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Third Draft: April 2007

**NATIONAL INFANT ADOPTION REFORM ACT**

**A BILL**

To establish an Office of Infant Adoptions within the Department of State, and to create and reform United States laws governing infant adoptions and by doing so supersede and create non-negotiable guidelines for all state adoption laws to conform and adhere to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE.**

This Act may be cited as the `National Infant Adoption Reform Act’ or “NIARA”

**NIARA SEC. 101. FINDINGS; PURPOSES.**

**A) Findings-**

**Congress finds the following:**

**(1)** Re-establishing as stated in HRES 452 IH National Adoption Awareness month degree:

Whereas approximately 120,000 children in the United States are adopted each year with approximately 15,000 of them coming from voluntary domestic infant adoption placements[[1]](#footnote-2) each year;

Whereas an estimated 1,600,000 children in the United States live with adoptive parents[[2]](#footnote-3);

Whereas roughly two to four percent of families in the United States include an adopted child;

Whereas 6 in 10 Americans have had a personal experience with adoption , meaning they, a family member, or a close friend was adopted, has adopted a child, or has placed a child for adoption:

**THERFORE** based on the US Census Bureau’s population clock of 3 billion American Citizens, as estimated 180 billion American Citizens are effected by adoption. Ethical laws and unjust practices have the ability to effect millions of American households and families in either positive or negative fashions. The adoption effected are not a minority, nor a secret, anymore.

**(2)** Based on the United States Constitution Amendment XIV/ Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the

United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**THEREFORE;** all United State Citizens whether adopted or parented by the natural family, are to be considered equal under law. Parents forced by circumstances into termination or relinquishment have no right to take adoptee birth information or coerce them from it possessing it. Their circumstances shall not be remedied at the expense of innocent individuals. All people are at all times entitled to their true and accurate birth records. There is no moral, social, ethical or legal justification for taking such fundamental rights and information from totally innocent adoptees nor for protecting or promoting any interest which would seek to violate such rights.

Furthermore, neither adoptive parents or natural parents shall be either more protected or less protected by such laws if all things are equal. Financial ability, social status, personal desires, fertility or infertility, or judgment over one’s life choices, shall not the basis of criteria to which the laws shall side with one party over the next.

**(3)** That a child, for the full and harmonious development of his or her personality, identity, and self-worth, should grow up in a knowledgeable environment, in an atmosphere of truth, accountability, and understanding of their true heritage, background, medical history. People have a need to know who they are and what they come from. In addition, Congress recognizes that adopted children do not make the decision whether or not to become adopted. They have the decision made for them at their most vulnerable state by other parties that also have their own interests. Adoption, while being a transfer of legal rights and custody regarding children, does not have the ability to transfer talents, personality traits, natural tendencies, health issues, etc. At 18, an adopted individual becomes an adult in this country able to vote and go to war, yet we still do not allow them the freedom to establish relationships with whom they see fit and seek out information often necessary to their life.

**THEREFORE:** . A governing body has no right nor reason to withhold a whole group of citizens from this natural information.

**(4)** Natural families have a right to share equal protection of custody and visitation laws.

The laws of this nation or any governing state have no legitimate basis for delineation or denial of family relationships beyond custody and visitation. The fundamental relationships created by nature or nature's god are inviolate and personal gifts of creation owned by each individual. Adoption is an institute created by laws to regulate issues involving inheritance, custody, visitation, support and responsibility. It is a contract made by two or more parties transferring those legal rights and responsibilities for a third that has no voice. A government cannot make laws controlling love, yet it is perceived that an adopted child will have the love of their adoptive parents. It should be equally perceived that the child will continue to have the love of his/her natural families. A law cannot destroy what nature has intended.

**THEREFORE:** as adoption is a legal contract bound and enforced by law, all agreements made within the confines of said contract should also be equally bound and enforced by law. The transfer of legal rights of an infant does in no way transfer the emotional bonds and the laws of this nation should protect all parties from undue emotional distress.

**(5)** As Decreed in the United Nations Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 and stated in Articles 7,8 and 9 of said convention:

***Article 7***

*1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and. as far as possible, the right to know and be cared for by his or her parents.*

*2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.*

***Article 8***

*1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.*

*2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.*

***Article 9***

*1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.*

*2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.*

*3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.*

*4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.*

**THEREFORE:** as recognized by all concerned nations, even if not ratified by the US, a child has the right to his or her own true nationality, name, parentage, and a state or country has no governing interest in preventing said child from exercising those rights, but rather an obligation to enforce the rights for the powerless.

**(6-a)** There has been a significant growth in infertility rates among the American population. About 6.1 million women experienced impaired fecundity in 1995, compared with 4.9 million in 1988. The percent with impaired fecundity increased to 10.2% in 1995 from 8.4% in 1988. Some of this increase is due to the aging of the baby boom generation. (Fertility, Family Planning, and Women's Health, 1997)

**(6-b)** That from 1995 to 1997, among females aged 15--19 years, the national number of pregnancies declined by 3.1% and the national pregnancy rate declined by 7.8%, from 98.3 per 1000 in 1995 to 90.7 in 1997. During 1995--1997, the pregnancy rate declined by 11.3% among females aged <15 years, by 10.7% among females aged 15--17 years, and by 5.8% among females aged 18--19 years. For each year, the pregnancy rate for 18--19-year-olds was approximately 2.5 times that of 15--17-year-olds, and the rate for females aged <15 years was approximately one ninth that of 15--17-year-olds.[[3]](#footnote-4)

That “at present, only 4 per centum of unmarried pregnant adolescents who carry their babies to term enter into an adoption plan or arrange for their babies to be cared for by relatives or friends” [[4]](#footnote-5)making a clear case of demand exceeding supply for infants to adopt.

**(6-c)** That it is clear that infant adoption is big business in America. Approximately 140,000 adoptions are finalized each year with approximately 15,000 of those adoptions resulting from voluntary domestic infant surrenders. According to an industry analysis by Marketdata Enterprises, Inc. of Tampa, Florida, the most current analysis to date, adoption provider revenues in 2000 were $1.44 billion with a projected industry annual growth rate of 11.5 percent to 2004. Even with these conservative projections, by the end of 2007, adoption will have easily exceeded an approximate 3 billion dollar in revenues making it the largest unregulated industry in the US.

**(6-d)** That due to the nature of the demand exceeding the supply and the profits to be made, a climate ripe for corruption and using children as a commodity needs to be regulated in the federal scope.

**(6-e)** Infertile Americans increasingly seek to create or enlarge their families through infant adoptions and are frequently at the emotional and monetary mercy of the unmonitored adoption professionals.

**(6-f)** Likewise, the mothers and fathers considering adoption is also at the mercy of the adoption professional due to their naivety, perceived crisis situation, failure of familiar support, financial situation, and hormonal factors.

**(6-g)** While are many children nationwide that are without permanent homes, the numbers of infants needing to be removed from foster care is nominal. Infants quickly find permanent homes. The National foster care overload is based on older children, special needs, sibling groups, and hard to place children. Many people wanting to adopt are unwilling to take on such challenges for personal reason and seek infants. Creating again, a great demand for healthy infants from mothers who have not been involved in government systems or at all involved with their local CPS and foster care institutions.

**THEREFORE:** In the interest of all United States citizens and children, drastic reforms are needed in the infant adoption process used by United States citizens. A system of regulation, checks and balances, fairness and enforcement needs to be implemented or we shall be seen as an government that allows our citizens to be harvested for a profit.

**(7a)** Congress recognizes that the first US adoption law made in the Commonwealth of Massachusetts in 1851 presages that adoption legislation and jurisdiction would fall under the individual 50 states, rather than uniform federal law.[[5]](#footnote-6) This antiquated basis allows for a veritable patchwork of state laws, many which have not been updated to current adoption standards or made based in poor information, allowing for unethical individuals to manipulate said laws to their advantage and profit.

**(7b)** While the United States government does indeed favor a sovereign state, this does not serve as prohibiting US Congress to proclaim and mandate federal legislation as needed with regard to adoption as done previously as noted:

*Abandoned Infants Assistance Act*

*Adoption and Safe Families Act (ASFA) of 1997*

*Adoption Assistance and Child Welfare Act of 1980*

*Child Abuse Amendments of 1984*

*Child Abuse Prevention and Enforcement Act of 2000*

*CAPTA Amendments of 1996*

*Child Abuse Prevention and Treatment Act (CAPTA) and Adoption Reform Act of 1978 Child Abuse Prevention and Treatment Act (CAPTA) of 1974*

*Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992*

*Child Citizenship Act of 2000 Family and Medical Leave Act of 1993 (FMLA)*

*Foster Care Independence Act of 1999*

*Immigration Vaccine Act*

*Indian Child Welfare Act (ICWA) of 1978*

*Intercountry Adoption Act of 2000*

*Keeping Children and Families Safe Act of 2003*

*Multiethnic Placement Act (MEPA) of 1994*

*Promoting Safe and Stable Families Amendments of 2001*

**THERFORE:** It is deemed necessary and warranted for the United States Government to provide and enforce standards for all states of the union in regard to Domestic infant placements for the well-being of all citizens involved in adoption.

**(8)** That the US Government does seek to decrease the number of abortions provided in this country, and has several initiatives including the 90-10 plan which will promote adoption, along with millions spent in federal funding for adoption awareness and trainings, it only behooves the citizens of this nation to promote a possible solution that is not fraught with other problems and issues. Being that case history, and an increase of media coverage, is making the American public aware of the unethical and immoral practices in adoption, adoption as a viable option needs vast improvement before accelerated promotion and endorsement for our government.

**THEREFORE;** before publicly endorsing the social institution of adoption as a viable solution to an unplanned pregnancy, Congress is morally required to repair the problems of current adoption legislation.

**SEC. 101. FINDINGS; PURPOSES.( continued)**

**B) Purposes-**

**The purposes of this Act are--**

**(1)** to ensure that all infants relinquished and adopted in the United States treated by law identically to a child born and parented by the natural parents including retaining all information regarding original birth certificates, medical history and cultural heritage and kinships.

