



Use of Advertising and Facilitators in Adoptive Placements

In private or independent adoptions (without agency involvement), parents may choose to advertise their interest in adopting, while others may choose to utilize the services of adoption facilitators or intermediaries. Birth parents also may advertise their interest in placing their children for adoption. In an effort to protect the interests of all parties, especially children, and to avoid the possibility of an illegal placement, many States have enacted laws that either prohibit or regulate the use of advertising or facilitators for private adoptive placements.

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To find statute information for a particular State, go to

<https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>

Use of Advertising

Advertising is defined as the publication in any public medium, either print or electronic, of an interest in adopting a child or if a specific child is available for adoption. Public media include newspapers, periodicals, radio, television, telephone book listings, the Internet, billboards, or print fliers. Approximately 33 States currently have laws that in some way limit or regulate the use of advertising in adoptive placement.¹

Persons and Entities Allowed to Advertise

Most States allow public child welfare agencies to use advertising as a tool for finding suitable adoptive homes for children. In 24 States, licensed child-placing agencies are permitted to advertise the adoption-related services that they provide.² In Kansas and New Mexico, an agency that has not been licensed by the State may advertise as long as the advertisement clearly indicates that the agency is not licensed.

Other States limit the use of advertising to the following persons or entities:

- Attorneys who wish to advertise their availability to provide adoption-related legal services³
- Birth parents who wish to place their child for adoption⁴
- Prospective adoptive parents⁵
- Prospective adoptive parents who have approved preplacement assessments⁶

¹ The word “approximately” is used to stress the fact that States frequently amend their laws. This information is current through August 2015. The 33 States include Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

² California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maine, Massachusetts, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, and Washington.

³ In 14 States: Colorado, Florida, Idaho, Illinois, Maine, Mississippi, Montana, New Mexico, Oklahoma, Oregon, South Carolina, Tennessee, Washington, and Wisconsin.

⁴ In Illinois and Nebraska.

⁵ In Illinois, Kansas, and Tennessee.

⁶ In eight States: Colorado, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Washington, and Wisconsin. For more information about preplacement assessments, see Child Welfare Information Gateway's *The Adoption Home Study Process*: <https://www.childwelfare.gov/pubs/f-homstu/>

Other entities that may advertise include physicians (in Mississippi), crisis pregnancy centers (in Louisiana), and State adoption exchanges or resource centers (in Colorado and Wisconsin).

Connecticut specifically allows advertising by birth parents and prospective adoptive parents only. Georgia allows the use of public advertising by agencies only. Individuals, including birth parents and prospective adoptive parents, may exchange information by private means only, such as letters or telephone calls.

Persons and Entities Prohibited from Advertising

In four States⁷, no person is permitted to advertise for any of the following purposes:

- To find a child to adopt or to otherwise take permanent physical custody of a child (sometimes referred to as “re-homing”)
- To find an adoptive home or any other permanent physical placement for a child or to arrange for or assist in the adoption, adoptive placement, or any other permanent physical placement of a child
- To offer to place a child for adoption or in any other permanent physical placement with another person

Two States (Alabama and Kentucky) prohibit the use of any type of advertising related to adoption by any person or entity. Another 11 States prohibit advertising by any person or entity other than the State social services department or a licensed agency.⁸ Utah specifically prohibits advertising by attorneys, physicians, or other persons. In Virginia, no person or agency may advertise to perform any adoption-related activity that is prohibited by State law. In addition, physicians, attorneys, and members of clergy are neither allowed to charge a fee for recommending an adoptive placement nor advertise that they are available to make such recommendations, as that also is prohibited by law.⁹ North Dakota law specifically prohibits advertising by hospitals providing maternity care or by maternity homes.

⁷ Colorado, Maine, Nevada, and Wisconsin.

⁸ California, Delaware, Georgia, Idaho, Massachusetts, Montana, Nevada, New Hampshire, North Dakota, Ohio, and Texas.

⁹ Virginia law prohibits payment for making an adoptive placement except as compensation for specific services such as agency fees, medical or legal expenses, or other reasonable expenses connected with the adoption process.

Use of Facilitators or Intermediaries

In an independent or private placement adoption, a person or organization will often act as an intermediary or facilitator to match or bring together prospective adoptive parent/parents with a birth mother/birth parents wishing to pursue adoption for their child. An intermediary or adoption facilitator is any person or entity that is not an approved or licensed agency that acts on behalf of any birth parent or prospective adoptive parent in connection with the adoption of a child. In an effort to ensure that no intermediary or member of the birth family profits from the placement of a child, approximately 41 States, the District of Columbia, and American Samoa have laws that regulate or affect the use of intermediaries or facilitators.¹⁰

States That Prohibit the Use of Facilitators

Three States (Delaware, Kansas, and Maine) strictly prohibit any use of facilitators or intermediaries. Eight States prohibit their use by restricting the placement of children in adoptive homes to licensed agencies only.¹¹ Nebraska limits placement to either an agency or a member of the child's birth family. Minnesota and Nevada restrict placement of a child to a parent, legal guardian, or agency. The District of Columbia and New York limit placement to an agency, parent, legal guardian, or birth relative. Arizona and Ohio restrict the placement to an agency or an attorney. Oklahoma limits placement to an agency, family member, or attorney. West Virginia prohibits any person from offering or receiving any compensation for locating a child for any purpose that entails a transfer of the legal or physical custody of the child, regardless of whether the transfer is for adoption or other permanent placement.

¹⁰ Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

¹¹ Georgia, Illinois, Massachusetts, Montana, New Mexico, North Dakota, Oregon, and Wisconsin.

States That Regulate the Activities of Facilitators

Fourteen States and American Samoa regulate the activities of intermediaries by limiting the compensation that they are allowed to receive.¹² It is illegal for these persons or agencies to receive any payment for the placement of the child in an adoptive home; reimbursement for actual medical or legal services is the only payment that they are allowed to receive. Nine States allow the use of adoption facilitators but detail in statute the activities they are permitted to perform or the services they are required to offer.¹³ These requirements may include:

- Providing written information about the adoption process to all parties (California, Florida, Michigan, and Washington)
- Providing to the adopting parent any available background information about the child's birth parent (California, Michigan, and Pennsylvania)
- Making sure that the adopting parents have completed home studies that have been approved (New Jersey and Pennsylvania)
- Reporting to the court all fees and expenses paid (California, Florida, and Pennsylvania)
- Providing to the adopting parent information about the background of the child, to the extent available (Florida and Pennsylvania)

In Florida, where adoption facilitators frequently are attorneys, the law requires facilitators to obtain all necessary consents, file petitions and affidavits, and serve notices of hearings. In North Carolina and Vermont, the law explicitly states that a parent or guardian must personally select a prospective adoptive parent; the role of a facilitator is limited to either assisting the birth parent in evaluating that choice or assisting a prospective adoptive parent in locating a child who is available for adoption.

¹² Alabama, Colorado, Kentucky, Louisiana, Maryland, Mississippi, Missouri, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and West Virginia.

¹³ California, Florida, Indiana, Michigan, New Jersey, North Carolina, Pennsylvania, Vermont, and Washington.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

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Alabama

Use of Advertisement

Citation: Ala. Code § 26-10A-36

It shall be unlawful for any person, organization, corporation, partnership, hospital, association, or agency to advertise verbally, through print, electronic media, or otherwise that they will adopt children or assist in the adoption of children or offer anything of value to the parents of a child in violation of § 26-10A-34.

