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Regulation of Private Domestic Adoption Expenses

A private, independent, or direct-placement adoption is an adoption arranged between a birth family and an adoptive family without using a public agency. A placement arranged in this way between families in the United States is referred to as a private/independent domestic adoption. Private adoption agencies or attorneys may assist in completing a private domestic adoption. Unlike adoption of a child from foster care through a public agency, which involves fairly minimal fees, in a private/independent adoption, costs are typically much higher as the adoptive family is expected to pay many of the expenses.¹

Approximately 47 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, and Puerto Rico have laws that provide some regulation of the fees and expenses that adoptive parents are expected to pay when arranging a private-placement or independent domestic adoption.² Some of the fees and expenses addressed in the statutes include expenses of the expectant mother during pregnancy and childbirth; placement costs, such as agency fees; and legal and attorney expenses for adoptive and birth parents.

¹ For a comparison of the types of adoptions and their relative costs, see Child Welfare Information Gateway's *Adoption Options: Where Do I Start?* at <https://www.childwelfare.gov/pubs/f-adoption/>.

² Hawaii, Rhode Island, Wyoming, and the Virgin Islands do not currently address the issue of adoption expenses in statute. The word "approximately" is used to stress the fact that States frequently amend their laws. This information is current through March 2017.

Birth Parent Expenses

In private or independent adoptions, the adoptive parents may pay some of the birth mother's expenses, particularly in the case of a pregnant woman planning to place her infant for adoption. Approximately 45 States, the District of Columbia, American Samoa, and the Northern Mariana Islands specify in their statutes the type of birth parent expenses a prospective adoptive family is allowed to pay.³ The actual dollar amount is usually limited to "reasonable and customary."

The types of expenses most commonly allowed by statute include the following:

- Maternity-related medical and hospital costs
- Temporary living expenses of the mother during pregnancy
- Counseling fees
- Attorney and legal fees and guardian ad litem fees
- Travel costs, meals, and lodging when necessary for court appearances or accessing services

Approximately seven States explicitly prohibit adoptive parents from paying certain types of expenses.⁴ Costs such as educational expenses, vehicles, vacations, permanent housing, or any other payment for the monetary gain of the birth parent often are excluded. In 16 States, the statutes do not exclude specific types of expenses but do indicate that any expense not expressly permitted by law or considered by the court to be unreasonable cannot be paid by the adoptive parents.⁵

³ Hawaii, Massachusetts, Nebraska, Rhode Island, Wyoming, Guam, Puerto Rico, and the Virgin Islands do not currently address the issue of birth parent expenses in statute. The District of Columbia addresses the issue in its municipal regulations.

⁴ Illinois, Kentucky, Minnesota, Montana, New Hampshire, North Dakota, and Wisconsin.

⁵ Arizona, California, Delaware, Kansas, Louisiana, Maine, Missouri, New Mexico, Ohio, Oklahoma, Pennsylvania, South Carolina, Utah, Virginia, West Virginia, and Wisconsin.

Approximately 18 States specify time limits for the payment of the birth mother's living expenses or psychological counseling.⁶ The time limits set for these payments range from 30 days up to 6 months after the child's birth or placement. For example, Iowa allows postplacement counseling for 60 days but limits payment of living expenses to 30 days. New York limits payment of living expenses to 60 days prior to the child's birth and 30 days thereafter. Oklahoma allows payments for postplacement counseling for up to 6 months but limits other expenses to 2 months beyond placement of the child. In seven States, the payment of expenses may not exceed a set dollar amount unless the court grants an exception.⁷

Payments for Arranging an Adoption

In an independent adoption, a prospective adoptive parent often uses an agent to locate a pregnant woman considering adoption for her unborn child. In an effort to ensure that no person, either the agent acting as intermediary or a member of the birth family, profits from the placement of a child, most States restrict the activities of these agents or intermediaries. Approximately 26 States, American Samoa, the District of Columbia, the Northern Mariana Islands, and Puerto Rico prohibit the payment of any fee for connecting an adoptive family with a pregnant woman or obtaining consent to adoption; in these States, fees may be paid only for the provision of adoption services, such as arranging for the home study.⁸ An additional 12 States require that the placement of children be done by licensed child-placing agencies or other authorized professionals.⁹

⁶ Florida, Idaho, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Tennessee, and Vermont.

