

# Center for Adoption Policy

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September 18, 2014

## **Synopsis of State Laws Regarding the Practice of Private Re-Homing**

### **Introduction**

The practice of private re-homing, or the transferring of adopted children to new parents without any official procedure, sparked media attention after a series of investigative reports were published on the practice.<sup>1</sup> These transfers, largely over the Internet, put children at risk for abuse and psychological damage.<sup>2</sup> Without any oversight, children are given to new parents without any formal procedure or background check. In response, some state legislatures have passed laws to prevent the practice of private re-homing. The following synopsis aims to provide information regarding both the recently passed and existing state legislation that could be used to prevent the practice of private re-homing.

### **Wisconsin**

Legislators in Wisconsin passed Wisconsin Act 314 on April 16, 2014.<sup>3</sup> Although this law is not specific to adopted children, it targets the practice of private re-homing. Under this law, a parent can delegate certain powers regarding the care and custody of the child to a non-relative for up to one year.<sup>4</sup> If a parent wishes to delegate such powers to a non-relative for more than a year, he must file a petition with the court.<sup>5</sup> The court must then provide a hearing within 45 days<sup>6</sup> to decide whether it is in the best interest of the child to approve the petition.<sup>7</sup> If the parent fails to petition the court and delegates the care and custody of the child to a non-relative for a period greater than a year, he will face criminal sanctions. These criminal sanctions may include up to a \$10,000 fine and nine months in prison.<sup>8</sup>

Further, the law targets advertising for the purpose of re-homing. Specifically, the law prohibits advertising for the purposes of finding a child to adopt or to find an adoptive home for a child.<sup>9</sup> This includes any online advertisement or posting.<sup>10</sup> The law provides exceptions for licensed child welfare agencies, foster homes, licensed adoption agencies, adoption resource centers funded by the state, and persons who have been given a recommendation by a welfare center or licensed adoption agency to adopt.<sup>11</sup> The law also provides an exception for licensed attorneys.<sup>12</sup>

### **Colorado**

Colorado passed a bill aimed at preventing private re-homing on May 22, 2014.<sup>13</sup> The law prohibits advertisement through any public medium, including the Internet, to find a child to adopt, to find an adoptive home for a child, or to offer to place a child for adoption.<sup>14</sup> This law prevents families who are seeking to pass their child to another family from posting in online forums, as is frequently the practice in private re-homing. The exceptions include children's service agencies, persons advertising fertility related services, people who have received an official recommendation to be an adoptive parent, and licensed adoption attorneys admitted to the Colorado bar.<sup>15</sup> Violation of the law is considered a

class 6 felony.<sup>16</sup>

## **Louisiana**

The state legislature passed a bill on June 18, 2014 prohibiting the re-homing of a child, which became effective on August 1, 2014.<sup>17</sup> The legislation defines re-homing as a “transaction, or any action taken to facilitate such transaction, through electronic means or otherwise by a parent or any individual or entity with custody of a child who intends to avoid or divest himself of permanent parental responsibility by placing a child in the physical custody of a nonrelative, without court approval.”<sup>18</sup> The law provides several exceptions including: 1) placing a child with a relative, stepparent, licensed adoption agency, or licensed attorney of the Department of Children and Family Services (DCFS); 2) placement of a child by a DCFS attorney; 3) temporary placement of a children due to parental incarceration, military service, medical treatment or incapacity; or 4) placement of a child in another state in compliance with the Interstate Compact on the Placement of Children.<sup>19</sup> If a person violates the law, they face criminal sanctions of up to \$5,000 fine and five years in prison.<sup>20</sup>

## **Florida**

The Florida state legislature passed a bill in June 2014 targeting the practice of private re-homing.<sup>21</sup> The law made it unlawful for a person, except an adoption entity or attorney, to place an advertisement or offer a child for adoption.<sup>22</sup> Violation of the law is a second-degree misdemeanor.<sup>23</sup>