Use of Intermediaries/Facilitators

Citation: Ala. Code §§ 26-10A-22; 26-10A-34

In making adoption arrangements, potential adopting parents and birth parents may obtain counsel to provide legal advice and assistance. However, it shall be unlawful for any person or agency to offer to receive payment for placing, assisting, or arranging a minor placement. Legitimate medical, legal, prenatal, necessary living expenses, or other professional services for the birth mother are allowed.

This section is not intended to cover surrogate motherhood.

Alaska

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

This issue is not addressed in the statutes reviewed.

American Samoa

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

Citation: Ann. Code § 45.0430

No person may offer, give, charge, or receive any money or other consideration or other thing of value in connection with the consent to adoption or with the petition for adoption except attorney's fees relative to the adoption proceedings and the charges and fees as may be approved by the court.

Arizona

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

Citation: Rev. Stat. §§ 8-114; 8-130

Except as provided below, a person shall not do any of the following unless the person is employed or engaged by and acting on behalf of a licensed adoption agency:

- Solicit or accept employment or engagement, for compensation, by or on behalf of a parent or guardian for assistance in the placement of a child for adoption
- Solicit or accept employment or engagement, for compensation, by or on behalf of any person to locate or obtain a child for adoption

An attorney licensed to practice law in this State may assist and participate in direct placement adoptions and may receive compensation to the extent the court finds reasonable, if the person granting consent to the adoption has chosen a specific adopting parent without prior involvement of the attorney or if the choice is made only from among persons currently certified by the court as acceptable to adopt children.

Before a petition to adopt is granted, an attorney participating or assisting in the direct placement or adoption shall file an affidavit stating that there has been compliance with the above requirements.

An attorney may be paid for the attorney's services in connection with the adoption for only the amount the court approves as being reasonable and necessary.

Arkansas

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

This issue is not addressed in the statutes reviewed.

California

Use of Advertisement

Citation: Family Code § 8609(a)

No person or organization may advertise in any periodical or newspaper, by radio, or other public medium that he, she, or it will place or provide children for adoption or cause any advertisement to be published in any public medium soliciting, requesting, or asking for any child or children for adoption, unless that person or organization is licensed to place children for adoption by the Department of Social Services.

Use of Intermediaries/Facilitators

Citation: Family Code §§ 8623 through 8638

An adoption facilitator is a person or organization not licensed as an adoption agency that charges a fee for rendering services related to an adoption or that advertises for the purpose of soliciting parties to an adoption, locating children for an adoption, or acting as an intermediary to an adoption.

Requirements for adoption facilitators include:

- Any advertising must disclose the identity of the facilitator and make clear that it is not an adoption agency.
- Parties must be provided a description of services.
- Any written contract must be verbally explained to the prospective adoptive parents and the birth parents.
- Adopting parents must be given in writing all information provided by the birth parents about the child.
- Fees and expenses paid must be reported to the court.

Colorado

Use of Advertisement

Citation: Rev. Stat. § 19-5-213.5

The term 'advertise through a public medium' means to communicate by any public medium such as a newspaper, periodical, telephone book listing, outdoor advertising sign, radio, television, or computerized communication system, including an Internet site, an Internet profile, or any similar medium of communication provided via the Internet.

It is unlawful to advertise through a public medium for any of the following purposes:

- To find a child to adopt or to otherwise take permanent physical custody of a child
- To find an adoptive home or any other permanent physical placement for a child or to arrange for or assist in the adoption, adoptive placement, or any other permanent physical placement of a child
- To offer to place a child for adoption or in any other permanent physical placement with another person

This section does not apply to:

- An employee of the Department of Human Services or a licensed child-placing agency
- An individual or agency that provides adoption information through the statewide adoption resource registry
- An adoption exchange whose membership includes county departments and licensed child-placing agencies that provide information and referral services to find adoptive homes and to promote adoption

- An individual who has received a favorable home study recommendation regarding his or her fitness to be an adoptive parent
- An attorney who is licensed to practice in Colorado who advertises his or her availability to practice or provide services relating to the adoption of children

Use of Intermediaries/Facilitators**Citation: Rev. Stat. § 19-5-213**

No person—other than an adoption exchange whose membership includes county departments and child placement agencies, a licensed child placement agency, or a county department—shall offer, give, charge, or receive any money or other consideration or thing of value in connection with locating or identifying for purposes of adoption any child, natural parent, expectant natural parent, or prospective adoptive parent.

Physicians and attorneys may charge reasonable fees for professional services customarily performed by such persons.

Connecticut**Use of Advertisement****Citation: Ann. Stat. § 45a-728d**

Any birth parent may advertise through any public media in this State for the placement of his or her child for the purpose of adoption.

Any prospective adoptive parent may advertise through any public media in this State for placement of a child into his or her care for the purpose of adoption.

Use of Intermediaries/Facilitators

This issue is not addressed in the statutes reviewed.

Delaware**Use of Advertisement****Citation: Ann. Code Tit. 13, § 930**

Only the Department of Services for Children, Youth and Their Families or a licensed agency may advertise in this State regarding the availability of adoption services or for the placement of a child for the purpose of adoption.

Use of Intermediaries/Facilitators**Citation: Ann. Code Tit. 13, §§ 904; 906; 928**

No placement for an identified adoption in which an intermediary has been involved shall be approved. All petitions for adoption shall have an affidavit attached attesting that no intermediary assisted in locating the child.

No person or organization that is in any way connected with an adoption shall receive any remuneration in connection therewith, except for court costs and legal services; provided, however, that the department, licensed agency, or authorized agency may charge a service fee for each adoption in an amount not exceeding the cost of services rendered, to be paid by the adopting parent(s).

District of Columbia**Use of Advertisement**

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators**Citation: Ann. Code § 4-1405(a)**

No person other than the parent, guardian, or relative within the third degree, and no firm, corporation, association, or agency other than a licensed child-placing agency may place or arrange or assist in placing or arranging for the placement of a child under age 16 in a family home or for adoption.

Florida

Use of Advertisement

Citation: Ann. Stat. §§ 63.212(1)(g); 63.032

It is unlawful for any person, except an adoption entity, to place an advertisement or offer to the public, in any way, by any medium whatsoever, that a minor is available for adoption or that a minor is sought for adoption. In addition, it is unlawful for any person purchasing advertising space or purchasing broadcast time to advertise adoption services to fail to include in such advertisement the Florida license number of the adoption entity or the Florida Bar number of the attorney placing the advertisement.

The term 'adoption entity' includes the Department of Children and Families, a registered child-caring agency, an intermediary, a Florida licensed child-placing agency, or a child-placing agency licensed in another State that also is licensed by the department to place children in the State of Florida.

Use of Intermediaries/Facilitators

Citation: Ann. Stat. §§ 63.032; 63.039; 63.085; 63.212(c), (f)

An intermediary is an attorney acting as an adoption entity who places a child for adoption. An adoption entity has an affirmative duty to:

- Make full disclosure of all State law requirements for adoption
- Obtain necessary consents
- File necessary petitions and affidavits
- Serve notices of hearings
- Report to the court all expenses paid

The adoption entity must provide the prospective adoptive parents with information concerning the background of the child to the extent such information is disclosed to the adoption entity by the parents, legal custodian, or the department.

It is unlawful for any person, except an adoption entity, to charge or accept any fee or compensation of any nature from anyone for making a referral in connection with an adoption.