**(2)** to recognize that a parent who relinquishes an infant has the same and equal rights awarded any parent whether or not have ever voluntary approached an adoption agency, that seeking out said agency does in no way diminished said rights or make the parent liable for extra scrutiny by either agency or prospective adoptive parents regarding parental skills, financial circumstances, or living situation.

**(3)** to ensure that biological fathers are given the same rights and protection as mothers seeking to relinquish and are informed of not only their offspring, their rights and their choice to parent such child.

**(4)** to ensure that parents considering relinquishing their child for adoption have been truly given unbiased informed consent including the risks and long term emotional ramifications of adoption loss and grief for both them and their children even if yet unborn.

**(5)** to ensure that parents seeking to adopt a child have been truly given informed information and education regarding their financial and emotional risks, competent follow up care, support, and continuing education for the growing needs of their adopted child, can be comfortable and guilt free with any concerns regarding coercion and legal risk of the adopted child, and be protected from having to undergo financial hardships and loss due failed placements.

**(6)** to recognize and enforce all contracts made in regards to an infant adoption, including open agreements willingly made by both parties.

**(7)** to improve the adoption process to make it more uniform, accountable, morally and ethically biased, truly child oriented; and not motivated by profit.

**(8)** to guarantee that all areas of the country provide equal rights and protections to all parties in adoption including fostering best practices across the combined states and removing the legal soft-pedaling by “adoption friendly” states.

**(9)** to provide definitions and punitive consequences for those who circumvent the diligent efforts of the well intended, personally profit, misuse extended trusts and dishonors the spirit of adoption by either fraud, misinterpretation, withholding or denying information whether they be considered professionals, prospective parents, individuals acting as they are considering adoption or any outside party.

**SEC. 102. DEFINITIONS.**

In this Act:

**(1) ADOPTABLE INFANT**- The term `adoptable infant’ has the meaning of any child under the age of two whom is voluntarily relinquished into adoption by both biological parents and deemed as meeting the criteria for Adoption by the Office.

**(2) NATURAL PARENTS-** The term `natural parents’ has the meaning of any parent who has created though natural or medically enhanced means a child who is biologically related though DNA to that said parent. Also interchangeable with Family of Origin or Biological parents when the child has been sub sequentially adopted.

**(3) CONSIDERING OR EXPECTANT PARENTS** - The term `considering or expectant parent’ has the meaning of any person, male or female, who is experiencing a pregnancy or contributed to a pregnancy though natural or medically enhanced means a child who is biologically related though DNA to that said parent. Also interchangeable with considering parent/s when adoption is being thought of as a possible outcome for the pregnancy and child. No parent shall be considered or called a **BIRTHPARENT** before relinquishment is final.

Also included in this are **MINOR PARENTS** where the considering or expectant parents are under the age of 18.

**(4) ADOPTIVE PARENTS**- The term `adoptive parents’ has the meaning of any parent who has underwent the court procedure by which an adult becomes the legal parent of someone who is not his or her biological child. Adoption creates a parent-child relationship recognized for all legal purposes -- including child support obligations, inheritance rights and custody.

**(5) PROSPECTIVE ADOPTIVE PARENTS**- The term `prospective adoptive parents’ has the meaning of any parent who has the desire or has begun the process to adopt a child. They are not a adoptive parent until the adoption is final.

**(6) ADOPTION** - Adoption means the method provided by this act which establishes the legal relationship of parent and child between persons who are not so related by birth, with the same mutual rights and obligations that exist between children and their natural parents. This relationship can only be termed ``adoption'' after the legal process is complete.

**(7) AGENCY and ADOPTION PROFESSIONALS**- The term “agency” and “professionals” means a privately or publicly owned, religious affiliated or not, owned, non profit or profit establishment or individual/s with the primary interest or partial practice in the adoption of children. All agencies and professionals must be federally licensed, accredited and regulated as put forth NIARA Section 304 of this Act.

Furthermore such Agency and Adoption Professionals shall be separated by the roles that they play in the adoption process as follows:

**Approval to Adopt**

**Pregnancy Counselors**

**Agencies Providing Matching and Final Adoption Services**

**Legal Services for either parental side**

**Pregnancy Housing Providers**

**(8) ADOPTION SERVICES** - The term `adoption services’ loosely envelopes all services provided by the parties listed in NIARA Section 102.7. Such services shall be separated and delegated to the parties listed above including but not limited to:

(A) **Adoption Approvals:** including adoption education and “home studies” of prospective adoptive parents;

(B) **Pregnancy Counseling:** including adoption education and life coaching as well as concurrent parenting planning;

(C) **Adoption Plans:** whereas expectant and considering expectant parents are able to consider the actual surrender of their child and plan for that possibility while still keeping up with a concurrent parenting plan.

(D) **Matching services:** whereas expectant and considering expectant parents are able to meet and begin an adoption “plan” with prospective adoptive parents and visa versa

(E**) Final Adoption Services:** including the completion of the pregnancy, birth of the child, and the relinquishment process on to the Final Adoption

(F) **Legal Services**: to be provided by acting lawyers for the benefit of either the prospective or considering parents

(F) **Maternity Housing Services:** including housing for expectant parents focusing on concurrent parenting and adoption planning

**(9) FULL AND FINAL ADOPTION** - The term `full and final adoption' means an adoption:

(A) that is completed according to the laws created in this Act;

(B) under which a person is granted full and legal custody of the adopted infant;

(C) that has the force and effect of severing the infant’s legal ties to the child's biological parents while continuing to acknowledging the emotional ties to the natural family and not attempt to govern them

(D) under which the adoptive parents meet the requirements of section 205; and

(E) under which a fully detailed agreement has been finalized by both parties regarding open level, updates, information exchange and visitation

(F) which has been serviced by adoption professionals or agencies accredited by this Office as spelled out and required by NIARA Section 304

(G) which has been proven to meet all criteria regarding voluntary infant relinquishment

**(10) INFANT ADOPTION COUNCIL**- The term `Infant Adoption Council' means the Infant Adoption Council for Infant Adoptions appointed to head the Office pursuant to section 101(b).

**(11) OFFICE**- The term `Office' means the Office of Domestic Infant Adoptions established under section 201(a).

**(12) READILY APPROVABLE**- A petition or certification is considered `readily approvable' if the documentary support provided demonstrates that the petitioner satisfies the eligibility requirements and no additional information or investigation is necessary.

**TITLE II--ADMINISTRATION OF DOMESTIC VOLUNTARY INFANT ADOPTIONS**

Subtitle A--In General

**NIARA SEC. 201. OFFICE OF DOMESTIC INFANT ADOPTIONS.**

**A) ESTABLISHMENT**- No later than 180 days after the date of the enactment of this Act, there shall be established within the Department of State, an Office of Infant Adoptions which shall be headed by the Infant Adoption Council for Infant Adoptions who shall be appointed pursuant to subsection (b).

**B) INFANT ADOPTION COUNCIL**-

(1) **APPOITMENT**- The Infant Adoption Council shall be appointed by nomination by their peers of individuals to the President, by and with the advice and consent of the Senate, from among individuals who have background, experience, and training in infant adoptions but will not be exclusive to adoption professionals or ones who seek profit nor motive in adoption. It shall be a group of nine persons diplomatically overseeing all infant adoptions and shall consist of parents who have relinquished, adoptive parents and adult adoptees equally represented.

(2) **CONFLICT OF INTEREST** - The individuals appointed to serve on the Infant Adoption Council shall be free from any conflict of interest that could impede such individual’s ability to serve on the Council. This is especially important in regard to the profits made in Infant Adoption.

(3**) AUTHORITY**- The Infant Adoption Council shall report directly to the Secretary of State, in consultation with the Office of Administration of Child, Youth and Family.

(4) **DUTIES OF COUNCIL**- In carrying out the functions of the Office, the Infant Adoption Council shall have the following responsibilities:

(a) **In general**- The primary responsibilities of the Infant Adoption Council shall be--

(i) to ensure that infant adoptions take place in the true best interests of the child;

(ii) to assist the United States Children’s Bureau in fulfilling the responsibilities designated to the central authority under title I of the National Infant Adoption Reform Act

(b**) Advisory role**- The Infant Adoption Council shall be a principal advisor to the President and the National Council for Adoption regarding matters affecting infant adoption and the general welfare of adopted children and their families and shall make recommendations regarding--

(i) the policies of the United States with respect to the mission and agenda of the National Council for Adoption including a complete revamping of said mission and agenda

(ii) the policies to prevent abandonment, strengthen families, and to advance the social understanding of the long range consequences and issues regarding adoption for both adoptees, parents of origin and parents though adoption. This shall include a “adoptive Families And Parents Bill of Rights and Responsibilities” and a “Natural Surrendering Families Bill of Rights and Responsibilities”

(iii) policies that promote the well-being of adopted children including education of the general public though media to promote understanding and sensitivity to adopted peoples including a “Adopted Persons Bill of Rights and Responsibilities”

(iiii) policies that make a clear distinction between voluntary infant adoption, forced relinquishment from Child Protective Services, and abortion/ choice issues.

(c**) Reporting responsibilities**- The Infant Adoption Council shall have the following reporting responsibilities:

(i) In general- The Infant Adoption Council shall assist the relevant Bureaus in preparing those portions of the Human Rights Reports that relate to the abduction, sale, and trafficking of children including enforcement of violations.

(ii) Annual report on infant adoption - On September 1 of each year the Infant Adoption Council shall prepare and transmit to Congress an annual report on infant adoption . Each annual report shall include:

(I) a description of the status of child protection and adoption in each state of the union, including--

(aa) trends toward improvement in the welfare and protection of children and natural family preservation;

(bb) trends in family reunification and reunion and infant adoption ;

(cc) movement toward ratification and implementation of Universal Declaration of Human Rights especially Article 25; and

(dd) movement toward ratification and implementation of UN Convention on the Rights of the Child; and

(ee) census information on the number of children in orphanages, foster homes, and other types of nonpermanent residential care; including a clear separation of “adoption” into categories including domestic infant adoption, step parent adoption, interfamily adoption, and international adoptions by country of child’s origin

(II) the number of infant adoptions by United States citizens including the state from which each child was born into, the State in which each child resides, and the state in which the adoption was finalized;

(III) the number of placements for adoption in the United States that were disrupted, including the state from which the child as born into, the age of the child, the date of the placement for adoption , the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption , and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children

IV) the current list of agencies accredited and persons approved under the National Infant Adoption Reform Act to provide adoption services;

(V) the names of the agencies and persons temporarily or permanently debarred under the National Infant Adoption Reform Act, and the reasons for the debarment and public disclosure and warning of activities by said individuals

(VI) the range of adoption fees charged in connection with adoptions and the median of such fees set forth by the agencies or professionals involved as well as fiscal transparency for the expenditure of said fees in relation to adoption service;

(IX) the range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under The National Infant Adoption Reform Act;

(X) recommendations of ways the United States might act to improve the welfare and protection of children and families.