## **Virginia**

During the 2014 General Assembly session, Senator Jeffrey L. McWaters introduced Senate Bill 411 to prohibit the transfer of a child through a power of attorney document, or any other device, without going through the state adoption law procedures.<sup>24</sup> After review of the bill, the Senate Courts of Justice Committee determined that further study was necessary and requested a study by the Virginia Commission on Youth regarding the practice of re-homing and existing state and federal adoption laws to prepare recommendations to the General Assembly.<sup>25</sup>

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## Notes

<sup>1</sup>See Megan Twohey, *Americans Use the Internet to Abandon Children Adopted from Overseas*, REUTERS, Sept. 9, 2013, <http://www.reuters.com/investigates/adoption/#article/part1>.

<sup>2</sup>See Megan Twohey, *In a Shadowy Online Network, a Pedophile Takes Home a 'Fun Boy*, REUTERS, Sept. 9, 2013, <http://www.reuters.com/investigates/adoption/#article/part2>.

<sup>3</sup> 2013 Assembly Bill 581, Wis. State Assembly (Wis. 2013).

<sup>4</sup>WIS. STAT. § 48.979 (1m)(a) (2013).

<sup>5</sup>WIS. STAT. § 48.979 (1m)(a) (2013)

<sup>6</sup>WIS. STAT. § 48.979 (1m)(b) (2013).

<sup>7</sup>WIS. STAT. § 48.979 (1m)(d) (2013).

<sup>8</sup>WIS. STAT. § 48.979 (1m)(g) (2013).

<sup>9</sup>WIS. STAT. § 48.825 (2) (2013).

<sup>10</sup>WIS. STAT. § 48.825 (2)(a) (2013).

<sup>11</sup>WIS. STAT. § 48.979 (3m) (2013).

<sup>12</sup>WIS. STAT. § 48.979 (4) (2013).

<sup>13</sup> H.B. 14-1372, Gen. Assemb. (Colo. 2014) (enacted).

<sup>14</sup>COLO. REV. STAT. § 19-5-213.5 (2) (2014).

<sup>15</sup>COLO. REV. STAT. § 19-5-213.5 (3) (2014).

<sup>16</sup>COLO. REV. STAT. § 19-5-213.5 (4) (2014).

<sup>17</sup> S.B. 586, 2014 Leg., 40th Reg. Sess. (La. 2014) (enacted).

<sup>18</sup>*Id.*

<sup>19</sup>*Id.*

<sup>20</sup>*Id.*

<sup>21</sup> S.B. 1666, 2014 Leg., Fla. Senate (Fla. 2014) (enacted).

<sup>22</sup>FLA. STAT. § 63.212 (1)(g) (2014).

<sup>23</sup>FLA. STAT. § 63.212 (8) (2014).

<sup>24</sup> S.B. No. 411, Gen. Assemb., § 1 (Vir. 2014), *available at* <http://lis.virginia.gov/cgi-bin/legp604.exe?141+ful+SB411S1+pdf>.

<sup>25</sup> Virginia Commission on Youth, *Unlawful Adoption of a Child Study Plan* (2014) (draft), *available at*

<http://vcoy.virginia.gov/Study%20Plan%20Unlawful%20Adoption%20of%20a%20Child.pdf>.