Georgia

Use of Advertisement

Citation: Ann. Code § 19-8-24(a)(1), (d)

It shall be unlawful for any person, organization, corporation, hospital, or association that has not been established as a child-placing agency by the Department of Human Services to advertise, whether in a periodical, by television, radio, or any other public medium or private means, that the person, organization, corporation, hospital, or association will adopt children or will arrange for children to be placed for adoption.

Individuals seeking to adopt a child or to place their child for adoption may communicate by private means, which include only written letters or oral statements.

Use of Intermediaries/Facilitators

Citation: Ann. Code § 19-8-24(a)(2), (b)

It shall be unlawful for any person, organization, corporation, hospital, or association of any kind that has not been established as a child-placing agency by the department to directly or indirectly hold out inducements, including any financial assistance, except medical expenses, to parents to part with their children.

It shall be unlawful for any person to sell, offer to sell, or conspire with another to sell or offer to sell, a child for money or anything of value, except as otherwise provided in this chapter.

Guam

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

This issue is not addressed in the statutes reviewed.

Hawaii

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

This issue is not addressed in the statutes reviewed.

Idaho

Use of Advertisement

Citation: Ann. Code § 18-1512A

No person or entity shall publish or broadcast on radio or television an advertisement or notice of a child or children offered or wanted for adoption, or claim through such advertisement to have the ability to place, locate, dispose, or receive a child or children for adoption, unless the person or entity is a duly authorized agent or employee of the Department of Health and Welfare or an institution licensed by the department to care for and place children.

This section is not intended to prohibit:

- A licensed attorney from advertising his or her ability to practice or provide services related to the adoption of children
- Physicians and other health-care providers from assisting or providing natural and adoptive parents with medical care necessary to initiate and complete adoptive placements

Use of Intermediaries/Facilitators

This issue is not addressed in the statutes reviewed.

Illinois

Use of Advertisement

Citation: Cons. Stat. Ch. 225, § 10/12

Advertise means communication by any public medium originating or distributed in this State, including, but not limited to, newspapers, periodicals, telephone book listings, outdoor advertising signs, radio, or television.

A child care facility or child welfare agency licensed or operating under a permit issued by the Department of Children and Family Services may publish advertisements for the services that the facility is specifically licensed or issued a permit to provide. A person, group of persons, agency, association, organization, corporation, institution, center, or group that advertises or publishes any advertisement offering, soliciting, or promising to perform adoption services is guilty of a misdemeanor and shall be subject to a fine, unless they are:

- Licensed or operating under a permit issued by the department as a child care facility or child welfare agency
- A birth parent or a prospective adoptive parent acting on his or her own behalf
- A licensed attorney advertising his or her availability to provide legal services relating to adoption, as permitted by law

Use of Intermediaries/Facilitators

Citation: Cons. Stat. Ch. 720, § 5/12C-70

No person or agency, association, corporation, institution, society, or other organization except a child welfare agency shall request, receive, or accept any compensation or thing of value, directly or indirectly, for providing adoption services as defined in Ch. 225, § 10/2.24.

Indiana

Use of Advertisement

Citation: Ann. Code § 35-46-1-21

Only a licensed attorney or a licensed child-placing agency may place a paid advertisement or paid listing of a person's telephone number, on that person's own behalf, in a telephone directory that a child is offered or wanted for adoption, or that person is able to place, locate, or receive a child for adoption.

Use of Intermediaries/Facilitators**Citation: Ann. Code § 35-46-1-22**

A person who knowingly or intentionally provides, engages in, or facilitates adoption services to a birth parent or prospective adoptive parent who resides in Indiana commits unauthorized adoption facilitation, a misdemeanor.

'Adoption services' means at least one of the following services that is provided for compensation, either directly or indirectly, and provided either before or after the services are rendered:

- Arranging for the placement of a child
- Identifying a child for adoption
- Matching adoptive parents with birth parents
- Arranging or facilitating an adoption
- Taking or acknowledging consents or surrenders for termination of parental rights for adoption purposes
- Performing background studies on the adoptive child or adoptive parents
- Making determinations about the best interests of a child and the appropriateness in placing the child for adoption
- Postplacement monitoring of a child before the adoption is finalized

The term 'adoption services' does not include:

- Legal services provided by an Indiana-licensed attorney
- Adoption-related services provided by a government entity or by a person appointed to perform an investigation by the court
- General education and training on adoption issues
- Postadoption services, including supportive services to families to promote the well-being of members of adoptive families or birth families

This section does not apply to the following:

- The Department of Child Services, an agency or person authorized to act on behalf of the department, or a similar agency in another State
- The Division of Family Resources, an agency or person authorized to act on behalf of the division, or a similar agency in another State
- A child-placing agency licensed under the laws of Indiana or another State
- An attorney licensed to practice law in Indiana or another State
- A birth parent or prospective adoptive parent acting on his or her own behalf

Iowa**Use of Advertisement**

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

This issue is not addressed in the statutes reviewed.

Kansas**Use of Advertisement****Citation: Ann. Stat. § 59-2123(a)(1), (b)-(c)**

Any person who advertises that such person will adopt, find an adoptive home for a child, or otherwise place a child for adoption shall state in such advertisement whether or not such person is licensed and if licensed, under what authority such license is issued and in what profession.

This provision shall not apply to the Kansas Department for Children and Families or to an individual seeking to adopt a child.

The term 'advertise' means to communicate by newspaper, radio, television, handbills, placards or other print, broadcast, telephone directory, or electronic medium.

Use of Intermediaries/Facilitators**Citation: Ann. Stat. § 59-2123(a)(2)-(3)**

No person shall offer to adopt, find a home for, or otherwise place a child as an inducement for a woman to come to such person's maternity center during pregnancy or after delivery.

No person shall offer to adopt, find a home for, or otherwise place a child as an inducement for any parent, guardian, or custodian of a child to place the child in that person's home, institution, or establishment.

Kentucky**Use of Advertisement****Citation: Rev. Stat. § 199.590(1)**

A person, corporation, or association shall not advertise in any manner that it will receive children for the purpose of adoption. A newspaper published, prepared, sold, or distributed in the Commonwealth of Kentucky shall not contain an advertisement that solicits children for adoption or solicits the custody of children.

Use of Intermediaries/Facilitators**Citation: Rev. Stat. § 199.590(3), (5)**

No person, association, or organization, other than the Cabinet for Health and Family Services or a child-placing institution or agency, shall place a child or act as intermediary in the placement of a child for adoption or otherwise, except in the home of a stepparent, grandparent, sister, brother, aunt, or uncle, or upon written approval of the Secretary.

A person, organization, group, agency, or any legal entity, except a child-placing agency, shall not accept any fee for bringing the adoptive parents together with the child to be adopted or the biological parents of the child to be adopted. This section shall not interfere with the legitimate practice of law by an attorney.

Louisiana**Use of Advertisement****Citation: Rev. Stat. § 46:1425(A)**

It shall be unlawful for any person or organization other than a licensed child-placing agency or a Louisiana-based crisis pregnancy center to advertise through print or electronic media that it will adopt children or assist in the adoption of children.

Use of Intermediaries/Facilitators**Citation: Rev. Stat. § 14:286(B)-(C)**

The payment or receipt of anything of value for the procurement or assistance in the procurement of a party to an act of voluntary surrender of a child for adoption is prohibited. No petitioner, agency, attorney, or other intermediary shall make any payment in connection with an adoptive placement other than for reasonable medical, administrative, living, or other expenses.