The final reports as stated above shall be released to the public in a timely fashion and current reports made available on a website and by print

**C) FUNCTION OF OFFICE-** The Office shall have the following 8 functions:

(1) **POLICY DEVELOPEMENT**- To advise and support the Infant Adoption Council, all sections of the Office under the Council and other relevant Bureaus in the development of sound policy regarding child protection and infant adoption .

(2) **CENTRAL AUTHOIRTY**- to be the absolute and final central authority regarding Infant Adoptions and to assist the Secretary of State in carrying out the duties of the central authority as defined in Section 3 on the National Infant Adoption Reform Act.

(3) **ACCREDITATION AND STANDARDS**- To provide accepted standards of care and ethical guidelines for necessary accreditation of acting agencies and professional individuals as defined in NIARA Section 304 of this Act and to enforce such standards as necessary

(4) **ENFORCEMENT**- To investigate, either directly or in cooperation with other appropriate international, Federal, State, or local entities improprieties relating to domestic infant adoption, including issues of child protection, adoptive and natural family protection, and consumer fraud especially in regards to adoption agency advertisement and mistruths. Included in this shall be:

(a) a public listing, available on the agency website of all accredited agencies and adoption professionals as well as their ratings of ethics

(b) a department of Complaint

(5) **APPROVAL OF A FAMILY TO ADOPT-** To approve or disapprove the standards and requirements of eligibility of United States citizens to adopt infant children. The Office shall delegate and set up, oversee, and train regional and local ***Adoption Approval Offices*** as based on the criteria established in NIARA Section 304 A. of this Act.

(6) **CHILD ADJUNCTION**- To adjudicate the status of a child born as an adoptable child based on ethical standards, and personal circumstances with in the criteria established in NIARA Sections 306, 307, 308, 310, and 311 of this Act.

(7) **FAMILY SERVICES**-

(a) To provide assistance and oversight to United States citizens considering relinquishment of an infant to the adoption process in resolving problems that lead up to the decision to relinquish. To oversee and provide educational information to establishments that provide these kinds of services to considering families included crisis pregnancy centers, pregnancy counseling, and adoption counseling to ensure that families are not separated permanently for temporary problems. The Office shall delegate and set up, oversee, and train regional and local ***Unbiased Pregnancy Options Counseling*** as based on the criteria established in NIARA Section 304.B of this Act.

(b) Likewise to provide assistance to United States Citizens engaged in the adoption processes to ensure that all such adoptions are processed in a timely matter.

(8) **ADMINISTRATION**- To perform administrative functions related to the functions performed under paragraphs (1) through (7), including legal functions and congressional liaison and public affairs functions.

**D) ORGANIZATION-**

The Office of Infant Adoptions shall be organized as follows:

(1) **IN GENERAL**- All functions of the Office shall be performed by officers in adjunction in a centralized office located in Washington, DC. Within the Washington, DC, office, there shall be 8 divisions corresponding to the 8 functions of the Office. All 8 divisions and their respective directors shall report directly to the Infant Adoption Council.

(2) **ADOPTION APPROVAL OFFICES**- The division responsible for approving parents to adopt shall be divided into regions of the United States as follows:

(A) Northwest.

(B) Northeast.

(C) Southwest.

(D) Southeast.

(E) Midwest.

(F) West.

**a)** Local establishments and offices shall be established under the direction on oversight of the regional offices.

**b)** These may be privately owned, non-profit agencies with no connection and conflict of interest to other adoption placement agencies that match prospective adoptive parents with adoptable infants providing they meet the criteria of approval set forth in NIARA section 304.A

(3) **CHILD ADJUNCTION**- To the extent practicable, the division responsible for the adjudication of born children as adoptable shall be divided by regions which correspond to those currently used by each State of the Union. Child Adjunction is responsible to oversee the Departments of Pregnancy Counseling which can include Pregnancy Housing and the oversight and review of all relinquishments and consents.

(4) **USE OF FIELD OFFICERS**- Nothing in this section shall be construed to prohibit the use of field officers posted undercover, as necessary, to fulfill the requirements of this Act.

(5) **COORDINATION**- The Office of Infant Adoptions shall coordinate with the appropriate employees of other agencies and departments of the United States, whenever appropriate, in carrying out the duties of this Act.

**E) QUALIFICATIONS AND TRAINING**- In addition to meeting the employment requirements of the Department of Health and Human Services, officers employed in any of the 6 divisions of the Office shall undergo extensive and specialized training in the laws and processes of infant adoption as well as understanding the cultural, medical, emotional, and social issues surrounding infant adoption and adoptive related families a well as families of relinquishing parents. The Infant Adoption Council shall, whenever possible, recruit and hire individuals with background and experience in infant adoptions taking extreme care to ensure that such individuals do not have any conflicts of interest that might inhibit their ability to serve.

**F) USE OF ELERTONIC DATA BASES AND FILING**- To the extent possible, the Office shall make use of centralized, electronic databases and electronic form filing

**SEC. 202. TRANSFER OF FUNCTIONS.**

**A) IN GENRAL**- All functions under any US Government Bureau immediately prior to the effective date of this title, are transferred to the Office on such effective date for exercise by the Infant Adoption Council in accordance with applicable laws and Title II of this Act.

**B) EXERCISE OF AUTHORITY**- Except as otherwise provided by law, the Infant Adoption Council may, for purposes of performing any function transferred to the Infant Adoption Council under subsection (A), exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function pursuant to this title.

**C) LIMITATIONS ON THE TRANSFER OF PENDING INFANT ADOPTIONS -**

1) Any adoption of a child that is pending final adoption, that is rights of biological parents have been already relinquished shall go forth as planned providing:

b) there is no conflict nor question of the relinquishment validity for either biological father or mother.

b) in cases where there is cause to question the validity and circumstances of said relinquishment, the case may be bought in front of the Council by any parties involved for further investigation and steps taken backwards as provided by this act until the situation has been deemed acceptable by parties involved. Any final adoption degree is halted until the situation has been remedied.

c) both prospective adoptive parents and biological parents shall be provided with educational materials as defined in this act retroactively. Based upon this information, biological parents may revoke their consent if within the timeframe allowed by this Act as stated NIARA section 310.

d) If one parent has consenting to the adoption and the other parent is still awaiting a formal termination of parental rights as defined in NAIRA Section 311 of this Act, then the consenting parents revoke time is extended as stated in NIARA Section 311.B.(1) ii. until the non consenting parents parental rights are terminated.

2) If natural parents parental rights have not yet been terminated and relinquishment not given, then information as stated above in section c) shall be provide post haste.

**SEC. 203. TRANSFER OF RESOURCES.**

Subject to section 1531 of title 31, United States Code, upon the effective date of this title, there are transferred to the Infant Adoption Council for appropriate allocation in accordance with section 115, the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SEC. 203. INCIDENTAL TRANSFERS**.

The Infant Adoption Council may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this title. The Infant Adoption Council shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

**SEC. 204. SAVINGS PROVISIONS**.

**A) LEGAL DOCUMENTS-** All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, including collective bargaining agreements, certificates, licenses, and privileges--

(1) that have been issued, made, granted, or allowed to become effective by the President, the Infant Adoption Council, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred pursuant to this title; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date); shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

**B) PROCEEDINGS**-

(1) Pending- The transfer of functions under section 111 shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this title before an office whose functions are transferred pursuant to this title, but such proceedings and applications shall be continued unless gross defiance or negligence in regards to the overall purpose of this act is brought to the Councils attention. Likewise any existing agency that does not concede to the requirements of this act shall find their ability to conduct adoption proceedings halted.

(2) Orders- Orders shall be issued in such proceedings, appeals shall be taken there from, and payments shall be made pursuant to such orders, as if this Act had been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of this law.

(3) Discontinuance or modification- Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(a) Suits- This title shall affect suits commenced before the effective date of this title, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had been enacted previously.

(b) Non-abatement of Actions- No suit, action, or other proceeding commenced by or against an individual state government or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason of the enactment of this Act.

(c) Continuance of Suit With Substitution of Parties- If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this title such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(d) Administrative Procedure and Judicial Review- Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this title shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

Subtitle C--Effective Date

**SEC. 205. EFFECTIVE DATE.**

This title shall take effect 180 days after the date of enactment of this Act.

**TITLE III--REFORM OF UNITED STATES LAWS GOVERNING**

**INFANT ADOPTIONS**

The following infant adoption laws are to be amended by every state in the union and will create a standard by which all infant adoptions shall be governed.

**NIARA SECTION. 301. Rights of Persons Affected By Adoption.**

This chapter shall be liberally construed to the end that the best interests of adopted children are promoted. Due regard shall be given to the rights of all persons affected by a child's adoption.

In regards to the rights of adults over the age of 18 who were adopted as children, provisions stated under NIARA Section 314.D.3 regarding access to original birth certificates, this act shall be considered retroactive and all access restored and all records unsealed.

Any person adopted who is under the age of 18 upon enactment of this act, shall be given the same rights in regards to their original birth certificate upon reaching the age of 18.

Any adopted person either over the age of 18, or under the age of 18 and as requested by their legal adoptive parents may request a new amended Birth certificate as described in NIARA Section 316.A.

**NIARA SECTION 302. Who May Be Adopted.**

Any infant may be adopted as long as their biological parents willingly and voluntarily consent to the adoption of said child meeting all criteria listed in NIARA Section 306.