⁷ Arizona (\$1,000), Connecticut (\$1,500), Florida (\$5,000), Idaho (\$2,000), Indiana (\$3,000), Ohio (\$3,000), and Wisconsin (\$5,000).

⁸ Alabama, Arizona, California, Delaware, Florida, Georgia, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin.

⁹ Colorado, Illinois, Indiana, Kentucky, Massachusetts, Nevada, New Jersey, New Mexico, New York, Oklahoma, Tennessee, and Texas. For more information on this issue, see the Child Welfare Information Gateway publication *Use of Advertising and Facilitators in Adoptive Placements* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/advertising/>.

Payments for Relinquishing a Child

To avoid the appearance of “baby selling,” laws in 31 States, American Samoa, the Northern Mariana Islands, and Puerto Rico disallow any person from offering, or any birth parent from accepting, a payment of money or anything of value in exchange for relinquishing a child for adoption.¹⁰ Making a payment for anything beyond the expenses authorized in statute is expressly prohibited. California and Nevada prohibit a birth parent from obtaining financial benefit when he or she has no intention of completing the adoption.

In 14 States, payment of allowable expenses cannot be construed to obligate the birth parent to consent to the adoption.¹¹ However, in Montana, North Carolina, and Vermont, if the adoption is not completed, the adoptive parent is not required to make any additional payment of expenses unless there is a prior written agreement to make a specific payment regardless of the outcome of the adoption proceeding. Idaho is the only State that requires reimbursement of expenses to prospective adoptive parents if the birth parent decides not to place the child for adoption.

Agency Costs and Fees

The fees charged by agencies as well as the extent to which they are regulated by State authorities vary from State to State. In 34 States, the Northern Mariana Islands, and Puerto Rico, the statutes simply authorize agencies to collect fees that are reasonable or cover the actual cost of the adoption services provided.¹² Approximately 10 States specify a dollar amount for agency fees or specific services that agencies provide.¹³ Approximately 17 States

¹⁰ Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, Nevada, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin.

¹¹ Florida, Illinois, Louisiana, Maine, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Vermont, and Wisconsin.

¹² Alaska, Arizona, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

¹³ Alabama, California, Idaho, Indiana, Kentucky, Maine, Mississippi, North Carolina, Oregon, and Wisconsin specify a dollar amount in statute or regulation for some specific services.

provide for a reduction or waiver of fees for adoptive families that meet specified income criteria.¹⁴ Nevada waives fees when the family is adopting a child with special needs.¹⁵

Agencies typically provide preplacement services such as the preparation of home studies of adoptive families,¹⁶ compilation of social and medical histories of birth families, birth family counseling, and postplacement services. Sometimes agencies also will receive payment for birth parent expenses and make appropriate disbursements.

Reporting to the Court

Approximately 41 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, and Puerto Rico require that an accounting of all adoption-related expenses be made to the court that has jurisdiction over the adoption proceedings.¹⁷ Typically, the accounting is made in the form of a sworn statement or affidavit. In some States, this statement is attached to the adoption petition. In other States, the accounting must be filed prior to the court hearing on the adoption. In South Carolina, receipts for the birth mother’s living expenses must be submitted, and any living expense for which a receipt is not presented may be disallowed.

In private and independent adoptions, the court has the discretion to review all disbursements made for adoption-related expenses, including payments made to or on behalf of the birth parents. In five States, the statutes permit the court to disallow or modify any expense that it finds unreasonable, unnecessary, or not permitted by State law.¹⁸

¹⁴ Alabama, Alaska, Arizona, California, Colorado, Delaware, Minnesota, Mississippi, Nebraska, Nevada, New Jersey, North Carolina, Oregon, South Dakota, Virginia, Washington, and Wisconsin.

¹⁵ Nevada, in § 127.008, defines a “child with special needs” as a child for whom placement with an adoptive parent is made more difficult because of the child’s age, race, or number of siblings; or because the child suffers from a severe or chronic medical, physical, mental, or emotional condition.

¹⁶ For more information, see Child Welfare Information Gateway’s *The Adoption Home Study Process* at <https://www.childwelfare.gov/pubs/f-homstu/>.