Maine**Use of Advertisement****Citation: Rev. Stat. Tit. 18-A, § 9-313**

The term 'advertise' means to communicate by any public medium that originates within this State, including by newspaper, periodical, telephone book listing, outdoor advertising sign, radio, television, or by any computerized communication system, including by email, website, Internet account, or any similar medium of communication provided via the Internet. The term 'Internet account' means an account created within a bounded system established by an Internet-based service that requires a user to input or store access information in an electronic device in order to view, create, use, or edit the user's account information, profile, display, communications, or stored data.

A person may not:

- Advertise for the purpose of finding a child to adopt or to otherwise take into permanent physical custody
- Advertise that the person will place a child for adoption or in any other permanent physical placement
- Advertise for the purpose of finding a person to adopt or otherwise take into permanent custody a particular child

This section does not prohibit:

- The Department of Health and Human Services or a child-placing agency from advertising in accordance with rules adopted by the department
- An attorney licensed to practice in this State from advertising the attorney's availability to practice or provide services relating to the adoption of children

Use of Intermediaries/Facilitators

Citation: Rev. Stat. Tit. 18-A, § 9-313

A person may not advertise that the person will find an adoptive home or any other permanent physical placement for a child or arrange for or assist in the adoption, adoptive placement, or any other permanent physical placement of a child.

Maryland

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

Citation: Fam. Law §§ 5-362; 5-3B-32

Except as otherwise provided by law, a person may not charge or receive, from or for a parent or prospective adoptive parent, any compensation for a service in connection with:

- Placement of an individual to live with a preadoptive family
- An agreement for custody in contemplation of adoption

This section does not prohibit payment by an interested person of a reasonable and customary charge or fee for adoption counseling, hospital, legal, or medical services.

Massachusetts

Use of Advertisement

Citation: Ann. Laws Ch. 210, § 11A

It is unlawful for any person or entity other than a duly authorized agent or employee of the Department of Children and Families or a child care or child-placing agency licensed under the provisions of chapter 15D to cause to be published in the Commonwealth an advertisement or notice of children offered or wanted for adoption, or in any way offer to place, locate, or dispose of children offered or wanted for adoption, or hold himself or herself out in any way as being able to place, locate, or dispose of children for adoption.

Use of Intermediaries/Facilitators

Citation: Ann. Laws Ch. 15D § 6

No person shall place or knowingly facilitate the placement of any child in the care or control of any other person not related to the child by blood or marriage, or in the care or control of any organization other than a licensed or approved placement agency, for purposes of adoption.

No person unrelated to the child by blood or marriage, and no organization other than a licensed or approved placement agency, shall receive that child for purposes of adoption, except from a licensed or approved placement agency.

Michigan

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

Citation: Comp. Laws §§ 722.124b(c)-(d); 722.956

The following terms are defined as follows:

- Adoption facilitator: a child-placing agency or an adoption attorney who assists birth parents or prospective adoptive parents with adoptions.
- Primary adoption facilitator: the adoption facilitator who files the court documents on behalf of the prospective adoptive parent.

An adoption facilitator shall:

- Provide services related to adoption, including postadoption services
- Provide each person who inquires about services with the pamphlet prepared by the Department of Human Services describing the adoption process
- Provide to each person who inquires about services a written document that includes the following information:
 - » The types of adoptions the adoption facilitator handles
 - » The services that the adoption facilitator provides
 - » Eligibility requirements the adoption facilitator has for adoptive families, if any
 - » If the facilitator is a child-placing agency, the procedure used for selecting a prospective adoptive parent for a child, including the role of the child's parent(s) in the selection process
 - » The extent to which the facilitator permits or encourages the exchange of identifying information or contact between birth and adoptive parents
 - » A schedule of all fees
- Insure that each prospective adoptive parent completes an orientation program consistent with requirements developed by the department
- Disclose to the prospective adoptive parent all known information about the child's medical and psychological needs

Minnesota

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

Citation: Ann. Stat. §§ 259.21; 259.47; 259.55, Subd. 3

It is unlawful for a person, other than the commissioner of human services or an agency, knowingly to engage in placement activities without being licensed by the commissioner, except for the placement of a child by a birth parent or legal guardian in a preadoptive home. Placement activities include:

- Placement
- Arranging or providing short-term foster care pending an adoptive placement
- Facilitating placement by maintaining a list in any form of birth parents or prospective adoptive parents
- Collecting health and social histories of a birth family
- Conducting an adoption study
- Witnessing consents to an adoption

It is unlawful for any person to give money or anything of value to the birth parent of a child if the person is engaged or has engaged in any placement activity in connection with the adoption of the child.

Mississippi

Use of Advertisement

Citation: Ann. Code § 43-15-117

No child-placing agency shall advertise in the media markets in Mississippi seeking birth mothers or their children for adoption purposes unless the agency holds a valid and current license. Any child-placing agency, physician, or attorney who advertises for child-placing or adoption services in Mississippi shall be required by the Division of Family and Children's Services to show their principal office location on all media advertising for adoption services.

Nothing in this section precludes payment of reasonable medical, legal, or other lawful services fees, and for the legal proceedings related to lawful adoption proceedings; and no provision of this section abrogates the right of procedures for independent adoption as provided by law.

Use of Intermediaries/Facilitators

Citation: Ann. Code § 43-15-117

Except as provided in this article, no person, agency, firm, corporation, association, or group children's home may engage in child placing, or solicit money or other assistance for child placing, without a valid license issued by the division.

An attorney, physician, or other person may assist a parent in identifying or locating a person interested in adopting the parent's child, or in identifying or locating a child to be adopted. However, no payment, charge, fee, reimbursement of expense, or exchange of value of any kind, or promise or agreement to make the same, may be made for that assistance.

Nothing in this section precludes payment of reasonable fees for medical, legal, or other lawful services rendered in connection with the care of a mother, or delivery and care of a child, including, but not limited to, the mother's living expenses or counseling for the parents and/or the child, and for the legal proceedings related to lawful adoption proceedings.

Missouri

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

Citation: Ann. Stat. §§ 568.175; 453.014

A person, partnership, corporation, agency, association, institution, society, or other organization commits the crime of trafficking in children if he, she, or it offers, gives, receives, or solicits any money, consideration, or other thing of value for the delivery or offer of delivery of a child to another person, partnership, corporation, agency, association, institution, society, or other organization for purposes of adoption, or for the execution of a consent to adopt, a waiver of consent to future adoption, or a consent to termination of parental rights. A crime is not committed under this section if the money, consideration, or thing of value or conduct is permitted under chapter 453 relating to adoption.

An intermediary, including a licensed attorney, a licensed physician, or a clergyman of the parents, may place a minor for adoption. The intermediary shall comply with the rules and regulations promulgated by the Department of Social Services and the Department of Health and Senior Services for such placement.

Montana

Use of Advertisement

Citation: Ann. Code § 42-7-105(1)(a)

No person, other than the Department of Public Health and Human Services or a licensed child-placing agency, may advertise in any public medium that the person knows of a child who is available for adoption, is willing to accept a child for adoption, or knows of prospective adoptive parents for a child.

Use of Intermediaries/Facilitators

Citation: Ann. Code §§ 42-7-105(1)(b); 52-8-101

No person, other than the department or a licensed child-placing agency, may engage in placement activities. Placement activities include:

- Placement of a child for adoption or foster care
- Arranging or providing short-term foster care for a child pending an adoptive placement
- Facilitating placement of a child by maintaining a list, in any form, of birth parents or prospective adoptive or foster parents

Nebraska

Use of Advertisement

Citation: Rev. Stat. § 43-701

Except as otherwise provided in the Nebraska Indian Child Welfare Act, no person other than a parent shall advertise a child for placement unless such person shall be duly licensed by the Department of Health and Human Services under such rules and regulations as the department shall prescribe.