**NIARA 303. Who May Adopt.**

**A)** The following persons may adopt:

(1) a husband and wife together;

(2) an unmarried adult;

(3) an unmarried adult and a co-parent partner of their choosing, together;

(4) a married person without the other spouse joining as a petitioner and if

(a) the other spouse is a parent of the person to be adopted and consents to the adoption;

(b) the petitioner and the other spouse are legally separated; or

(c) the failure of the other spouse to join in the petition or to agree to the adoption is excused by the Office by reason of prolonged unexplained absence, unavailability, incapacity, or circumstances constituting an unreasonable withholding of consent.

**B)** There shall be no discriminatory factors including sex, marital status, sexual preferences, religion, age, health, disabilities either physical or mental, etc. disallowing any individual the privilege to adopt as long as they meet the educational standards and criteria for adoption as supplied NIARA Section 305 of this Act and complete the necessary process to receive a Approval to Adopt by accredited agencies or individuals as listed in NIARA Section 304.A in this Act.

**NIARA 304. Role of Agencies and other Adoption Professionals**

Upon the enactment of this Act, the roles of Adoption professionals shall change considerably to prevent a conflict of interest and an atmosphere of corruption. No longer can any one agency or individual act in tandem with the regard to the following:

**A) Approval to Adopt:**

**1)**As listed in NIARA Section 201.C.5, 201.D.2 and 305, the agencies and individuals that provide Approval to Adopt to prospective Adoptive parents must remain separate from any agency or individuals or affiliates whether professional or personal relationship past or present.

**2)** Agencies/individuals wishing to provide Approval to Adopt services may conduct both educational and informational training and investigate, approve or deny official Approval to Adopt Applications under the direction and oversight of the Office as detailed in NIARA Section 305. with accreditation of the Office and using criteria of this act.

**3)** Agencies/individuals providing Approval to Adopt services shall have no invested interest in the approval or disapproval of prospective adoptive parents, shall reap no benefits from such approvals or disapprovals in any personal, professional, or monetary gains, and shall not ever provide in any capacity any matching or natural parent services.

**4)** Application fees for Adoption Approval shall be standardized based on the Offices standards and shall not be overstated. Payment shall be made by those applying for Approval based on an income sliding scale. Time spent by agencies investigating and verifying information on application shall be billed in an hourly fashion also on an income based sliding scale.

**5)** All agencies providing such services must be accredited, follow Office standards and protocol, and provide accurate and timely reporting to the Office. They may be profit or non profit, religiously affiliated or not, but may not discriminate against any applicants.

**6)** The sole purpose of agencies/individuals acting in this capacity shall be for the education and approval /disapproval of prospective adoptive parents, to ensure that they are aware of the possibilities, special needs and challenges of parenting adopted children, provide facts and truths regarding adoption for all participates and to ensure that they have the mental, physical, financial and emotional health and stability to provide a positive environment for a child.

**B) Counseling for Parents or Expectant Parents Considering Adoption or Pregnancy Options Counseling:**

**1)**As listed in NIARA Section 201.C.5, 201.D.2 and 304, the agencies and individuals that provide counseling to considering parents must remain separate from any agency or individuals or affiliates that provide adoption, or matching or approval services whether professional or personal relationship past or present. There may be a cooperative or concurrent relationship with providers of maternity housing.

**2)** Agencies/individuals wishing to provide pregnancy counseling services must provide information under the direction and oversight of the Office as detailed laws described in this act. with accreditation of the Office and using criteria of this act including professional and education standards and ethics.

**3)** Agencies/individuals providing Pregnancy counseling services shall have no invested interest in the choices of counseled individuals, shall reap no benefits from such any relinquishments in any personal, professional, or monetary gains, and shall not ever provide in any capacity any matching or prospective adoptive parent services.

**4)** Counseling fees shall be standardized based on the Offices standards and shall not be overstated. Payment shall be made by those receiving counseling based on an income sliding scale. Agencies/individuals may provide services at no cost opting instead to find alternative sources for funding and may be either non profit or for profit status. Funding may not come from any agency/individuals that provides legal or matching services and may not be considered deferred costs to be absorbed by adoptive parents after a final adoption.

**5)** All agencies providing such services must be accredited, follow Office standards and protocol, and provide accurate and timely reporting to the Office. They may be profit or non profit, religiously affiliated or not, but may not discriminate against any person needing services.

**6)** The sole purpose of agencies/individuals acting in this capacity shall be for the education of legal rights of expectant parents, to ensure that they are aware of the possibilities risks and life long possible effects for themselves and for their current and future child/children when relinquishing a child, provide facts and truths regarding adoption for all participates and to ensure that they have real and viable options including any state and federal support and resources enabling them to parent. This shall include making sure that the expectant or considering parents have the life resources necessary to live during pregnancy and after including but not limited to disability, unemployment, assisting in job coaching, finding housing, day care, etc.

They shall act as advocates for the expectant parents and promote their best interests.

**7)** Continuation of a possible adoption plan for participants shall be contingent of an ongoing pregnancy counseling as required by the Office. Actual relinquishment of an infant shall not be approved or considered valid without completion of a required counseling plan as overseen by the Office.

**C) Agencies or Individuals providing “matching” and Final Adoption services:**

**1)**As listed in NIARA Section 201.C.5, 201.D.2 and 304, the agencies and individuals that provide Matching and Final Adoption Services between prospective Adoptive parents and considering expectant parents must remain separate from any agency or individuals or affiliates that provide approval or pregnancy counseling whether professional or personal relationship past or present.

**2)** These services may be provided by an agency or individuals not excluding or limited to practicing lawyers, other adoption professionals and facilitators. Legal services are detailed in NIARA Section 304.D and agencies providing such legal services will also be subject to the details of said section.

**3)** Agencies/individuals wishing to provide Matching and final Adoption services may conduct both matching services and final adoption under the direction and oversight of the Office as detailed in this section and further in NIARA Sections 305 to 320 with accreditation of the Office and using criteria of this act. Those who consider themselves “Facilitators” shall fall under the provisions of this section regarding Matching services and must adhere to the guidelines stated.

**4)** Agencies/individuals providing Matching and Final adoption services shall have no invested interest in the approval or disapproval of prospective adoptive parents, shall reap no benefits from such approvals or disapprovals in any personal, professional, or monetary gains, nor shall they have any invested interest in the pregnancy counseling of an expectant or considering parent.

**5)** Application fees for Matching and Final Adoption services shall be standardized based on the Offices standards and shall not be overstated. Payment shall be made by those requesting matching or final adoption services based on an income sliding scale and payment plans are allowed based on amount of services rendered. Both considering parents and prospective adoptive parents may use matching services and neither shall be exempt from payment, though payments can be split and agencies/individuals providing matching services shall not “double bill“.

**6)** All agencies providing such services must be accredited, follow Office standards and protocol, and provide accurate and timely reporting to the Office. They may be not be for profit and MUST be a non profit institution, religiously affiliated or not, but may not discriminate against any applicants. Recruitment of expectant or considering parent is not allowed . Advertising of services must follow the direction and regulations as listed in NIARA Section 319 of this Act.

**7)** The sole purpose of agencies/individuals acting in this capacity shall be for the meeting and building of a relationship between prospective adoptive parents and considering parents. Pregnancy counseling must be concurrently provided by an unaffiliated agency as listed in NIARA Section 304.B, while Approval to Adopt for prospective adoptive parents shall be provided and already issued as listed in NIARA Section 304.A.

They shall act in the best interests of the child in question providing the most beneficial match for all parties and facilitate an ethical and legal adoption.

**8)** Continuation of a possible match and final adoption plan for participants shall be contingent of an ongoing pregnancy counseling as required by the Office, and the “adoption plan“ shall exist concurrent with a parenting plan. Actual relinquishment of an infant shall not be approved or considered valid without completion of a required counseling plan as overseen by the Office. And match on behalf of the prospective adoptive parents shall not be considered final until after birth, within the allotted time frames, and upon completion of the relinquishment as detailed in NIARA Section 306, 307, 308, 310, and 311.

**9)** Pre- birth meetings and an extended relationship between participants when matched shall be discouraged as much possible and shall only be allowed at the discretion and desire of the expectant or considering parents. While it is understood that some considering parents wish to “get to know” the possible adoptive parents, emotional dependency and obligation must be issues that all parties are aware of and strive to avoid at al costs.

**10)** Agencies and Individuals may provide pre birth and birth emotional support when absolutely necessary for the well-being of the expectant and considering parent, but within the confines of the Office requirements. Such services must be provided by outside sources whenever possible including the role of doulas, non affiliated medical personnel, and with the knowledge and approval of the pregnancy counselor. Prospective adoptive parents shall not at the birth of a child, nor given access at the hospital unless special provisions under special circumstances are allowed by the Council.

**11)** Medical expenses for the pregnancy, birth and immediate child expenses, shall be met as best expected by the expectant parent with the pregnancy counselor and final adoption agency assuming that the natural parents will parent. Use of State and federally supported health care shall be used when ever possible, if necessary. An agency may provide moneys to cover birth expenses and may bill prospective adoptive parents for such as part of their overall services, but then must do so for all prospective adoptive parents who apply for services rendered and be upfront about it. Unneeded medical payments shall be put in a “slush fund” and used for others. Payment of medical expenses shall not contingent upon the placement of the child for adoption.

**12)** Legal expenses are covered under NIARA Section 304.D

**13)** Other life expenses and any payments between “matched” individuals shall not be allowed as that falls under the jurisdiction of the Pregnancy counselors. Provisions can be made under extenuating circumstances by Council approval only.

**14)** As part of the Final Adoption Services, it is required that an Agreement regarding the continued contact between parties be established and put forth with the final Adoption degree.

**D) LEGAL SERVICE PROVIDERS**

**1)**As listed in NIARA Section 201.C.5, 201.D.2 , 304.C, 305, the agencies and individuals that provide Legal Services for either prospective Adoptive parents or considering expectant parents must remain separate from any agency or individuals or affiliates that provide approval or pregnancy counseling whether professional or personal relationship past or present.

