



An Act Relative to the Re-Homing of Children

SECTION BY SECTION SUMMARY

SECTION 1.

- Defines “disruption” and “dissolution”.

SECTION 2.

- Ensures that “published” does not just refer to the advertisement or notice for the placement or reception of a child in a newspaper, but more broadly, like the Internet.

SECTION 3.

- Ensures that “published” does not just refer to the advertisement or notice for the placement or reception of a child on a radio or television station, but more broadly.

SECTION 4.

- When referring to the illegal advertisement or notice for the placement or reception of a child, this section amends that child’s age from 16 to 18 years old.

SECTION 5.

- Prohibits anyone other than DCF or a licensed placement agency from accepting payment or other consideration for placing a child for adoption or any other type of physical placement.
- Prohibits anyone from giving payment or other consideration to another person, other than DCF or a licensed placement agency, for placing a child for adoption or any other type of physical placement.
- This section makes clear that it is not intended to prevent DCF or a licensed placement agency from giving subsidies or benefits for the care and maintenance of such children.
- Temporary placements do not include when the parents or custodians of a child place the child for a designated short-term period with the intent for the child to return. Short term periods include but are not limited to: temporary placements due to parental employment, vacations, school-sponsored functions, incarceration, military service, medical treatment, or the incapacity of a parent.
- Prohibits anyone other than DCF or a licensed placement agency from soliciting payment or other consideration in return for placing a child for adoption or any other type of physical placement.
- Prohibits anyone from knowingly offering payment or other consideration to another person or entity other than DCF or a licensed placement agency for placing a child for adoption or any other type of physical placement.
- This section makes clear that it is not intended to prevent DCF or a licensed placement agency from giving subsidies or benefits for the care and maintenance of such children.

SECTION 6.

- Requires placement agencies to provide prospective adoptive parents with all relevant information an agency has about a child, such as mental, emotional, or other health issues. DCF is directed to issue guidelines for placement agencies on the release of this information.
- Requires placement agencies to provide, either directly or through referral, post-adoption services such as counseling on adoption related issues, support groups, healthcare coverage, adoption laws.
- Requires adoptive parents to contact the placement agency that facilitated the adoption in the case of potential disruption or dissolution of an adoption. The placement agency will then notify DCF. If the placement agency is not reachable, the adoptive family must notify DCF.
- Requires the Department of Early Education and Care (EEC) to create a uniform curriculum for adoptive parent applicants that must include information for adoptive parent applicants who are seeking to adoption international children.

SECTION 7.

- Specifies that "published" also refers to any computerized communication system like email, website, Internet profiles or other similar mediums of communications.
- Prohibits anyone, other than DCF or a licensed placement agency, from publishing an advertisement or notice for the placement or reception of a child under 18 or an offer to place or locate a child in any other permanent physical placement. Establishes a fine of \$5K-25K for such a violation.
- Creates penalties for SECTION 5 of this bill, see above.
 - Accepting payment in the form of money or other consideration in return for placing a child for adoption or for any other temporary placement or permanent physical placement = fine of \$5K-\$30K; or by imprisonment in a jail or house of correction (HOC) for not more than 2/5 years or in a state prison for not more than 20 years; or both.
 - Knowingly giving payment in the form of money or other consideration to another person or entity, other than DCF or a licensed placement agency, for placing a child for adoption or for any other temporary placement or permanent physical placement = fine of \$5K-\$30K; or by imprisonment in a jail or house of correction (HOC) for not more than 2/5 years or in a state prison for not more than 20 years; or both.
 - For the purposes of this section, the term "temporary placement" does not include when the parents or custodians of a child place that child for a designated short-term period with a specified intent for return of the child; provided, however, that "short-term period" does include, but is not limited to, short-term placements due to parental employment, vacations, school-sponsored functions or activities, incarceration, military service, medical treatment or the incapacity of a parent.
 - Soliciting payment in the form of money or other consideration for placing a child for adoption or for any other temporary placement or permanent physical placement = fine of \$5K-\$30K; or by imprisonment in a jail or house of correction (HOC) for not more than 2/5 years or in a state prison for not more than 20 years; or both.
 - Knowingly offering payment in the form of money or other consideration to another person or entity, other than a duly authorized agent or employee of the department of children and families or a licensed placement agency, for placing a child for adoption or for any other temporary placement or permanent physical placement = fine of \$5K-\$30K; or by imprisonment in a jail or house of correction (HOC) for not more than 2/5 years or in a state prison for not more than 20 years; or both.

- Causing to be published, disseminated or broadcast in the commonwealth, an advertisement or notice for the placement or reception of a child under 18 years of age for family child care, large family child care, child care center care, school-aged child care program, group residential care or temporary shelter care = \$5K; or imprisonment in HOC for not more than 2.5 years; or both—per violation.

SECTION 8. A decree of adoption cannot be entered by the court until a petitioner for adoption has signed an acknowledgement of the criminal penalties for the unauthorized adoption or placement of a child. The failure of the court to provide for the execution of this acknowledgement will not be grounds for, per se, invalidation of the adoption.

SECTION 9.

- Specifies that “published” also refers to any computerized communication system like email, website, Internet profiles or other similar mediums of communications.
- Prohibits anyone, other than DCF or a licensed placement agency, from publishing an advertisement of children offered or wanted for adoption or any other physical placement, or who holds themselves out as being able to place or locate children for adoption or any other physical placements. This act will be fined between \$5K-\$25K. Accepting payment or other consideration for placing a child for adoption or another physical permanent placement will be punished by a fine of between \$5K-\$20K; imprisonment in jail or HOC for not more than 2.5 years or in state prison for not more than 5 years; or both.
- Prohibits any person, unrelated to a child by blood or marriage, or organization other than a licensed placement agency from receiving a child for adoption or another permanency physical placement following an advertisement as outlined about. The receipt of a child in this way will be punished by a fine of between \$10K-\$40K; imprisonment in a jail or HOC for not more than 2.5 years or in state prison for not more than 5 years; or both.
- Prohibits a parent or legal guardian from causing a child to be adopted or placed in another permanent physical placement. This act will be punished by imprisonment in the state prison for between 5-20 years and by a fine of not more than \$25K. Creates a mandatory minimum of 5 years for this act.

SECTION 10. Creates a task force to identify likely channels for abuse in the re-homing of children. The task force must submit a report on these channels as well as its recommendations by June 30, 2018.

SECTION 11. Creates a commission to examine the process of adoptions facilitated by the Commonwealth such as costs, state regulations and procedures, supports provided for families before and after adoption, educational transitions, and oversight and accountability. The commission will also examine social barriers to adoptions and differences in processes among states as well as national and international processes.