Use of Intermediaries/Facilitators

Citation: Rev. Stat. § 43-701

Except as otherwise provided in the Nebraska Indian Child Welfare Act, no person, other than a parent, shall place, assist in placing, or give the care and custody of any child to any person or association for adoption or otherwise, unless such person shall be duly licensed by the Department of Health and Human Services under such rules and regulations as the department shall prescribe.

Nevada

Use of Advertisement

Citation: Rev. Stat. §§ 127.283; 127.310(1)

An agency that provides child welfare services or any child-placing agency may publish in any newspaper published in this State or broadcast by television a photograph or any relevant personal information concerning any child who is difficult to place for adoption.

A child-placing agency shall not publish or broadcast:

- Any personal information that reveals the identity of the child or his parents
- A photograph or personal information of a child without the prior approval of the agency having actual custody of the child.

No person or organization other than a licensed child-placing agency may advertise that he or she will place children for adoption or permanent free care; accept, supply, provide, or obtain children for adoption or permanent free care; or cause any advertisement to be disseminated soliciting, requesting, or asking for any child or children for adoption or permanent free care.

A child-placing agency shall include in any advertisement concerning its services a statement that confirms that the child-placing agency holds a valid, unrevoked license and indicates any license number issued to the agency by the Division of Child and Family Services.

As used in this section:

- 'Advertise' or 'advertisement' means a communication that originates within this State by any public medium, including, without limitation, a newspaper, periodical, telephone book listing, outdoor advertising, sign, radio, television or a computerized communication system, including, without limitation, electronic mail, an Internet website, or an Internet account.
- 'Internet account' means an account created within a bounded system established by an Internet-based service that requires a user to input or store information in an electronic device in order to view, create, use, or edit the account information, profile, display, communications, or stored data of the user.

Use of Intermediaries/Facilitators

Citation: Rev. Stat. §§ 127.240; 127.290(1); 127.285(1)

Except as otherwise provided in this section, no person may place, arrange the placement of, or assist in placing or in arranging the placement of any child for adoption or permanent free care without securing and having in full force a license to operate a child-placing agency. This subsection applies to agents, servants, physicians, and attorneys of parents or guardians, as well as to other persons.

This section does not prohibit:

- A parent or guardian from placing, arranging the placement of, or assisting in placing or in arranging the placement of any child for adoption or permanent free care
- An agency that provides child welfare services from placing, arranging the placement of, or assisting in placing or arranging the placement of any child for adoption or permanent free care
- A person, including a person acting in his or her professional capacity, from sharing information regarding an adoption, if no money or other valuable consideration is paid

Except as otherwise provided in §§ 127.275 and 127.285, no person who does not have in full force a license to operate a child-placing agency may request or accept, directly or indirectly, any compensation or thing of value for placing, arranging the placement of, or assisting in placing or arranging the placement of any child for adoption.

An attorney may not receive compensation for taking part in finding children for adoption or finding parents to adopt children.

New Hampshire

Use of Advertisement

Citation: Rev. Stat. § 170-E:39

A child-placing agency licensed or operating under a permit issued by the Department of Health and Human Services may publish advertisements of the services for which it is specifically licensed or issued a permit under this subdivision.

No person who is required to obtain a license or permit under this subdivision may advertise or cause to be published an advertisement soliciting or offering a child for placement unless the person has obtained the requisite license or permit.

Use of Intermediaries/Facilitators

This issue is not addressed in the statutes reviewed.

New Jersey

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

Citation: Ann. Stat. §§ 9:3-38(l); 9:3-39.1(a)(4)

An intermediary is any person or entity, which is not an approved agency, that acts for or between any birth parent and any prospective adoptive parent, on behalf of either in connection with the placement of a child for adoption.

An intermediary shall not receive money or other valuable consideration in connection with such placement. When placement is through an intermediary:

- The person with whom the child is placed shall have been approved for placement by an approved agency home study.
- The birth parent shall have been offered counseling.
- Written notice shall be given to the birth parent.
- A decision by the birth parent not to place the child cannot be conditioned upon reimbursement of expenses paid by the adoptive parent.

New Mexico

Use of Advertisement

Citation: Ann. Stat. § 32A-5-42.2

A person, other than a person described below, shall not advertise adoption services unless the advertisement includes the following statement: 'WARNING: (INSERT NAME OF PERSON ADVERTISED) IS NOT ACCREDITED, CERTIFIED, OR LICENSED TO PROVIDE ADOPTION SERVICES WITHIN NEW MEXICO.' If the advertisement is in print, the required statement shall be entirely in uppercase letters and in a print size no smaller than that generally used in the advertisement. If the advertisement is spoken, the required statement shall be spoken at the same pace and volume as that generally used in the advertisement.

The term 'advertise' means to communicate, market, promote, induce, or solicit by public media originating or distributed in New Mexico, including newspapers, periodicals, telephone book listings, outdoor advertising, radio, television, or other electronic media.

This section does not apply to:

- The Children, Youth and Families Department or a person authorized to act on behalf of the department
- An agency licensed by the department
- An investigator or counselor
- An attorney licensed in the State who advertises legal services relating to adoption
- A prospective adoptive parent who is acting alone on the prospective adoptive parent's own behalf and who has a current, approved preplacement study as required by the department

Use of Intermediaries/Facilitators

Citation: Ann. Stat. § 32A-5-42(A)

No person, other than an agency, may select an adoptive family for a prospective adopted person or arrange for the selection.

The exchange of information between persons regarding the existence of a potential adopted person or adoptive family is not prohibited.

New York

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

Citation: Soc. Serv. Law § 374(2)

No person, agency, association, corporation, institution, society, or other organization except an authorized agency shall place out a child. This section shall not restrict or limit the right of a parent, legal guardian, or relative within the second degree to place out a child.

North Carolina

Use of Advertisement

Citation: Gen. Stat. § 48-10-101(b)-(b1)

No one other than a county department of social services, an adoption facilitator, or a licensed agency may advertise in any periodical or newspaper; by radio, television; or other public medium, that any person or entity will place or accept a child for adoption.

This article shall not prohibit a person from advertising that the person desires to adopt. This section shall apply only to a person with a current completed preplacement assessment that finds the person suitable to be an adoptive parent.

The advertisement may be published only in a periodical or newspaper; on radio, television, cable television; or the Internet. The advertisement shall include a statement that:

- Indicates that the person has a completed preplacement assessment
- Identifies the name of the agency that completed the preplacement assessment
- Identifies the date the preplacement assessment was completed
- States whether the person is willing to provide lawful expenses

Use of Intermediaries/Facilitators

Citation: Gen. Stat. §§ 48-10-102; 48-10-101; 48-1-101(3a); 48-3-202(a)

Except as provided in § 48-10-103, a person or entity may not pay or give, offer to pay or give, or request, receive, or accept any money or anything of value, directly or indirectly, for:

- The placement of a minor for adoption
- The consent of a parent, a guardian, or an agency to the adoption of a minor
- The relinquishment of a minor to an agency for purposes of adoption
- Assisting a parent or guardian in locating or evaluating a potential adoptive parent or in transferring custody of a minor to the adoptive parent

No one other than a parent, guardian, or agency may place a minor for adoption. No one other than a parent, guardian, agency, or an adoption facilitator may solicit potential adoptive parents on behalf of children in need of adoption. No one other than an agency or an adoption facilitator, or an individual with a completed preplacement assessment that contains a finding that the individual is suitable to be an adoptive parent or that individual's immediate family, may solicit for adoption a potential adoptee.