**2)** These services may be provided by an agency or individuals in a private practice. Agencies may provide matching and Final Adoption Services as well as Legal services for participants. Matching and Final Adoption Services are detailed in NIARA Section 304.C and agencies providing services will also be subject to the details of said section.

**3)** Agencies/individuals wishing to provide legal adoption Services under the direction and oversight of the Office as detailed in NIARA Section 201.D.2. with accreditation of the Office and using criteria of this act.

**4)** Agencies/individuals providing Legal adoption services shall have no invested interest in the final adoption, shall reap no benefits from relinquishments of placements in any personal, professional, or monetary gains other than payments for services rendered, nor shall they have any invested interest in the pregnancy counseling of an expectant or considering parent or of the adoption approval of prospective adoptive parents.

**5)** There shall be a distinct and final delineation between a professional that provides legal services for prospective adoptive parents and one who provides legal services for expectant or considering parents. Both parties must have separate representation and that representation may NOT be wavered. Nor can the fees for such services be paid for by the same or affiliated parties or agency.

**6)** Professionals providing legal services have an ethical duty to represent either Expectant and Considering parents or Prospective Adoptive Parents, NOT both. Neither can both sides in the same adoption proceedings be represented by different attorneys in one firm. Adoption representation is to be hence more considered to be like the standard judicial system: Either one is a defense attorney or works for the DA office. The Office may allow for legal representation for both sides in different adoption proceedings if legal services are donated pro bono.

**7)** Legal fees for Final Adoption services shall be standardized based on the Offices standards and shall not be overstated. Payment shall be made by those requesting needed legal representation based on an income sliding scale and payment plans are allowed based on amount of services rendered. Both considering parents and prospective adoptive parents must use separate legal services and neither shall be exempt from payment. Agencies/individuals may provide legal services at no cost for one party only opting instead to find alternative sources for funding or donating pro bono time. Funding may not come from any agency/individuals that provides matching services or is seeking to adopt and may not be considered deferred costs to be absorbed by adoptive parents after a final adoption except as detailed in NIARA Section 304.D. 11. as part of an agencies overall serves provided to expectant and considering parents

**8)** Legal expenses for adoption shall be met as best expected by the expectant parent. An agency may provide legal expenses for expectant and considering parents as part of their final adoption services and may bill prospective adoptive parents for such as part of their overall fees, but then must do so for all prospective adoptive parents who apply for services rendered and be upfront about it. If an agency chooses to provide free legal counsel for expectant and considering parents as part of their services, then they may not assist, procure, recommend, or provide legal services for the prospective adoptive parents. Unneeded legal payments shall be put in a “slush fund” and used for others. Payment of legal expenses shall not contingent upon the placement of the child for adoption.

**9)** All individuals providing such services must be accredited, follow Office standards and protocol, and provide accurate and timely reporting to the Office. If they provide legal services ONLY then they may operate in a for profit manner, but may not discriminate against any applicants. Recruitment of expectant or considering parent is not allowed. Advertising of services must follow the direction and regulations as listed in NIARA Section 319 of this Act.

**10)** The sole purpose of agencies/individuals acting in this capacity shall be for the legal representation of either prospective adoptive parents or considering parents. Pregnancy counseling must be concurrently provided by an unaffiliated agency as listed in NIARA Section 304.B, while Approval to Adopt for prospective adoptive parents shall be provided and already issued as listed in NIARA Section 304.A. This is required and not to be wavered.

Providers of legal services shall act in the best interests of party who has retained them and facilitate an ethical and legal adoption.

**11)** All adoptions shall fall under the legislation as detailed in this Act.. Actual relinquishment of an infant shall not be approved or considered valid without completion of a required counseling plan as overseen by the Office.

**12)** Individuals may got forward with legal services without employing an agency or individual for Matching or Final Adoption Services as in what is known now as a “private adoption“. If Final Adoption Services are to be part of legal proceedings then those providing legal services are required to fulfill such duties as required.

**13)** As part of the Legal Services, it is required that an Agreement regarding the continued contact between parties be established and put forth with the final Adoption degree.

**E) MATENITY HOUSING PROVIDERS**

**1)**As listed in NIARA Section 201.C.5, 201.D.2 , 304.C, 305, the agencies and individuals that provide Maternity Housing for considering expectant parents must remain separate from any agency or individuals or affiliates that provides adoption approvals for prospective adoptive parents, matching and or final adoption services or legal services whether professional or personal relationship past or present. There may be cooperative or concurrent relationships between pregnancy counselors and providers of maternity housing.

**2)** These services may be provided by an agency or individuals in a public or private practice. Providers of maternity housing may employ pregnancy counselors providing they meet the definitions as listed in NIARA Section 304.B.

**3)** Agencies/individuals wishing to provide maternity housing Services under the direction and oversight of the Office to be determined. with accreditation of the Office and using criteria of this act.

**4)** Agencies/individuals providing maternity housing services shall have no invested interest in the final adoption, shall reap no benefits from relinquishments of placements in any personal, professional, or monetary gains other than payments for services rendered, nor shall they have any invested interest in the pregnancy counseling of an expectant or considering parent or of the adoption approval of prospective adoptive parents.

**7)** Fees for maternity housing services shall be standardized based on the Offices standards and shall not be overstated. Payment shall be made by those requesting housing based on an income sliding scale and payment plans are allowed based on amount of services rendered. Services are allowed to be provide at no cost with providers seeking outside funding. Funding may not come from any agency/individuals that provides matching services, final adoption services or is seeking to adopt and may not be considered deferred costs to be absorbed by adoptive parents after a final adoption.

**8)** Housing expenses for considering and expectant parents shall be met as best expected by the expectant parent. A matching or final adoption services provider or a legal service provider agency or individual may not provide housing expenses for expectant and considering parents as part of their final adoption services and may not bill prospective adoptive parents for such as part of their overall fees. Public services and or resources may be procured to pay for housing.

**9)** All individuals providing such services must be accredited, follow Office standards and protocol, and provide accurate and timely reporting to the Office if they provide counseling as well as housing. If they provide housing services ONLY then they may operate in a for profit manner, but may not discriminate against any applicants. If they provide pregnancy counseling then they must operate in a non profit manner. Recruitment of expectant or considering parent is not allowed. Advertising of services must follow the direction and regulations as listed in NIARA Section 319 of this Act. There shall be no obvious or subtle preference towards a final adoption or the making of an adoption plan.

**10)** There shall not be housing locations preferred based on separation of an expectant parent form their normal life and associates. Housing is to be provided as near possible to the location of the expectant parents home pre pregnancy with the exception of safety issues.

**11)** Associations with individuals while receiving maternity housing services shall not be regulated beyond the normal and expected group living arrangements, nor shall the comings and goings of parents, or their communication with outside housing persons be controlled. Parents may leave maternity housing of their own free will at any time.

**12)** Housing must be provide in a coed manner allowing for fathers to receive the same services. Accommodations must also be made to allow for other parented children as well as allowing either parent to stay on in the maternity housing after birth.

**13)** In the case of minor parents requiring maternity housing, parental involvement is encourage expect when deemed a hostile environment or a safety threat to the parent involved such as in cases of documented and investigated abuse of incest.

Minor parents cannot be held against their will even with parental approval. In cases as such, a guardian ad liem shall be appointed by the Office for said minor parent to look out for their best interest.

**14)** The sole purpose of agencies/individuals acting in this capacity shall be for the housing of expectant parents, their partners and their children before and immediately after birth until other suitable arrangements can be met. Pregnancy counseling may be concurrently provided by an affiliated agency as listed in NIARA Section 304.B in which case a parenting plan, prenatal classes, parenting classes, life coaching etc, must be part of the protocol.

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**NIARA 305. Criteria of Approval to Adopt:**

**A)** Persons wishing to adopt must undergo educational and informational training as mandated by the Office including but not limited to:

(a) Personal narratives and scientific research into the feelings and possible issues and differences of children and adults adopted in different time frames, under variation circumstances and range of feelings, both positive and negative

(b) Personal narratives and scientific research into the experiences and feelings of adoptive parents in regard to the particular issues of raising adopted children in different time frames, under variation circumstances and range of feelings, both positive and negative.

(c) Personal narratives and scientific research into the feelings and long term possible risks of parents who have relinquished their children to adoption in different time frames, under variation circumstances and range of feelings, both positive and negative

(c) Basic Child development information, and specific for adopted children, including mother child bonding, risks and possible issues for adopted children, and ways to mitigate such developments including information for on going support services.

**B)** Persons wishing to adopt must submit a formal application to the Office in order to be given their Approval to Adopt. Applications for Approval to Adopt may be submitted either during the above state educational course work of after completion, but not before unless the Office makes exception based on a extensive written exam given independently to all parties wishing to adopt. Approval to Adopt certification is based on the now current “Home study” passing, but cannot be completed by any agency or affiliate or persons connected to any other Adoption Services as provided in NIARA Section 304 of this act.. Applications shall include but not be limited to the following investigations made by Office appointed adoption investigators and Approval to Adopt Agencies:

(a) Complete criminal background checks of all parties, their extended families if applicable based on living arrangements.

(b) Complete financial checks proving a clear ability to provide for a child in a manner deemed acceptable by Office standards.

(c) Medical checks and physicals certified by an Office approved physician.

(d) Mental health evaluations made by an accredited adoption specific worker detailing expectations, infertility issues if applicable, relationship, familial, and marital strengths and issues, possible childhood effects.

(e) Home visits both announced and unannounced for a period not to be less than three months before a child placement.

(f) Personal references, and further investigation as deemed necessary at the digression on the Office.

**C)** Persons wishing to adopt must have a certified Approval to Adopt before making any contact with any agency or persons that provide Matching or Final Adoption, or legal services. In cases where a non agency individual should attempt to match in some capacity with those who have not yet received their Approval to Adopt, prospective adoptive parents are to discourage such contact until they have completed this part of the process. Failure to heed this can result in non Approval.

**D)** Proof of Approval and supporting evidence of that criteria must be presented upon request to those considering the adoption of their child in a private situation, and to any professional who provides matching and final adoption or legal services for prospective adoptive parents.

**E)** The Office shall not withhold Adoption approval based on race, sex, education, finances, disability, sexual orientation, religion, values or other personal affiliations. Approval is based on stability, adoption understanding, and the ability to provide for, care for and love a child in the best personal capacity possible.