¹⁷ Connecticut, Hawaii, Massachusetts, Mississippi, Nebraska, Rhode Island, South Dakota, Texas, Wyoming, and the Virgin Islands do not currently require an accounting of expenses to the court.

¹⁸ Alabama, Arizona, Kansas, Kentucky, and Michigan.

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

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Alabama

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Ala. Code § 26-10A-34(a)

Preceding and during pregnancy-related incapacity, as an act of charity, the adoptive parent is permitted to pay the maternity-connected medical or hospital and necessary living expenses of the mother. Legitimate charges for medical, legal, prenatal, or other professional services are permitted.

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption

Citation: Ala. Code §§ 26-10A-23(a); 26-10A-34(b)

No person or other entity may accept a fee for bringing the adopting parent together with the child to be adopted or with the child's natural parents, or for placing, assisting, or arranging a minor placement.

Allowable Payments for Relinquishing Child

Citation: Ala. Code §§ 26-10A-23(d); 26-10A-34

The adoptive parents and the parents surrendering the child must attest that no money or other things of value have been paid or received for giving up the child for adoption.

Allowable Fees Charged by Department/Agency

Citation: Ala. Code § 26-10-4.1; Admin. Code r. 660-5-22.04

The Department of Human Resources is required to collect a fee of \$300 for investigation services in certain adoptions. Unless waived by the department, the fee will be charged to the petitioners in all adoptions except those in which an investigation is specifically not required by statute (e.g., stepparent and relative adoptions).

The fee is not to be collected for investigations where parental rights have been terminated, in those adoptions involving children placed for adoption by the department or a licensed child-placing agency, or in cases in which the investigative services were performed by a licensed child-placing agency.

In regulation: The department shall waive the fee in cases of indigence of the petitioners when the family's gross income does not exceed 100 percent of the annual Federal Poverty Income Guidelines.

The department may waive the fee for other good cause when the adoption is in the child's best interest, imposition of the fee would prevent the adoption, and any of the following circumstances apply:

- The petitioners are related to the child beyond the degree of relationship required by law to exempt them from an investigation.
- The child has lived in the home of the petitioners for several years.
- The child's relationship with siblings would be injured or severed if the adoption does not proceed.
- The child has diagnosed special needs for medical care or appliances, counseling, therapy, educational tutoring, or other treatment.
- The child is one of a sibling group of three or more children being adopted by the same petitioners.
- The child's approved foster parents are adopting the child independently with the parents' consent and with the approval of the department.
- The department determines that there are unusual circumstances and imposing a fee would be against the best interests of the child or prevent the adoption.

Accounting of Expenses Required by Court

Citation: Ala. Code § 26-10A-23(b)-(d)

Prior to payment, the petitioners must file with the court a full accounting of all charges for expenses, fees, or services they will be paying relating to the adoption. Payment may be made only with court approval except that fees may be placed in an escrow account prior to court approval. The court may not refuse to approve a fee for documented services on the sole basis that a child has not been placed. The court shall approve all reasonable fees and expenses, unless it determines that the expense is unreasonable based upon specific written findings of fact.

The petitioner must file a sworn statement that is a full accounting of all disbursements paid in the adoption.

Under penalty of perjury, the adoptive parents and the parent or parents surrendering the child for adoption shall, prior to the entry of the final adoption order, sign affidavits stating that no money or other things of value have been paid or received for giving the minor up for adoption.

Alaska

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Alaska Stat. § 25.23.090

Payments in connection with the following expenses are permitted:

- Expenses incurred in connection with the birth of the child
- Medical or hospital care received by the mother or minor during the mother's prenatal care and confinement
- Services related to the adoption that were received by the petitioner, either natural parent, or any other person

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption

This issue is not addressed in the statutes reviewed.

Allowable Payments for Relinquishing Child

This issue is not addressed in the statutes reviewed.

Allowable Fees Charged by Department/Agency

Citation: Admin. Code Tit. 7 §§ 56.600; 80.100

Before placing the child into a home, the child-placing agency must have a written agreement with the adoptive parents. The agreement must specify the fees and schedule of payments.

The reasonable fee for a service will not exceed the actual cost to the Department of Health and Social Services of providing the service. The adoptive parents' ability to pay all or part of an established fee will be determined according to the formula set out in regulation. A full discount on a fee will be allowed to adoptive parents whose income is insufficient to allow payment of any amount toward the fee.