An adoption facilitator is an individual or a nonprofit entity that assists birth parents in locating and evaluating prospective adoptive parents without charge.

In a direct placement, a parent or guardian must personally select a prospective adoptive parent, but a parent or guardian may obtain assistance from another person, entity, or an adoption facilitator, in locating or evaluating a prospective adoptive parent.

North Dakota

Use of Advertisement

Citation: Cent. Code §§ 23-16-08; 50-11-06; 50-19-11; 50-12-17

No hospital providing maternity care may in any way advertise that it will give children for adoption or hold itself out, directly or indirectly, as being able to dispose of children; however, such hospitals may inform an unmarried mother of child-placing agencies licensed by the Department of Human Services.

No facility licensed to provide foster care may advertise children for adoption or be held out, directly or indirectly, as being able to dispose of children, without first being licensed to do so under chapter 50-12.

No licensed maternity home may in any way offer to advertise that it will give children for adoption, or in any way offer to place a child, or hold itself out, directly, or indirectly, as being able to place children for adoption, but may inform a mother of licensed child-placing agencies.

A person may not advertise, without a license from the Department of Human Services to do so, in any public medium (1) that the person knows of a child who is available for adoption, (2) that the person is willing to accept a child for adoption, or (3) that the person knows of prospective adoptive parents for a child.

Use of Intermediaries/Facilitators**Citation: Cent. Code § 50-12-17**

A person may not place or cause to be placed any child in a family home for adoption without a license to do so from the Department of Human Services, except that a parent, upon giving written notice to the department, may place his or her child in the home of the child's parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or guardian for adoption by the person receiving the child.

Northern Mariana Islands**Use of Advertisement**

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

This issue is not addressed in the statutes reviewed.

Ohio**Use of Advertisement****Citation: Rev. Code § 5103.17**

The term 'advertise' means a method of communication that is electronic, written, visual, or oral and is made by means of personal representation, newspaper, magazine, circular, billboard, direct mailing, sign, radio, television, telephone, or otherwise. A 'qualified adoptive parent' is a person who is eligible to adopt a child and for whom an assessor has conducted a home study to determine whether the person is suitable to adopt a child, if required by § 3107.031.

No person or government entity, other than a private child-placing agency, a private noncustodial agency certified by the Department of Job and Family Services, or a public children services agency, shall advertise that the person or entity will adopt children or place them in foster homes, hold out inducements to parents to part with their offspring, or in any manner knowingly become a party to the separation of a child from the child's parents or guardians, except through a juvenile court or probate court commitment.

The biological parent of a child may advertise the availability for placement of the parent's child for adoption to a qualified adoptive parent. A qualified adoptive parent may advertise that the qualified adoptive parent is available for placement of a child into the qualified adoptive parent's care for the purpose of adopting the child. A government entity may advertise about its role in the placement of children for adoption or any other information that would be relevant to qualified adoptive parents.

No person shall offer money or anything of value in exchange for placement of a child for adoption. No biological parent may request money or anything of value in exchange for placement for adoption of the parent's child with a qualified adoptive parent.

Use of Intermediaries/Facilitators**Citation: Rev. Code § 3107.011(A)**

A person seeking to adopt a minor shall utilize an agency or attorney to arrange the adoption. An attorney may not represent with regard to the adoption both the person seeking to adopt and the parent placing a child for adoption.

Any person may informally aid or promote an adoption by making a person seeking to adopt a minor aware of a minor who will be or is available for adoption.

Oklahoma**Use of Advertisement****Citation: Ann. Stat. Tit. 21, § 866(A)(1)(g)-(h)**

The crime of trafficking in children includes:

- Advertising of services for compensation to assist with the placement of a child for adoption by any person or organization, except by the Department of Human Services or a licensed child-placing agency
- Advertisements for and solicitation of a woman who is pregnant to induce her to place her child upon birth for adoption, except by a licensed child-placing agency or an attorney

Nothing in this section shall prohibit an attorney from the advertisement of legal services related to the adoption of children. Nothing in this section shall prohibit a person from advertising to solicit a pregnant woman to consider adoptive placement with the person or to locate a child for an adoptive placement into the person's own home, provided that such person has received a favorable preplacement home study recommendation in accordance with § 7505-5.1 of Title 10, and that no money or other thing of value is offered as an inducement to the adoption.

Use of Intermediaries/Facilitators

Citation: Ann. Stat. Tit. 21, § 866(A)(1)(a)-(c)

The crime of trafficking in children includes:

- The acceptance, solicitation, offer, payment, or transfer of any compensation, in money, property, or other thing of value, at any time, by any person in connection with the adoption of a minor child, except as ordered by the court or as provided by law
- The acceptance or solicitation of any compensation by any person or organization for services performed, rendered, or purported to be performed to facilitate or assist in the adoption of a minor child, except by the department, a licensed child-placing agency, or an attorney
- Bringing or causing to be brought into the State any child for the purpose of placing such child for adoption and thereafter refusing to comply upon request with the Interstate Compact on the Placement of Children (ICPC)

The ICPC does not apply to the parent or guardian of the child nor to a person bringing the child into the State for adopting the child into such person's own family.

Oregon

Use of Advertisement

Citation: Rev. Stat. § 109.311(4)

It is unlawful for any person to advertise a child offered or wanted for adoption or to advertise that the person is able to place, locate, dispose of, or receive a child for adoption. The provisions of this section do not apply to:

- The State Office for Services to Children and Families or a licensed Oregon adoption agency or an agent, employee, or person with whom the Office or adoption agency has a contract authorizing such actions
- A person who has completed a home study and has received a favorable recommendation regarding the fitness of the person to be an adoptive parent or the person's attorney or uncompensated agent

Nothing in this section prohibits an attorney licensed to practice in Oregon from advertising the attorney's availability to provide services related to the adoption of children.

The word 'advertise' means to communicate by newspaper, radio, television, handbills, placards or other print, or broadcast or electronic media that originates with the State.

Use of Intermediaries/Facilitators

Citation: Rev. Stat. § 109.311(3)

A person may not charge, accept, pay, or offer to pay a fee for locating a minor child for adoption or for locating another person to adopt a minor child, except that Oregon licensed adoption agencies may charge reasonable fees for services provided by them.

Pennsylvania

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

Citation: Cons. Stat. Tit. 23, §§ 2102; 2530; 2533

An intermediary is a person or agency acting between the parent or parents and proposed adoptive parent or parents in arranging an adoptive placement. No intermediary shall place a child with a prospective adoptive parent unless there is a favorable home study that has been completed within 3 years and supplemented within 1 year.

If the home study has not been completed, the child may be placed with the prospective adoptive parent if the intermediary has no reason to believe that the parent would not receive a favorable recommendation, the agency conducting the home study assents to the interim placement, and the intermediary notifies the court. If at any time prior to the completion of the home study the court is notified by the individual or agency conducting the home study that it withdraws its assent to the interim placement, the court may order the placement of the child in temporary foster care with an agency until a favorable recommendation for placement is received.