**F)** Fraudulent information provided or tampering with evidence to obtain Adoption approval shall constitute fraud and shall fall under the laws of the jurisdiction of the petitioning parties This includes emotional liability and the possibility of the Office finding that Adoption to be invalid.

**NIARA 306. Persons Required to Consent to Adoption.**

**A)** Petition to Adopt a minor may be granted only if written consent to a particular adoption has been executed by

(1) the natural mother of the minor if over 18; and

(2) the natural father of the minor if over 18;

**B)** Consent to adopt can only be considered valid if all criteria as listed in NIARA 308 are satisfactorily met for both (1) and (2) above.

**C)** In the event that a consenting parent is under 18, then the Office shall determine based on the minor parent’s best interest whether or not extended family members shall be notified of the impending consent. Best interest of a minor parent is determined based on, but not limited to the following

1)Advanced family notification shall not be determined based on age alone, but rather an individuals circumstances and the well being of the minor adult and child.

(i) In cases where the minor adult is at risk by family or circumstances, every effort shall be made to improve the situation and for the protection of said minor parent and in doing so obligates the Office from accepting the consent as valid.

(ii) In cases where there is no reasonable risk determined by the Office to the well being of the minor parent, then parents of the minor parent shall be given advanced notification of the consent of their grandchild and be given first custodial consideration for Guardianship. Extended family members who have shown interest shall also have custodial consideration for Guardianship.

**C)** In the event that one party’s consent cannot be had, the Council may override the need for their consent and allow for terminating procedures to being the legal severing of the relationship between parent and child providing the situation meets the criteria as listed in NIARA Section 307 and 311.

**NIARA 307. Father’s Rights and Persons as to Whom Consent and Notice Not Required.**

**A)** Consent to adoption is not required of

(1) for purposes of this section, a parent who has abandoned a living child for a period of at least 9 months with investigated, documented and proven to the Office of Adoptions an inability to contact. This is not to be taken lightly and effort above and beyond a reasonable attempt must be made to allow for full knowledge and information regarding termination of parental rights.

(2) a parent of the person who is the consenting natural parent, if the person is 18 or more years of age though that information is to be strongly encouraged to be shared.

(3) a spouse of the person who is consenting, if the person is 18 or more years of age and if the spouse is not the other natural parent of the child to be adopted, proven by DNA testing if necessary.

(4) a guardian or custodian who of the child (a) who has failed to respond in writing to a request for consent for a period of 120 days or who, after examination of the guardian's or custodian's written reasons for withholding consent, is found by the Office to be withholding consent unreasonably or without good measure;

**B)** Except as provided in NIARA 25.23.100, notice of a hearing on a petition for adoption need not be given to a person whose consent is not required, but shall be given to any persons involved in the considering parents or child’s life and requesting such notice from the Office.

**C)** An expectant mother is required to name the father of her child and provide as much information as possible as to his whereabouts. An affidavit of such information must be taken by either her legal representation, or the agency/.individuals providing final adoption services. Purposeful omitting or misinformation regarding such information shall be considered grievance, make her liable for perjury and threatened the validity of the final adoption. These actions and consequences shall be explained to any expectant mother considering adoption by her pregnancy couselor and reiterated by any one having professional contact with her.

(1) In the case of rape, she shall be encourage to file a police complaint, and receive appropriate rape counseling. Consent should be strongly discouraged until rape counseling and her resolve of those issues have been satisfactorily met. Due diligence should be made to verify this information.

(2)In the case of abuse, she shall be encourage to file a police complaint, and receive appropriate abuse counseling and be removed form the abusive situation. Consent should be strongly discouraged until abuse counseling and her resolve of those issues, and separation and protection from the abuser have been satisfactorily met. Due diligence should be made to verify this information.

(3) in the case of not knowing the real identity of the father, due diligence shall be made to find his identity, and notify him of his paternity. Newspaper publications, and searching punitive father’s registries shall be exhausted in order to find him, not terminate his rights.

(4) In the case of possible multiple fathers, all possible fathers must be notified and the final determination made upon the birth of the child and a DNA test.

**D)** The father of the child has just as much rights in an prospective adoption proceedings as the natural mother and shall be given just as many chances and rights to parent his child. If the mother wishes to consent and the father does not, then parental rights go to the father. The fathers parental rights may not be dissolved based upon the desires of the natural mother and any other adoption professional. Proof of threat to the welfare and safety of the mother and child, proven unfitness to parent, and an absolute inability to find and locate him shall be taken very seriously by this Office.

**E)** If a father has been purposefully omitted from adoption proceedings by negligence or ignorance or malice and comes forth even after the final adoption degree has been issued, the Council maintains the right and moral responsibility to overturn the adoption and re-examine the evidence.

**F)** Such abuses will provide due cause for the suspension of licensure of agencies and individuals, as well as possible legal and criminal liability with conspiracy to defraud.

**NIARA 308. Execution of Consent; Consent as Power of Attorney.**

**A)** The required consent to adoption shall be executed no sooner than 21 days after the birth of the child in the presence of the Office or in the presence of a person authorized by the Office to take consents. Consent shall not be taken with out the knowledge of the pregnancy couselor/ advocate of the person giving consent and the presence of the couselor advocate is preferred.

**B)** The consent is not valid unless:

(1) the consent form states that the person consenting to the adoption has the right to withdraw that consent as provided in NIARA 310 in this Act.

(2) and unless the person consenting to the adoption acknowledges receipt of a copy of the consent form.

(3) the consent is given to an attorney who represents the consenting individual with no connection by affiliation or finance to either agency or prospective persons who desire custody of the child as listed in NIARA section 304.D of the Act.

(4) the consent is given when individuals are clearly recovered from the birth trauma and all medications and drugs, even prescribed under a doctor’s advice, are cleared from their system.

(5) Consenting individuals have been given specific time and space from outside influences to recognize the permanency of their decision, come to terms with the reality of their parenthood and emotionally bond with their child.

(6) the consent is accompanied by a signed informed risk statement acknowledging;

(a) the complete understanding of the long terms risks and possible ramifications of the legal and emotional separation of one’s biological child to all family members and child to be adopted, and

(b) educational and informational scientific facts and research have been adequately provided in an non biased, independent counsel for a period of time not less than one month before signing of the consent and for a standardized number of hours of education and information. Information required by Office as specified in NIARA subsection 304.B.

(7) if it is proven at any time to the Office that the consent was given under duress, threat, fraud, based on withheld information, or falsehoods, then the consent is rendered invalid.

**C)** The person giving consent shall state in the consent form whether the child is a member of an Indian tribe or the biological child of a member of an Indian tribe, so that the court may determine whether the provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act of 1978) apply.

**D)** A consent executed under this section is effective as a power of attorney and temporarily transfers the legal responsibility of the infant to the natural parent/s legal representative . Unless the consent form provides otherwise, it delegates to the natural parents legal representative all powers that may be delegated under NIARA Section 309 in regard to the physical custody of that child. The power of attorney stays in effect until the revoke time frame as elapsed as detailed in NIARA Section 310 and 311 and parental rights are terminated. At that point, the power of attorney is transferred to the prospective adoptive parents, whereas the child is delivered to the adoptive parent, and remains in effect as long as the consent is in effect and until the Final Adoption Decree; but the power of attorney is not effective beyond one year, unless the Council extends it for good cause. The power of attorney does not terminate on the death or disability of the person executing the consent, unless the consent form so states.

**NIARA 309. Physical Custody of Child**

**A)** Upon birth, the physical custody of the child shall remain within the legal and physical jurisdiction of the natural parents. This includes:

(1) The parents have the same rights as regarding time with the baby in the hospital as any other parent who has not considered adoption, spoken to an agency, or made contact with prospective adoptive parents, and shall not be treated any differently no matter what they feel the outcome of the pregnancy might be.

(2) All decisions in the Hospital are theirs regarding medical consent, records, naming, circumcision, vaccination, visitors, pictures, and hospital gifts/memorabilia.

**B)** Upon discharge for the hospital, said infant shall be discharged to the natural parents.

(1) All agency and individuals are required to encourage the new parents to take the child home to care for them until they may legally sign the consent. (2)As expectant parent counseling and advocacy as described in NIARA Section 304.B shall be continuous, there shall be in place provisions for housing for the parent/s and child upon discharge. This can be either the previous residence, or maternity house as described in NIARA Section 304.E, or other temporary housing plan as set forth with the pregnancy advocate.

(3) If the parent/s choose not to follow recommendations to stay with their child, then cradle care can be prescribed.

i) The infant may be placed temporarily with family members or friends of the parent/s choosing. Any temporary legal guardianship arrangements shall be made with the chosen providers by the parent/s legal representative with the parent/s right to revoke such guardianship privileges at any time..

ii) The infant may be placed temporarily with approved infant foster care / cradle care either found by the pregnancy advocate, maternity housing, or the Agency that provides final adoption services. The purpose of cradle care is to provide temporary care for infants focusing to facilitate their security, trust, grief and loss of the mother/womb and facilitate a caring calm nurturing environment until the situation has been resolved. Any temporary legal guardianship arrangements shall be made with the cradle care providers by the parent/s legal representative with the parent/s right to revoke such guardianship privileges at any time.

iii) The prospective adoptive parents may also elect to provide care for the infant with full knowledge that this is a legal risk placement and has obvious emotional liability. Under no circumstances shall this situation be considered more beneficial for anyone involved and should be discouraged. Any temporary legal guardianship arrangements shall be made with the prospective adoptive parents by the parent/s legal representative with the prospective adoptive parents representation providing that the natural parent/s right to revoke such guardianship privileges at any time.

**B)** Upon the signing of the consent to relinquish said infant the legal power of attorney of the child transfers to the legal representative of the natural parent/s, but the physical custody may remain with the natural parents if they choose.

(1) They may continue with the care of the child with the care taker of their choosing in which case the legal representative shall continue with the power of attorney the temporary guardianship

(2) They may continue with the cradle care arrangement in which case the legal representative shall continue with the power of attorney the temporary guardianship .