Accounting of Expenses Required by Court

Citation: Alaska Stat. § 25.23.090

The petitioner must file a full accounting report, in a manner acceptable to the court, of all disbursements of anything of value to be made in connection with the adoption. The report is to be verified and signed by the petitioner.

American Samoa

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Ann. Code § 45.0430(a)

Attorney's fees and charges and fees that are approved by the court are the only payments that are permitted.

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption

Citation: Ann. Code § 45.0430(a)

No person may offer any money or other consideration in connection with an adoption with the exception of attorney's fees and court fees.

Allowable Payments for Relinquishing Child**Citation: Ann. Code § 45.0430(a)**

No person may charge or accept money in connection with an adoption.

Allowable Fees Charged by Department/Agency**Citation: Ann. Code § 45.0430(a)**

Charges and fees, as may be approved by the court, are allowed.

Accounting of Expenses Required by Court**Citation: Ann. Code § 45.0420(d)**

A statement of any fee charged relative to the adoption is submitted to the court with the petition and states that no additional fees are charged.

Arizona*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Rev. Stat. § 8-114(A)-(B)**

The court may approve any monies paid to a parent of a child placed for adoption or another person for the benefit of the parent or adopted child for reasonable and necessary expenses incurred in connection with the adoption. These expenses may include costs for medical and hospital care and examinations for the mother and child, counseling fees, legal fees, agency fees, living expenses, and any other costs the court finds reasonable and necessary.

A person who wishes to pay the living expenses of a birth parent that exceed \$1,000 shall file a motion with the court to permit that payment. A maximum of \$1,000 may be advanced for birth parent living expenses without a motion.

In determining what living expenses are reasonable and necessary, the court shall consider, but not be limited to, the following factors:

- The current standard of living of the birth parent
- The standard of living necessary to preserve the health and welfare of the birth parent and the unborn child
- The existence of alternative financial resources for the birth parent

Birth Parent Expenses Not Allowed**Citation: Rev. Stat. § 8-114(G)**

Expenses that the court finds to be unauthorized or unreasonable are not allowed.

Allowable Payments for Arranging Adoption**Citation: Rev. Stat. § 8-114(D)**

An attorney may be paid for services in connection with an adoption but only in amounts that the court approves as reasonable and necessary.

Allowable Payments for Relinquishing Child**Citation: Rev. Stat. § 8-114(C)**

Except as provided, a person shall not be directly or indirectly compensated for giving or obtaining consent to place a child for adoption.

Allowable Fees Charged by Department/Agency**Citation: Rev. Stat. § 8-133**

The Department of Economic Security may charge fees for studying and certifying adoption applicants and for providing placement supervision services to cover the costs of providing these services.

If an investigation is conducted by an officer of the court, the court may charge a reasonable fee. The court may waive, reduce, or defer this fee if the fee would cause a hardship.

Accounting of Expenses Required by Court**Citation: Rev. Stat. § 8-114(E), (F), (H)**

No fewer than 10 days before an adoption petition is heard, the prospective adoptive parent shall file with the court a verified accounting of all fees, payments, disbursements, or commitments of anything of value made or agreed to be made by the prospective adoptive parent in connection with the adoption. The accounting shall include all living expenses and be accompanied by an affidavit that is signed by the birth mother, either before or after the birth of the child, that verifies that she has been given written notice, she understands that the payment of these expenses does not obligate her to place her child for adoption, and she may give a valid consent to the adoption only after the child's birth without regard to any cost or expense paid by any person in connection with the adoption. This subsection does apply to an agency-placement adoption or to a direct-placement adoption made through an agency.

The court shall allow, disallow, or allow in part fees, payments, disbursements, and commitments as shown in the accounting. All adoption cases shall be reviewed by the juvenile court for reasonableness and necessity of expenses.

Arkansas*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Ann. Code § 9-9-206(c)**

Incidental costs for prenatal, delivery, and postnatal care may be assessed, including reasonable housing costs, food, clothing, general maintenance, and medical expenses, if they are reimbursements for expenses incurred or fees for services rendered.

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption

This issue is not addressed in the statutes reviewed.