Within 6 months of filing the report of intention to adopt, the intermediary shall make a written report, to include:

- In-depth background information about the child and the child's birth parents
- Name and address of the intermediary
- An itemized accounting of moneys and considerations paid or to be received by the intermediary or any other person

Only the following payments to an intermediary are permitted:

- Reimbursement for medical and hospital expenses of the birth mother for prenatal care and hospital expenses of mother and child incident to the birth
- Medical, hospital, and foster care expenses of the child prior to adoption
- Reasonable expenses for counseling and training services provided to the adoptive parents or for home studies or investigations
- Reasonable administrative expenses incurred by the agency, including overhead costs and attorney fees

Puerto Rico

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

This issue is not addressed in the statutes reviewed.

Rhode Island

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

This issue is not addressed in the statutes reviewed.

South Carolina

Use of Advertisement

Citation: Ann. Code § 63-9-70

No person or entity other than the Department of Social Services, a child-placing agency licensed in this State, or an attorney licensed in this State may advertise that the person or entity will place or accept a child for adoption.

Notwithstanding the provisions above, a person is not prohibited from advertising that the person desires to adopt if the person has a current preplacement home investigation finding that the person is suitable to be an adoptive parent.

The term 'advertise' means to communicate by newspaper, radio, television, hand bills, placards or other print, broadcast, or electronic medium that originates within this State.

Use of Intermediaries/Facilitators

Citation: Ann. Code §§ 63-9-30(5); 63-9-310(F); 63-9-710(A)(11)

A person or entity that offers services for compensation where the intent of those services is to arrange or secure adoptions must be considered 'facilitating the placement of children for adoption,' whether those services constitute counseling, referrals, searches, or any other form of adoption services. An attorney who represents a client in an adoption or who otherwise facilitates an adoption is exempt from this definition.

Under no circumstances may a child-placing agency or any person receive any compensation for giving a consent or relinquishment of a child for the purpose of adoption, and no child-placing agency or person may receive a child for payment of any such compensation. However, reasonable and necessary costs may be assessed and payments made, subject to the court's approval. A petition for adoption shall specify the name and address of the child-placing agency or the person facilitating placement of the child for adoption, if any.

South Dakota

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

Citation: Ann. Stat. § 25-6-4.2

Any person who offers, gives, or receives any money or other consideration or thing of value in connection with the placing of a child for adoption, or relating to the consent to adoption, or with the petition for adoption, except such charges as are approved by the court and fees charged by licensed agencies, is guilty of a felony.

Tennessee

Use of Advertisement

Citation: Ann. Code § 36-1-108(a)(2)

Only a licensed child-placing agency, a licensed clinical social worker, prospective adoptive parents, or a lawyer who is subject to the Tennessee supreme court rules regarding lawyer advertising may advertise for the placement of children for adoption in this State. In order to advertise for the placement of children for adoption in Tennessee, out-of-State licensed child-placing agencies, licensed clinical social workers, or lawyers must:

- Be authorized to do business in this State under respective licensing laws
- Maintain a physical office within this State or incur expenses involved in the transportation of a licensing consultant to the closest physical office of the agency, social worker, or lawyer

Any advertisement in this State for the placement of children for adoption in another State by an agency or individual not licensed or authorized to do such business in this State shall clearly state that the agency or individual is not licensed or authorized to do such business in this State.

Use of Intermediaries/Facilitators

Citation: Ann. Code § 36-1-108(a)(1)

No person, corporation, agency, or other entity, except the Department of Children's Services or a licensed child-placing agency or licensed clinical social worker, shall engage in the placement of children for adoption.

This section shall not be construed to prohibit any person from advising parents of a child or prospective adoptive parents in making necessary arrangements for adoption as long as no remuneration, fees, contributions, or things of value are given or received from any person or entity for such service other than usual and customary legal and medical fees.

Texas

Use of Advertisement

Citation: Penal Code § 25.09

A person commits an offense if the person advertises in the public media that the person will place a child for adoption or will provide or obtain a child for adoption. This section does not apply to a licensed child-placing agency that is identified in the advertisement as a licensed child-placing agency.

Public media includes newspapers or other periodicals, billboards or other signs, radio or television broadcasts, or communications through the use of the Internet or another public computer network.

Use of Intermediaries/Facilitators**Citation: Penal Code § 25.08(a)-(b); Fam. Code § 162.025**

A person commits an offense if he or she:

- Has custody of a child younger than age 18 and offers to accept, agrees to accept, or accepts a thing of value for the delivery of the child to another for the purposes of adoption
- Offers to give, agrees to give, or gives a thing of value to another for acquiring a child for the purpose of adoption

It is an exception to the application of this section that the thing of value is:

- A fee or reimbursement paid to a child-placing agency as authorized by law
- A fee paid to an attorney, social worker, mental health professional, or physician for services rendered in the usual course of legal or medical practice or in providing adoption counseling
- A reimbursement of legal or medical expenses incurred by a person for the benefit of the child
- A necessary pregnancy-related expense paid by a child-placing agency for the benefit of the child's parent during the pregnancy or after the birth of the child as permitted by the minimum standards for child-placing agencies

A person who is not the natural or adoptive parent of the child, the legal guardian of the child, or a licensed child-placing agency commits an offense if the person:

- Serves as an intermediary between a prospective adoptive parent and an expectant parent or parent of a minor child to identify the parties to each other
- Places a child for adoption

It is not an offense under this section if a professional provides legal or medical services to:

- A parent who identifies the prospective adoptive parent and places the child for adoption without the assistance of the professional
- A prospective adoptive parent who identifies a parent and receives placement of a child for adoption without the assistance of the professional

Utah**Use of Advertisement****Citation: Ann. Code § 62A-4a-602(2)(b)**

An attorney, physician, or other person may not:

- Issue, or cause to be issued, a card, sign, or device to any person indicating that he or she is available to provide child-placing assistance
- Cause, permit, or allow any sign or marking on or in any building or structure indicating that he or she is available to provide child-placing assistance
- Announce—or cause, permit, or allow an announcement—in any newspaper, magazine, directory, or on radio or television indicating that he or she is available to provide child-placing assistance
- Advertise by any other means that he or she is available to provide child-placing assistance

Use of Intermediaries/Facilitators**Citation: Ann. Code §§ 62A-4a-602(1), (2)(a), (3); 76-7-203**

No person, agency, corporation, association, or group children's home may engage in child placing, or solicit money or other assistance for child placing, without a valid license. When a child-placing agency's license is suspended or revoked, the care, control, or custody of any child who has been in the care, control, or custody of that agency shall be transferred to the Division of Child and Family Services.

An attorney, physician, or other person may assist a parent in identifying or locating a person interested in adopting the parent's child, or in identifying or locating a child to be adopted. However, no payment, charge, fee, reimbursement of expense, or exchange of value of any kind may be made for that assistance.

Nothing in this part precludes payment of fees for medical, legal, or other lawful services rendered in connection with the care of a mother, delivery and care of a child, or lawful adoption proceedings; and no provision of this part abrogates the right of procedures for independent adoption as provided by law.

A person commits a felony when, while having custody, care, control, or possession of a child, he or she sells or disposes of the child, or attempts or offers to sell or dispose of the child, for and in consideration of the payment of money or another thing of value; or when he or she offers, gives, or attempts to give money or another thing of value to a person with the intent to induce or encourage a person to sell or dispose of a child.

Vermont**Use of Advertisement**

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

Citation: Ann. Stat. Tit. 15A, §§ 2-102(a)-(d); 2-105(c); 7-105(a)

A parent or guardian authorized to place a minor for adoption may place the minor only with a prospective adoptive parent who has a valid favorable preplacement evaluation or for whom a preplacement evaluation is not required. The parent or guardian shall personally select a prospective adoptive parent.

A parent or guardian may be assisted by another person in locating a prospective adoptive parent. A prospective adoptive parent may be assisted by another person in locating a minor who is available for adoption.