## Existing State Adoption Legislation Relevant to Practice of Private Re-homing

State	Adoption Law Relevant to Practice of Private Re-homing
Alabama	<p>ALA. CODE § 26-10A-12 (2014). Relinquishment of a child:</p> <ul style="list-style-type: none"> <li>- Natural mother: consent “taken prior to the birth of a child shall be signed or confirmed before a judge of probate”</li> <li>- All other pre-birth or post-birth consents or relinquishments must be signed or confirmed before: <ul style="list-style-type: none"> <li>o Judge or clerk of court with jurisdiction or public officer appointed by court;</li> <li>o “A person appointed to take consents who is appointed by any agency which is authorized to conduct investigations or home studies... or, if the consent is taken out of state, by a person appointed to take consents by any agency which is authorized by that state's law to conduct investigations and home studies for adoptions”;</li> <li>o Notary public.</li> </ul> </li> </ul> <p>ALA. CODE § 26-10A-15 (2014). Surrender of custody of a minor under the age of majority</p> <p>“(a) No health facility shall surrender the physical custody of an adoptee to any person other than the Department of Human Resources, a licensed child placing agency, parent, relative by blood or marriage, or person having legal custody, unless such surrender is authorized in a writing executed after the birth of the adoptee by one of the adoptee's parents or agency or the person having legal custody of the adoptee.</p> <p>(b) A health facility shall report to the Department of Human Resources on forms supplied by the department, the name and address of any person and, in the case of a person acting as an agent for an organization, the name and address of the organization to whose physical custody an adoptee is surrendered. Such report shall be transmitted to the department within 48 hours from the surrendering of custody.</p> <p>(c) No adoptee shall be placed with the petitioners prior to the completion of a pre-placement investigation except for good cause shown and with written notice immediately given to the court, and to the county department of human resources.”</p> <p>ALA. CODE § 26-10A-33 (2014). “Only a parent, a parent of a deceased parent, or a relative of the degree of relationship specified in Section 26-10A-28, the Department of Human Resources or a licensed child placing agency, or an agency approved by the Department of Human Resources may place a minor for adoption.”</p> <p>ALA. CODE § 26-10A-36 (2014). Persons or organizations not licensed by the Department of Human Resources may not advertise to 1) “[a]dopt children or assist in the adoption of children;” 2) “[p]lace or assist in the placement of children in foster homes, group homes, or institutions;” or 3) “[p]ay or offer money or anything of value to the parents of a child.”</p> <ul style="list-style-type: none"> <li>- Does not provide an exception for birth mothers</li> </ul>

Alaska	<p>ALASKA STAT. § 25.23.60 (2013).          “The required consent to adoption shall be executed at any time after the birth of the child in the presence of the court or in the presence of a person authorized to take acknowledgments.”</p> <p>ALASKA STAT. §25.23.180 (e) (2013).          “A petition for termination of the relationship of parent and child made in connection with an adoption proceeding or in an independent proceeding for the termination of parental rights on grounds set out in (c)(3) of this section may be made by</p> <ol style="list-style-type: none"> <li>(1) either parent if termination of the relationship is sought with respect to the other parent;</li> <li>(2) the petitioner for adoption, the guardian of the person, the legal custodian of the child, or the individual standing in parental relationship to the child;</li> <li>(3) an agency; or</li> <li>(4) another person having a legitimate interest in the matter.”</li> </ol>
Arizona	<p>ARIZ. REV. STAT. ANN. § 8-108 (A) (2014):          “[P]erson who is not currently certified as acceptable to adopt but who has custody of a child who the person intends to adopt shall petition the court for an order permitting that person to keep custody of the child pending certification. The person shall file the petition not later than five days after the person obtains custody of the child. The court shall hold a hearing within ten days after the person files the petition.”</p> <p>The petition or hearing is not required</p> <p>ARIZ. REV. STAT. ANN. § 8-108 (C) (2014):          “A custody petition or hearing is not required in any of the following cases:</p> <ol style="list-style-type: none"> <li>1. If the person who intends to adopt the child is the spouse of a birth parent of the child.</li> <li>2. If the person who intends to adopt the child or one of these persons is an uncle, aunt, adult sibling, grandparent, or great-grandparent of the child of the whole or half-blood or by marriage.</li> <li>3. If the person who intends to adopt the child is currently certified as acceptable to adopt the child.</li> <li>4. If custody of the child has been given or is to be given to an agency or to the division or to a licensed or certified foster home.</li> <li>5. If the person who intends to adopt the child is currently the court appointed guardian of the child.”</li> </ol>
California	<p>CAL. FAM. CODE § 8609 (West 2014).          “(a) Any person or organization that, without holding a valid and unrevoked license to place children for adoption issued by the department, advertises in any periodical or newspaper, by radio, or other public medium, that he, she, or it will place children for adoption, or accept, supply, provide, or obtain children for adoption, or that causes any advertisement to be published in or by any public medium</p>