Allowable Payments for Relinquishing Child**Citation: Ann. Code § 9-9-206(c)**

Under no circumstances may a parent or guardian of a minor receive a fee, compensation, or any other thing of value as a consideration for the relinquishment of a minor for adoption.

Allowable Fees Charged by Department/Agency

This issue is not addressed in the statutes and regulations reviewed.

Accounting of Expenses Required by Court**Citation: Ann. Code § 9-9-211**

Before the adoption petition is heard, the petitioner shall file with the court a full accounting report of all disbursements of anything of value made or agreed to be made by or on behalf of the petitioner in connection with the adoption. The petitioner shall file a sworn affidavit showing any expenses incurred in connection with the following:

- The birth of the minor
- Placement of the minor with the petitioner
- Medical or hospital care received by the mother or the minor during the mother's prenatal care and confinement
- Services relating to the adoption or to the placement of the minor for adoption that were received by or on behalf of the petitioner, either natural parent of the minor, or any other person
- Fees charged by all attorneys involved in the adoption, including those fees charged by out-of-State attorneys

This section does not apply to an adoption by a stepparent whose spouse is a natural or adoptive parent of the child, or to an adoption where the person to be adopted is an adult, or where the petitioner and the minor are related to each other in the second degree.

The petitioner shall file a signed, sworn affidavit verifying that all expenses have been truthfully listed and shall be informed by the court as to the consequences of knowingly making false material statements.

California

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Fam. Code § 8812; Penal Code § 273(b)

Any request by a birth parent or birth parents for payment by the prospective adoptive parents of attorney's fees, medical fees and expenses, counseling fees, or living expenses of the birth mother shall be in writing. The birth parent or parents shall provide the prospective adoptive parents written receipts for any money provided to the birth parent or birth parents. The prospective adoptive parents shall provide the receipts to the court when the accounting report required pursuant to § 8610 is filed.

It is not unlawful to pay or receive the maternity-connected medical or hospital and necessary living expenses of the mother preceding and during confinement as an act of charity, as long as the payment is not contingent upon placement of the child for adoption, consent to the adoption, or cooperation in the completion of the adoption.

Birth Parent Expenses Not Allowed

Citation: Penal Code § 273(d)

It is unlawful for the birth mother to accept payments that exceed reasonable maternity-related medical and hospital costs and necessary living expenses.

Allowable Payments for Arranging Adoption

Citation: Penal Code § 273(a)

It is unlawful for any person or agency to pay, offer to pay, or to receive money or anything of value for the placement for adoption or for the consent to an adoption of a child. This does not apply to any fee paid for adoption services provided by the State Department of Social Services, a licensed adoption agency, adoption services providers, or an attorney providing adoption legal services.

Allowable Payments for Relinquishing Child

Citation: Penal Code § 273(c)-(d)

It is unlawful for any parent to obtain financial benefits with the intent to receive those financial benefits when there is an intent to do either of the following:

- Not complete the adoption
- Not consent to the adoption

It is unlawful for any parent to obtain financial benefits from two or more prospective adopting families or persons if either parent knowingly fails to disclose to those families or persons that there are other prospective adopting families or persons interested in adopting the child, and the parent knows that there is an obligation to disclose that information.

Allowable Fees Charged by Department/Agency

Citation: Fam. Code § 8810; Code of Regs., Tit. 22, § 89137

Whenever a petition is filed for the adoption of a child, the petitioner shall pay a nonrefundable fee to the Department of Social Services or to the delegated county adoption agency for the cost of investigating the adoption petition. Payment shall be made to the department or delegated county adoption agency for an amount as follows:

- For petitions filed on and after October 1, 2008, \$4,500
- For petitioners who have a valid preplacement evaluation at the time of filing a petition, \$1,550 for a postplacement evaluation

The department or delegated county adoption agency may reduce the fee to no less than \$500 when the prospective adoptive parents are of very low income, according to the income limits published by the Department of Housing and Community Development, and making the required payment would be detrimental to the welfare of an adopted child. The department shall develop additional guidelines to determine the financial criteria for waiver or reduction of the fee.