Vermont recognizes that there may be a certified placement intermediary involved in the adoption process. The Department for Children and Families shall prescribe forms designed to obtain specific information about the minor and the minor's family and shall provide these forms to any agency, attorney, or certified placement intermediary.

Except as otherwise provided, a person may not pay or give, or offer to pay or give, to any other person or request, receive, or accept any money or anything of value, directly or indirectly, for:

- The placement of a minor for adoption
- The consent of a parent, a guardian, or an agency to the adoption of a minor
- The relinquishment of a minor to an agency for the purpose of adoption
- The recruitment of nonresident pregnant women to locate in this State for the purpose of relinquishing the child for adoption

Virgin Islands**Use of Advertisement**

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

This issue is not addressed in the statutes reviewed.

Virginia**Use of Advertisement**

Citation: Ann. Code §§ 63.2-1218; 63.2-1225

No person shall advertise or solicit to perform any activity prohibited by this section. Any person violating the provisions of this section shall be guilty of a felony.

A physician, attorney, or member of the clergy shall not charge any fee for recommending [a placement of a child for adoption] to a board or agency and shall not advertise that he or she is available to make such recommendations. An attorney may, however, charge for legal fees and services rendered in connection with the placement.

Use of Intermediaries/Facilitators

Citation: Ann. Code § 63.2-1218

No person or child-placing agency shall charge, pay, give, or agree to give or accept any money, property, service, or other thing of value in connection with a placement or adoption or any act undertaken pursuant to this chapter, except:

- Reasonable and customary services provided by a licensed or duly authorized child-placing agency and fees paid for such services
- Payment or reimbursement for medical expenses and insurance premiums that are directly related to the birth mother's pregnancy and hospitalization for the birth of the child who is subject to the adoption proceedings, for mental health counseling by the birth parent(s) related to the adoption, and for expenses incurred for medical care for the child
- Payment or reimbursement for reasonable and necessary expenses for food, clothing, and shelter when, upon the written advice of her physician, the birth mother is unable to work or otherwise support herself due to medical reasons or complications associated with the pregnancy or birth of the child
- Payment or reimbursement for reasonable expenses incurred incidental to any required court appearance including, but not limited to, transportation, food, and lodging

- Usual and customary fees for legal services in adoption proceedings
- Payment or reimbursement of reasonable expenses incurred for transportation in connection with any of the services specified in this section and as necessary for compliance with the law in such placements

Washington

Use of Advertisement

Citation: Rev. Code § 26.33.400(1)-(2)

No person or entity shall cause to be published for circulation, or broadcast on a radio or television station, an advertisement of a child or children offered or wanted for adoption, or shall hold himself or herself out through such advertisement as having the ability to place, locate, dispose, or receive a child or children for adoption unless such person or entity is:

- A duly authorized agent, contractee, or employee of the Department of Social and Health Services or a children's agency or institution, licensed by the department to care for and place children
- A person who has a completed preplacement report with a favorable recommendation as to the fitness of the person to be an adoptive parent

Nothing in this section prohibits an attorney from advertising his or her availability to practice or provide services to the adoption of children.

Use of Intermediaries/Facilitators

Citation: Rev. Code §§ 26.33.390(2)-(3); 9A.64.030

Any person adopting a child shall receive from the adoption facilitator written information on adoption-related services. This information may be published by the department or any other social service provider and shall include information about how to find and evaluate appropriate adoption therapists and may include other resources for adoption-related issues.

Any person involved in providing adoption-related services shall respond to requests for written information by providing materials explaining adoption procedures, practices, policies, fees, and services.

It is unlawful for any person to sell or purchase a minor child. A transaction shall not be a purchase or sale if any of the following exists:

- The transaction is between the parents of the minor child.
- The transaction is between a person receiving or about to receive the child and an adoption or child-placing agency.
- The transaction is between the person receiving or about to receive the child and a State or other governmental agency.
- The transaction is pursuant to the Interstate Compact of Placement of Children.
- The transaction is pursuant to court order.
- The only consideration paid by the person receiving or about to receive the child is intended to pay for the prenatal hospital or medical expenses involved in the birth of the child, or attorneys' fees and court costs involved in effectuating transfer of child custody.

West Virginia

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

Citation: Ann. Code § 61-2-14h

Any person or agency who knowingly offers, gives, or agrees to give to another person money, property, service, or other thing of value in consideration for the recipient's locating, providing, or procuring a minor child for any purpose that entails a transfer of the legal or physical custody of the child, including, but not limited to, adoption or placement, is guilty of a felony. Any person who knowingly receives, accepts, or offers to accept money, property, service, or other thing of value to locate, provide, or procure a minor child for any purpose that entails a transfer of the legal or physical custody of the child, including, but not limited to, adoption or placement, is guilty of a felony.

A child whose parent, guardian, or custodian has sold or attempted to sell said child in violation of the provisions of State adoption law may be deemed an abused child as defined by § 49-1-3. The court may place that child in the custody of the Department of Health and Human Resources or with such other responsible person as the best interests of the child dictate.

This section does not prohibit the payment or receipt of the following:

- Fees paid for reasonable and customary services provided by the department or a child-placing agency
- Reasonable and customary legal, medical, hospital, or other expenses incurred in connection with the pregnancy, birth, and adoption proceedings
- Fees and expenses included in any agreement in which a woman agrees to become a surrogate mother
- Any fees or charges authorized by law or approved by a court in a proceeding relating to the placement plan, prospective placement, or placement of a minor child for adoption

Wisconsin

Use of Advertisement

Citation: Ann. Stat. § 48.825

The term 'advertise' means to communicate by any public medium that originates within this State, including by newspaper, periodical, telephone book listing, outdoor advertising sign, radio, or television, or by any computerized communication system, including by electronic mail, Internet site, Internet account, or any similar medium of communication provided via the Internet.

The term 'Internet account' means an account created within a bounded system established by an Internet-based service that requires a user to input or store access information in an electronic device in order to view, create, use, or edit the users account information, profile, display, communications, or stored data.

No person may do any of the following:

- Advertise for the purpose of finding a child to adopt or to otherwise take into permanent physical custody
- Advertise that the person will find an adoptive home or any other permanent physical placement for a child or arrange for or assist in the adoption, adoptive placement, or any other permanent physical placement of a child
- Advertise that the person will place a child for adoption or in any other permanent physical placement

This section does not apply to any of the following:

- The Department of Children and Families or a child welfare agency
- An individual or agency providing adoption information
- A foster care and adoption resource center
- An individual who has received a favorable recommendation regarding his or her fitness to be an adoptive parent in this State

No person may publish by a public medium an advertisement that violates this section. Nothing in this section prohibits an attorney licensed to practice in this State from advertising his or her availability to practice or provide services relating to the adoption of children.

Use of Intermediaries/Facilitators

Citation: Ann. Stat. § 948.24

Whoever does any of the following is guilty of a felony:

- Places or agrees to place his or her child for adoption for anything exceeding the actual authorized costs and payments
- Solicits, negotiates, or arranges for anything of value for the placement of a child for adoption unless by an authorized entity
- Gives anything exceeding the actual cost of the legal and other services rendered in connection with the adoption and the authorized items and payments in order to receive a child for adoption

This section does not apply to foreign adoptions.

Wyoming

Use of Advertisement

This issue is not addressed in the statutes reviewed.

Use of Intermediaries/Facilitators

This issue is not addressed in the statutes reviewed.



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau

