referred to Committee on Judiciary.

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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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## SENATE BILL No. 52



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*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



- 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 does not apply to the following persons:
- 14 (1) The department of child services, an agency or person
- 15 authorized to act on behalf of the department of child services, or
- 16 a similar agency or county office with similar responsibilities in
- 17 another state.
- 18 (2) The division of family resources, an agency or person
- 19 authorized to act on behalf of the division of family resources, or
- 20 a similar agency or county office with similar responsibilities in
- 21 another state.
- 22 (3) A child placing agency licensed under the laws of Indiana **or**
- 23 **another state.**
- 24 (4) An attorney licensed to practice law in Indiana **or another**
- 25 **state.**
- 26 (5) A prospective biological parent or adoptive parent acting on
- 27 the individual's own behalf.
- 28 (d) A person who knowingly or intentionally provides, engages in,
- 29 or facilitates adoption services to a birth parent or prospective adoptive
- 30 parent who resides in Indiana commits unauthorized adoption
- 31 facilitation, a Class A misdemeanor.
- 32 **SECTION 2. An emergency is declared for this act.**

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