	<p>soliciting, requesting, or asking for any child or children for adoption is guilty of a misdemeanor.</p> <p>(b) Any person, other than a birth parent, or any organization, association, or corporation that, without holding a valid and unrevoked license to place children for adoption issued by the department, places any child for adoption is guilty of a misdemeanor.”</p> <p>CAL. FAM. CODE § 8625 (West 2014).</p> <p>“An adoption facilitator shall not:</p> <p>(a) Mislead any person into believing, or imply by any document, including any form of advertising or by oral communications, that the adoption facilitator is a licensed adoption agency.</p> <p>(b) Represent to any person that he or she is able to provide services for which the adoption facilitator is not properly licensed.</p> <p>(c) Make use of photo listing to advertise minor children for placement in adoption.</p> <p>(d) Post in any advertising specific information about particular minor children who are available for adoption placement.”</p>
Connecticut	<p>CONN. GEN. STAT. § 17a-121a (2014).</p> <p>“The Department of Children and Families may provide counseling and referral services after adoption to adoptees and adoptive families for whom the department provided such services before the adoption. Postadoption services include assigning a mentor to a family, training after licensing, support groups, behavioral management counseling, therapeutic respite care, referrals to community providers, a telephone help line and training of public and private mental health professionals in post adoption issues.”</p> <p>CONN. GEN. STAT. § 45a-728d (2014).</p> <p>“Any birth parent may advertise through any public media in this state for the placement of his or her child for the purposes of identified 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 purposes of identified adoption.”</p>
Delaware	<p>DEL. CODE ANN. tit. 13, § 930 (2013).</p> <p>“No natural parent or prospective adoptive parent, nor anyone acting on behalf of such natural or prospective adoptive parent, and no person, firm, corporation, organization or other legal entity, except the Department or a licensed agency, shall advertise in this State regarding the availability of adoption services or for the placement of a child for the purpose of adoption.”</p>
Georgia	<p>GA. CODE ANN. § 19-8-9 (2014).</p> <p>“In those cases where the legal mother of the child being placed for adoption has herself previously adopted such child, said adoptive mother shall execute, in lieu of the affidavit specified in subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7, an affidavit meeting the requirements of subsection (i) of Code Section 19-8-26.”</p> <p>GA. CODE ANN. § 19-8-24 (2014).</p> <p>- Advertisements: unlawful for a person/organization that has not been established as</p>