(3) The prospective adoptive parents may elect at this time to provide care for the infant with full knowledge that this is a legal risk placement and has obvious emotional liability. Any temporary legal guardianship arrangements shall be made with the prospective adoptive parents by the parent/s legal representative with the prospective adoptive parents representation providing that the natural parent/s right to revoke such consent and the power of attorney at any time with in the revoke time frame.

**C)** Upon the passing of the revoke period, then the power of the attorney shall be transferred to the prospective adoptive parents.

(1)They can make arrangements to retrieve the infant from any of the temporary guardianship arrangements at this time.

(2) If for whatever reason, custody of the child does not become a physical reality in four weeks time from the revoke date, then the natural parents consent is rendered invalid and legal and physical custody returns to the natural parent/s.

**NIARA 310. Withdrawal of Consent.**

**A)** A consent to adoption may not be withdrawn after the entry of a Final decree of adoption unless the Council rules the adoption in violation of this Act or a section of this Act.

**B)** A consent to adoption may be withdrawn before the entry of a decree of adoption, within a period of 3 months after the consent is given for no stated reason, by delivering written notice to the person obtaining the consent, or after the 3 month period, if the Council finds, after notice and opportunity to be heard is afforded to petitioner, the person seeking the withdrawal, and the Office accredited agency placing the child for adoption, that the withdrawal is in the best interest of the person to be adopted and the Council orders the withdrawal.

**C)** The revoke time frame for the consent shall be extended for circumstances regarding the termination of a non consenting parenting as described in NIARA section 311.B.1.I. When the non consenting parents rights have been terminated, then the extended revoke period shall end after 2 weeks ( 14 days) of the non consenting parents termination of rights.

**D)** Upon withdrawal of the consent the infant in question is to be returned to the parent withdrawing the consent within a period of 48 hours with no further investigation of said parent.

(1)Stipulations in regard to monetary finances are not to be considered in regards of the child’s return and resolution of such issues shall take place under the Infant Adoption Council’s arbitration and mediation.

(2) The person/s withdrawing the consent need not prove their desire nor ability to regain custody of his/her biological child. A parent withdrawing consent is to receive the same rights and freedoms as any other natural parent upon giving birth. No agency nor persons have the right to question that parental right.

**E)** Appeals of consent withdrawals and refusal to comply may result in executive degrees by the Office including police actions and kidnapping charges as seem fit.

**F)** The Council reserves the right to have final and absolute say in the finalization of such withdrawals and appeals. There shall be no further court action, stays or appeals.

**NIARA 311. Termination of Parent and Child Relationships.**

**A)** If consent to relinquish is given, the rights of both parent with reference to a child, including parental right to control the child or to withhold consent to an adoption, and the relationship of parent and child cannot be terminated until the revoke period for a voluntary consent has elapsed.

**B)** The rights of a parent with reference to a child, including parental right to control the child or to withhold consent to an adoption, must be relinquished and the relationship of parent and child terminated before a Petition to Adopt is submitted ,but before the revoke period has elapsed for any consenting parents as provided in NIARA Section 310. by the following:

(1) All rights of a parent with reference to a child, but excluding the right to receive notice of a hearing on a petition for adoption, may be relinquished and the relationship of parent and child terminated by a writing, signed by the parent if met with criteria stated in NIARA Section 306 and 308 of this Act.

(i) If both parents have not given their consent to relinquish, then the revoke period for the consenting parent as stated in NIARA Section 310, is extended until the termination of parental rights for the non consenting parenting is completed.

(2) All rights of a parent with reference to a child, but excluding the right to receive notice of a hearing on a petition for adoption, may be relinquished and the relationship of parent and child terminated by the Office under the following conditions:

(i) The parent has been proven to have abandoned the child and is not able to be located as specified and proven to the Office by NIARA Section 307

(ii) that a parent who does not have custody is unreasonably withholding consent to adoption, without demonstrating any expected parental involvement, support or concern for no valid reasons proving them impossible to do so, if so investigated, documented and proven by the Council.

(iii) that the parent committed an act constituting sexual assault or sexual abuse of a minor or adult under the laws of the state or a comparable offense under the laws of the state where the act occurred that resulted in conception of the child and that termination of the parental rights of that biological parent is in the best interests of the child.

(iiii) that the parent is proven to be a reasonable threat to the health and safety of the child or family of that child based on investigated, documented and proven to the Office.

(3) All rights of a parent with reference to a child, including the right to receive notice of a hearing on a petition for adoption, may be relinquished and the relationship of parent and child terminated by the Office if the parent is deceased and other family members express no interest in providing guardianship of the child

**B)** Consent by that parent to an adoption of that child; and notice of a proceeding to terminate that parents parental rights must be given in advance, allowing for time to respond, make arrangements to appear, and get legal representation if necessary..

**C)** 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 (B.2) of this section may be made by

(1) either parent if termination of the relationship is sought with respect to the other parent providing that it is documented and proven that the other party has been notified and served with the appropriate notice or has signed the consent as listed in NIARA Section 306, 307 and 308 of this Act.;

(2) Before the petition is heard, notice of the hearing on the petition and opportunity to be heard shall be given the parents of the child, the guardian of the person of the child, the person having legal custody of the child, any extended family members and the person appointed to represent any party.

(3) Not withstanding the provisions of (B.2) of this section, a relinquishment of parental rights with respect to a child, executed under this section, may be withdrawn by the other parent, and a decree of a court terminating the parent and child relationship on grounds set out in (B.2) of this section may be vacated by the court upon motion of the parent, and the person having custody of the child consents in writing to the withdrawal or vacation of the decree.

(4) The respondent to a petition filed for the termination of parental rights on grounds set out in (B.2) of this section is entitled to representation in the proceedings by an attorney. If the respondent is financially unable to employ an attorney, the court shall appoint the office of public advocacy to represent the respondent in the proceedings.

(6) Proceedings for the termination of parental rights on the grounds set out in (B.2) of this section do not affect the rights of a victim of sexual abuse of a minor or incest to obtain legal and equitable civil remedies for all injuries and damages arising out of the perpetrator's conduct.

**NIARA 312: Venue.**

**A)** Proceedings for adoption shall be brought in the Office court for the state district in which, at the time of filing or granting the petition, the petitioner or the person to be adopted resides or is in military service, in which the child is born and the biological parents reside or in which the agency having the care, custody, or control of the minor is located. Location of the venue shall not be determined by convenience or favoritism to any persons nor individuals nor professional establishments, nor shall it be made to exclude nor eliminate anyone from such proceedings.

**B)** If the Council finds in the interest of substantial justice that the adoption proceeding should be heard in another judicial district, the court may transfer, stay, or dismiss the proceeding in whole or in part on conditions that are just. Requests for change in venue shall be taken very seriously and may be presented by anyone involved in such proceedings.

**C)** Proceedings for the termination of parental rights on the grounds set out in NIARA Section 311 in this Act shall be brought in the attention of the Council for Infant Adoptions

**NIARA 313. Petition For Adoption.**

**A)** The caption of a petition for adoption shall be styled substantially "In the Matter of the Adoption of . . . . . . . . . . . . . . . .". The person to be adopted shall be designated in the caption under the name by which the was stated on their original birth certificate.. If the child is placed for adoption by an agency or legal representation, the name on the original birth certificate shall still be stated unless proven to the Council be a safety threat to the child..

**B)** A petition for adoption shall be signed and verified by the petitioner, filed with the clerk of the Office:

(1) the date and place of birth of the person to be adopted;

(2) the name to be used for the person to be adopted, as well as their original name;

(3) the date of placement of the minor and the name of the person placing the minor;

(4) the full name, age, place and duration of residence of the petitioner;

(5) the marital status of the petitioner, including the date and place of marriage, if married;

(6) The Approval to Adopt providing verified proof that the petitioner has facilities and resources suitable to provide for the nurture and care of the minor to be adopted, and that it is the desire of the petitioner to establish the relationship of parent and child with the person to be adopted;

(7) a description and estimate of value of any property of the person to be adopted; and

(8) the name of any person whose consent to the adoption is required along with a verified time line of Office requirements;

(9) signed and agree to contract made between the biological parents and the prospective adoptive parents outlining the details of the contact agreement regarding visitation, information transaction, pictures, and levels of openness. Extended family members may also be included in such contact agreements.

(10) a certified education qualification awarding the petitioner the right to adopt by the Office of Infant Adoptions certifying that the petitioner has been educated on the adoptee issues, has completed Council accredited programs regarding adoption facts and falsities as sited in NIARA 304.A.

(10) a certified counseling qualification awarding the persons surrender the child to adoption by the Office of Infant Adoptions certifying that the respondents have been educated on the adoptee issues, have completed Council accredited counseling regarding adoption facts and falsities including long term issues for parents and children in relinquishments as sited in NIARA 304.B.

**C)** A certified copy of the birth certificate or verification of the birth record of the person to be adopted, if available, the information specified in NIARA Section 316 if available, and the required consents as specified in NIARA Section 306, 307, 308, 310, and 311 relinquishments, and termination orders shall be filed with the Office official.

**D)** The petition for adoption shall not be presented until the time frame for withdrawal of consent as specified in NIARA Section 310 has passed and any terminations of parental rights as deemed necessary have been complete as stated in NIARA Section 311 of this Act.

**E)** The petition for adoption shall not be presented until termination of parental rights for no consenting parties is completed.

**NIARA 314. Non Confidential Nature of Hearings and Records in Adoption Proceedings.**

**A)** All hearings held in proceedings under this chapter shall be held in court without admittance of any person other than essential officers of the court, the parties, their witnesses and personal supporters, legal counsel, persons who have not previously consented to the adoption but are required to consent, and representatives of the agencies present to perform their official duties.