	<p>a child-placing agency to “advertise, whether in a periodical, by television, by radio, or by any other public medium or by any private means, including letters, circulars, handbills, and oral statements, that the person, organization, corporation, hospital, or association will adopt children or will arrange for or cause children to be adopted or placed for adoption”</p> <ul style="list-style-type: none"> <li>- Exception: oral statements or written letters by an individual seeking to adopt a child or place their child for adoption</li> <li>- Penalty for violation up to \$10,000 fine and/or ten years in prison.</li> </ul>
Kentucky	<p>KY. REV. STAT. ANN. § 199.473 (West 2014).</p> <p>“ All persons other than a child-placing agency or institution, the department, or persons excepted by KRS 199.470(4) or (5) who wish to place or receive a child shall make written application to the secretary for permission to place or receive a child.”</p> <p>- Must have a completed home study.</p>
Maine	<p>ME. REV. STAT. tit. 18-A, § 9-313 (2013).</p> <p>“Advertising for adoption services or soliciting adoptions is prohibited, except that licensed child-placing agencies may advertise in accordance with rules adopted by the department.”</p>
Massachusetts	<p>MASS. GEN. LAWS ch. 210 § 2B (2014).</p> <p>“Every decree of adoption entered by the court shall include the words ‘This adoption is final and irrevocable.’”</p> <p>MASS. GEN. LAWS ch. 210 § 10 (2014).</p> <p>Second adoption: “If the child has been previously adopted, all the legal consequences of the former decree shall, upon a subsequent adoption, determine, except so far as any interest in property may have vested in the adopted child, and a decree to that effect shall be entered on the records of the court.”</p>
Mississippi	<p>MISS. CODE ANN. § 93-17-23 (2013).</p> <p>Re-adoption Proceedings: “Any child heretofore adopted under the laws of the State of Mississippi and any child who may have been adopted under the provisions of this chapter, may be re-adopted under the provisions hereof. If any such prior adoption is valid, and the re-adoption proceedings be instituted by the persons who previously adopted the child, there shall be no waiting period and no investigation and no interlocutory decree, and a final decree of adoption may be granted by the court ex parte if it be to the best interest of the child that it be re-adopted. If the re-adoption be by any person who was not a petitioner in the prior adoption or adoptions, then in such re-adoption proceedings, the persons who previously adopted the child shall be substituted in the place and stead of the natural parent and the same procedure shall be followed as if such child sought to be re-adopted was being for the first time adopted under the provisions of this chapter.”</p>
Missouri	<p>MO. REV. STAT. § 453.110 (2014). <i>But see</i> S.B. 491, 97th Gen. Assemb. (Mo. 2014) (proposed legislation altering § 453.100).</p> <p>“1. No person, agency, organization or institution shall surrender custody of a minor child, or transfer the custody of such a child to another, and no person, agency, organization or institution shall take possession or charge of a minor child so transferred, without first having filed a petition before the circuit court sitting as a juvenile court of the county where the child may be, praying that such surrender</p>

	<p>or transfer may be made, and having obtained such an order from such court approving or ordering transfer of custody.</p> <p>2. If any such surrender or transfer is made without first obtaining such an order, such court shall, on petition of any public official or interested person, agency, organization or institution, order an investigation and report as described in section 453.070 to be completed by the division of family services and shall make such order as to the custody of such child in the best interest of such child.</p> <p>3. Any person violating the terms of this section shall be guilty of a class D felony.</p> <p>4. The investigation required by subsection 2 of this section shall be initiated by the division of family services within forty-eight hours of the filing of the court order requesting the investigation and report and shall be completed within thirty days. The court shall order the person having custody in violation of the provisions of this section to pay the costs of the investigation and report.</p> <p>5. This section shall not be construed to prohibit any parent, agency, organization or institution from placing a child with another individual for care if the right to supervise the care of the child and to resume custody thereof is retained, or from placing a child with a licensed foster home within the state through a child-placing agency licensed by this state as part of a preadoption placement.</p> <p>6. After the filing of a petition for the transfer of custody for the purpose of adoption, the court may enter an order of transfer of custody if the court finds all of the following:</p> <ul style="list-style-type: none"> <li>(1) A family assessment has been made as required in section 453.070 and has been reviewed by the court;</li> <li>(2) A recommendation has been made by the guardian ad litem;</li> <li>(3) A petition for transfer of custody for adoption has been properly filed or an order terminating parental rights has been properly filed;</li> <li>(4) The financial affidavit has been filed as required under section 453.075;</li> <li>(5) The written report regarding the child who is the subject of the petition containing the information has been submitted as required by section 453.026;</li> <li>(6) Compliance with the Indian Child Welfare Act, if applicable; and</li> <li>(7) Compliance with the Interstate Compact on the Placement of Children pursuant to section 210.620.</li> </ul> <p>7. A hearing on the transfer of custody for the purpose of adoption is not required if:</p> <ul style="list-style-type: none"> <li>(1) The conditions set forth in subsection 6 of this section are met;</li> <li>(2) The parties agree and the court grants leave; and</li> <li>(3) Parental rights have been terminated pursuant to section 211.444 or 211.447.”</li> </ul>
Nevada	<p>NEV. REV. STAT § 127.150 (3) (2013).  “After a petition for adoption has been granted, there is a presumption that remaining in the home of the adopting parent is in the child's best interest.”</p>
New Hampshire	<p>N.H. REV. STAT. § 170-B:27 (2014).  Re-adoption: “Any adoptee may be readopted in accordance with the provisions of this chapter. All provisions relating to the birth parent or parents shall apply to the</p>



	<p>adoptive parent or parents except that in no case of readoption shall a birth parent be made a party to the proceedings, nor shall the surrender of parental rights by a birth parent be necessary.”</p>
New Mexico	<p>N.M. STAT. ANN. § 32A-5-42.2 (2014).  “A person...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.”  Except: “(1) the department or a person authorized to act on behalf of the department; (2) an agency licensed by the department; (3) an investigator or counselor; (4) an attorney licensed in the state who advertises legal services relating to adoption; or (5) a prospective adoptive parent who is acting alone on the prospective adoptive parent's own behalf and who has a current, approved pre-placement study as required by the department.”</p>
North Carolina	<p>N.C. GEN. STAT. § 48-3-702 (2013).  “A relinquishment executed by a parent or guardian must conform substantially to the requirements in this Part and must be signed and acknowledged under oath before an individual authorized to administer oaths or take acknowledgments.”  N.C. GEN. STAT. § 48-3-705 (b) (2013).  Relinquishment “[v]ests legal and physical custody of the minor in the agency.”</p>
Ohio	<p>OH. REV. CODE ANN. 3109.52 (LexisNexis 2014).  “The parent, guardian, or custodian of a child may create a power of attorney that grants to a grandparent of the child with whom the child is residing any of the parent's, guardian's, or custodian's rights and responsibilities regarding the care, physical custody, and control of the child, including the ability to enroll the child in school, to obtain from the school district educational and behavioral information about the child, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child. The power of attorney may not grant authority to consent to the marriage or adoption of the child. The power of attorney does not affect the rights of the parent, guardian, or custodian of the child in any future proceeding concerning custody of the child or the allocation of parental rights and responsibilities for the care of the child and does not grant legal custody to the attorney in fact.”  OH. REV. CODE ANN. 5103.17 (LexisNexis 2014).  “[N]o person or government entity, other than a private child placing agency or private noncustodial agency certified by the department of job and family services under section 5103.03 of the Revised Code or a public children services agency, shall advertise that the person or government 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.”</p>
South Carolina	<p>S.C. CODE ANN. § 63-9-70 (A) (2013).  (A): “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</p>

	<p>advertise that the person or entity will place or accept a child for adoption.”  - Violation is a misdemeanor punishable by up to a \$500 fine and/or thirty days imprisonment. S.C. CODE ANN. § 63-9-70 (C) (2013).  S.C. CODE ANN. § 63-9-70 (B) (2013).  Except 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.”</p>
Tennessee	<p>TENN. CODE ANN. § 36-1-143 (2013).  “(a) The department shall provide post-adoption services in order to reduce the risk of adoption dissolution and to support the goal of permanency in adoption.  (b) The department shall provide the following post-adoption services...  (1) Crisis intervention, including the provision of immediate assessment and time limited treatment in volatile situations and connecting families to long-term adoption sensitive treatment providers;  (2) Family and individual counseling, including the provision of mental health counseling to families and children to address issues challenging family communication, integration and other issues that may be threatening the family unit;  (3) Support groups for parents and children, including educational and recreational group experiences that bring families and children together who share the experience of the adoption process and are family strength focused;  (4) Advocacy, including information and referral services to assist families in navigating and accessing services through the community, educational, mental health and medical provider systems;  (5) Respite, including services that provide temporary, non-threatening relief to families and children undergoing challenging circumstances and those in crisis;  (6) Case management services to stabilize volatile family situations, to develop short-term intervention plans and to connect the family with ongoing services and support systems; and  (7) Networking of families and community providers, including the provision of educational experiences that build a more adoption sensitive provider community to be aware of and responsive to families created through adoption.  (c) Post-adoption services are available to:  (1) Families who have adopted children for whom the department had legal responsibility immediately preceding the adoption; and  (2) Biological families of children adopted through the department.  (d) Nothing in this section shall be construed to prevent access to records of the adopted person as otherwise permitted or required by this part.</p>