**B)** The papers and records relating to an adoption or a termination of parental rights under NIARA Sections 306 to 311 that are a part of the permanent record of a court are subject to inspection and are to be copied and received by all biological parents and adoptive parents. The papers and records relating to an adoption or a termination of parental rights under NIARA Sections 306 to 311 shall be on file with the Office of Infant Adoption, kept and made accessible by an Office accredited agency to both the parental parties and the mentioned adoptee. These records and papers are subject to inspection by anyone other than the biological parents, adoptee, and adoptive parent as matter of public records and in acknowledgment that there is no shame nor secrecy in adoption proceedings. Except as provided in this section, adoption records of the Bureau of Vital Statistics are subject to inspection under the provisions of NIARA Section 201.B.4.C

**C)** If presented to and deemed necessary by the Office, identities of individuals involved in adoption proceedings may be protected from public information under issues of physical safety or undue emotional duress to effected parties. Protection of this nature shall not be given without due cause and shall be removed if situational changes are proven.

**D)** Under protection of identity, the Office will order the disclosure of an identity or address if

(1) the Office makes an express finding that the disclosure is required because of a medical necessity by or other extraordinary circumstance; and

(2) The adoptee has reached 18 years of age and requests the knowledge of his or her adoption proceedings.

(3) The Adoptee has reached 18 years of age and the biological parents or adult siblings and other family members request the knowledge of the adopted family member.

**NIARA 315. Applications For Adoption Certificates.**

Within 30 days after an adoption decree becomes final, the clerk of the court shall, if requested by the adoptive parents, prepare an application for an adoption certificate in the name of the adopted person. Upon issuing a decree terminating parental rights on grounds set out in NIARA Section 311 the Office may order the preparation of an application for an adoption certificate in the name of the child without reference to the parent whose parental rights have been terminated. The clerk of the court shall forward the application

to the Office of Infant Adoption and a copy of the decree to the department for statistical purposes;

**NIARA 316.Amending Birth Certificates to reflect adoption proceedings and a change in legal parents status.**

**A)** Within 30 days after an adoption decree becomes final, the clerk of the court shall prepare an application for newly issues birth certificate in the name of the adopted person.

The amended birth certificate shall have the following information:

(1) the name of the adoptee at birth

(2) the names of the biological father and mother. If the child in question is part of assisted reproduction , then the names of either egg or sperm donors will also be listed as genetic mother and father respectively. If a gestational carrier has been used than that will also be listed.

(4) the time, date and place of the birth

(5) if the adopted persons name is to be changed, then the new name shall be reflected on the Birth Certificate as the legal name

(6) the names of the new legal parents of the adopted child, listed as “legal” or adoptive parents

(7) the date and place of the final adoption decree.

**B)** No information shall be excluded form the amended birth certificate that was on the original birth certificate unless special provisions have been made and approved by the Office. The new Birth Certificate will simply add more information onto the original information to reflect the adoption and change in legal custody.

**C)** Every reasonable effort shall be made by the office issuing the Birth Certificate to render it as close to the original and other non adopted persons birth certificates with out omitting the original information. This new amended birth certificate shall be as valid and good as any original birth certificate issued to anyone.

**D)** Upon issuing a decree terminating parental rights on grounds set out in NIARA Section 311 the Council may order the preparation of an application for an amended birth certificate in the name of the child without reference to the parent whose parental rights have been terminated. This is not to be taken lightly and only requested when it has been deemed a safety issue for either parental set or the adopted child. The clerk of the court shall forward the application to the Office of Infant Adoption and a copy of the decree to the department for statistical purposes. The original information shall be kept by the Office at a central location and be provided to others under the provisions of NIARA 308.D.

**NIARA 317. Indian Child Adoption Reports.**

After entering a final decree or order in an Indian child adoptive placement, the court shall send to the Secretary of the Interior a copy of the decree or order and other information required by 25 U.S.C. 1951 (sec. 301(a) of the Indian Child Welfare Act of 1978).

**NIARA 318. Records and Information.**

**A)** At the time a petition for adoption is filed with the court, the agency or individual placing the person for adoption, or the petitioner, shall file with the court, for release to the state registrar of vital statistics, and for the records of the Office, the following information, on forms provided by the department:

(1) the address of each parent named on the original birth certificate; and

(2) background information required

(3) the original birth certificate

(4) copies of all signed consents and terminations, including the waivers of counseling and information

(5) The Approval to Adopt report, and the final Adoption decree.

(6) Social security numbers for all involved parties

**B)** Upon entry of a decree of adoption, the clerk of the court shall transmit to the Bureau of Vital Statistics the information provided under (a) of this section. The bureau shall attach the information to the original birth certificate of the adopted person.

**C)** A child adoption agency licensed under NIARA shall maintain records of the information required to be furnished to the court under this section or under regulations of the Council implementing this section. If a child adoption agency ceases to place persons for adoption, it shall transfer its records to the Council.

**NIARA 319. Advertisements.**

**A)** In this Section, "advertise" means communication by any public medium originating or distributed in this country, including, but not limited to, newspapers, internet based web sites, periodicals, telephone book listings, outdoor advertising signs, radio, or television.

**B)** A agency or individuals licensed or operating under a permit issued by the Office may publish advertisements for the services that the facility is specifically licensed or issued a permit under this Act to provide. Information for those services must not be misrepresented in any way and must clearly define the agencies or individuals roles and licensing to perform the adoption services as required.

(1) If the agency is working under any other names for business purposes, then the names of other business and the names under which the license is held must clearly be defined.

(2) names of individuals working under the umbrella of any agency or other corporate heading, either profit or non profit shall also be clearly stated.

**C)** A person, group of persons, agency, association, organization, corporation, institution, center, or group who advertises or causes to be published any advertisement offering, soliciting, or promising to perform adoption services as defined in NIARA Section 304 of this Act is guilty of a Class A misdemeanor and shall be subject to a fine not to exceed $10,000 or 9 months imprisonment for each advertisement, unless that person, group of persons, agency, association, organization, corporation, institution, center, or group is

(i) licensed or operating under a permit issued by the office as a accredited and licensed agent of the Office

(ii) a licensed attorney advertising his or her availability to provide legal services relating to adoption, as permitted by law and defined in this act.

**D)** Every advertisement published after the effective date of Act shall include the Office issued license number of the facility or agency or persons.

**E)** Any licensed child welfare agency providing adoption services that, after the effective date of this Act , causes to be published an advertisement containing reckless or intentional misrepresentations concerning adoption services or outcomes of adoption from any standpoint or circumstances material to the placement of a child for adoption is guilty of a Class A misdemeanor and is subject to a fine not to exceed $10,000 or 9 months imprisonment for each advertisement.

**F)** Any non licensed agency claiming to provide providing crisis or pregnancy services or counseling services that, after the effective date of this Act, causes to be published an advertisement containing reckless or intentional misrepresentations concerning adoption, pregnancy, parenting services or outcomes of adoption from any standpoint or circumstances, for any religious of political standpoint, material to the placement of a child for adoption is guilty of a Class A misdemeanor and is subject to a fine not to exceed $10,000 or 9 months imprisonment for each advertisement unless the bias of said advertisers and agenda of such services are clearly and openly defined on such advertisements and the lack of licensing b the Office is also made most visible upon first inspection of said advertisements.

**G)** An advertiser, publisher, or broadcaster, including, but not limited to, newspapers, periodicals, internet based websites, telephone book publishers, outdoor advertising signs, radio stations, or television stations, who knowingly or recklessly advertises or publishes any advertisement offering, soliciting, or promising to perform adoption services, as defined in NIARA Section 304 of this Act, on behalf of a person, group of persons, agency, association, organization, corporation, institution, center, or group, not authorized to advertise under subsection (b) or subsection (e) of this Section, is guilty of a Class A misdemeanor and is subject to a fine not to exceed $10,000 or 9 months imprisonment for each advertisement.

**H)** The Office shall maintain a website listing child welfare agencies licensed by the Office that provide adoption services and other general information for biological parents, adopted persons and adoptive parents. The website shall include, but not be limited to, agency addresses, phone numbers, e mail addresses, website addresses, annual reports as referenced in NAIRA Section 201.B.4.C.II.V of this Act, agency license numbers, the Birth Parent Bill of Rights, the Adoptive Parents Bill of Rights, The Adopted persons Bill of Rights and the Office’s complaint registry established under NIARA Section 202.B.4.B.ii and iii and C of this Act. The Office shall adopt any rules necessary to implement this Section.

TITLE III--FUNDING

**NIARA SEC. 320. FUNDS.**

**A)** The Secretary of Health shall provide the Infant Adoption Council with such funds as may be necessary for--

(1) the hiring of staff for the Office;

(2) investigations conducted by the Office; and

(3) travel and other expenses necessary to carry out this Act.

**B)** Furthermore, other funding necessary shall be provided for by the repeal of the Adoption Tax Credit as costs to prospective adoptive parents have been greatly capped and reduced by the enactment of this Act. Prospective adoptive parents who have already begun and adoption process shall not be penalized by the repeal of the Adoption Tax Credit, but shall be able to employ a grandfather cause in the following manner:

(1) if the adoption is made final in the first 12 month period of the enactment of this act, then the full credit is given

(2) if the adoption is made final in the second 12 month period of the enactment of this act, then the 4/5ths of the credit is given

(3) if the adoption is made final in the third 12 month period of the enactment of this act, then the 3/5ths of the credit is given

(4) if the adoption is made final in the fourth 12 month period of the enactment of this act, then the 2/5ths of the credit is given

(5) if the adoption is made final in the fifth 12 month period of the enactment of this act, then the 1/5ths of the credit is given

Within 5 years after the enactment of this Act, the Adoption Tax credit shall no longer be needed.

**C)** Federal funding in provided for Adoption Awareness Trainings shall now revert back to the Office and be used as necessary for educational purposes, media, and pregnancy counseling services as the Office sees fit.

**D)** State and Federal Funding for Maternity homes shall revert to pregnancy counseling materials, maternity housing, and implementation of services to assist in making viable parenting plans

1. Evan B. Donaldson Adoption Institute 11/06 [↑](#footnote-ref-2)
2. US Census Bureau / USA Today article 8/22/03 [↑](#footnote-ref-3)
3. (Center for Disease Control 49(27);605-6112000 / 49(27);605-6, 2000 / 49(27);605-611 [↑](#footnote-ref-4)
4. (From U.S. Code § 300z. 6 (a) and (b)(Cir. 1978) [↑](#footnote-ref-5)
5. Adam Pertman “Adoption Nation” [↑](#footnote-ref-6)