	<p>(e) It is the legislative intent that this section shall be carried out subject to the availability of funds with which to do so and that this section shall not be implemented beyond budgetary limitations.”</p> <p>TENN. CODE ANN. § 36-1-106 (2013).  For a child being adopted a second time or subsequent time by new adoptive parents, “all provisions in this part relating to the biological parents or legal parents or guardians shall apply to the prior adoptive parents.”</p>
Utah	<p>UTAH CODE ANN. § 78B-6-119 (1) (LexisNexis 2013).  “[B]efore relinquishing a child to a child-placing agency, or consenting to the adoption of a child, a parent of the child has the right to participate in counseling:</p> <ul style="list-style-type: none"> <li>(a) by a licensed counselor or an adoption service provider selected by the parent participating in the counseling;</li> <li>(b) for up to three sessions of at least 50 minutes per session; and</li> <li>(c) subject to Subsection (2)(b), at the expense of the: <ul style="list-style-type: none"> <li>(i) child-placing agency; or</li> <li>(ii) prospective adoptive parents.”</li> </ul> </li> </ul>
Washington	<p>WASH. REV. CODE. § 26.33.400 (2) (2013).  “No person or entity shall cause to be published for circulation, or broadcast on a radio or television station, within the geographic borders of this state, 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:</p> <ul style="list-style-type: none"> <li>(a) A duly authorized agent, contractee, or employee of the department or a children's agency or institution licensed by the department to care for and place children;</li> <li>(b) A person who has a completed preplacement report . . . with a favorable recommendation as to the fitness of the person to be an adoptive parent, or such person's duly authorized uncompensated agent, or such person's attorney who is licensed to practice in the state. Verification of compliance with the requirements of this section shall consist of a written declaration by the person or entity who prepared the preplacement report. Nothing in this section prohibits an attorney licensed to practice in Washington state from advertising his or her availability to practice or provide services related to the adoption of children. Nothing in this section prohibits an attorney licensed to practice in Washington state from advertising his or her availability to practice or provide services related to the adoption of children.”</li> </ul>
West Virginia	<p>W. VA. CODE § 48-22-802 (2014)  “Any contract, agreement or stipulation which endeavors to deny to any person or persons the right to petition for adoption of any person, or which endeavors to alter</p>

	<p>the time or manner of adoption as provided in this article, is contrary to the public policy of the state and such portion of any contract, agreement or stipulation is null and void and of no effect.”</p>
Wisconsin	<p>Wis. STAT. § 48.825 (2014)</p> <p>A person may not</p> <p>“(a) Advertise for the purpose of finding a child to adopt or to otherwise take into permanent physical custody.</p> <p>(b) 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.</p> <p>(c) Advertise that the person will place a child for adoption or in any other permanent physical placement.”</p> <p>Exceptions:</p> <p>Child welfare agency, private licensed children agencies, or “an individual who has received a favorable recommendation regarding his or her fitness to be an adoptive parent in this state from the department, a county department or a child welfare agency licensed under s. 48.60 or in another jurisdiction from an entity authorized by that jurisdiction to conduct studies of potential adoptive homes.”</p> <p><i>See also supra</i> p. 1.</p>