In regulation: A fee of \$500 shall be charged by a public adoption agency. A county adoption agency or the department may waive, defer, or reduce the fee when its payment would cause economic hardship to the adopting parents, would be detrimental to the adopted child, or if necessary to obtain the placement of a hard-to-place child. If the fee is waived, reduced, or deferred, the case record shall reflect the basis upon which the decision is made.

No private adoption agency shall charge or collect any fee for its services unless and until it has submitted to and obtained the approval of the department with respect to both the maximum fee that may be charged and the agency's fee payment plan.

Accounting of Expenses Required by Court

Citation: Fam. Code § 8610

The petitioners in an adoption proceeding shall file with the court a full accounting report of all disbursements of anything of value made or agreed to be made by them or on their behalf in connection with the birth of the child, the placement of the child with the petitioners, any medical or hospital care received by the child's birth mother or the child in connection with the child's birth, any other expenses of either birth parent, or the adoption. The accounting report shall be made under penalty of perjury and shall be submitted to the court on or before the date set for the hearing on the adoption petition, unless the court grants an extension of time.

The accounting report shall be itemized in detail and shall show the services relating to the adoption or to the placement of the child for adoption that were received by the petitioners, either birth parent, the child, or any other person for whom payment was made by or on behalf of the petitioners. The report shall also include the dates of each payment and the names and addresses of each attorney, physician and surgeon, hospital, licensed adoption agency, or other person or organization that received any funds in connection with the adoption or the placement of the child.

This section does not apply to an adoption by a stepparent when one birth parent or adoptive parent retains custody and control of the child.

Colorado

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Rev. Stat. § 19-5-213(a)-(b)

Attorney fees and other charges and fees, as may be approved by the court, are allowed.

Physicians and attorneys may charge reasonable fees for professional services.

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption

Citation: Rev. Stat. § 19-5-213(b)

No person or entity other than an adoption exchange or licensed agency may charge or receive money for locating or identifying a child or natural parent for adoption or a prospective adoptive parent.

Allowable Payments for Relinquishing Child

Citation: Rev. Stat. § 19-5-213(a)

No person shall offer or charge any money or other consideration in connection with the relinquishment and adoption.

Allowable Fees Charged by Department/Agency

Citation: Rev. Stat. § 19-5-207.5(4)

Any person who, by his or her own request or by order of the court, is the subject of a home study report and investigation conducted by a county Department of Social Services, an individual, or a child-placing agency, shall be required to pay, based on an ability to pay, the cost of such report and investigation.

In public adoptions, the State Board of Human Services shall promulgate rules establishing the maximum amount that a county Department of Social Services, an individual, or a child-placing agency may charge a prospective adoptive family for the investigation, criminal records check, and home study report.

The county department may waive the fee if the fee poses a barrier to the adoption of a child for whom a county department has financial responsibility.

In addition to the fee specified above, if the county department has not placed a child available for a public adoption with a family who is the subject of an investigation and home-study report after 6 months, then the county shall refer the family and the home study report for such family to the Adoptive Family Resource Registry if there is written consent for the referral. Prior to referral of a prospective adoptive family to the registry, the prospective adoptive family shall pay a nonrefundable administrative fee in an amount to be determined by rule of the State Board of Human Services.

Accounting of Expenses Required by Court**Citation: Rev. Stat. § 19-5-208(4)**

The adoption petition shall be accompanied by a standardized affidavit disclosing all fees, costs, or expenses charged or to be charged by any person or agency in connection with the adoption.

Connecticut*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Gen. Stat. §§ 45a-728; 45a-728c**

Counseling of the birth mother shall be required within 72 hours of the birth of the child, or as soon as medically possible after the birth. Permissible payment of expenses for birth parent counseling shall include the cost of transportation.

With respect to adoption placement of children who have been identified or located by prospective adoptive parents, payment for the living expenses of the birth mother by the prospective adoptive parents shall be permitted in an amount not to exceed \$1,500 or such amount as may be approved in unusual circumstances by the probate court. In addition to the payment of living expenses, payment by the prospective adoptive parents of reasonable telephone charges and maternity clothing expenses of the birth mother shall be permitted.

Birth Parent Expenses Not Allowed**Citation: Gen. Stat. § 45a-728c**

Payment to the birth mother for living expenses shall not exceed \$1,500 unless approved in unusual circumstances by the court.

Allowable Payments for Arranging Adoption

This issue is not addressed in the statutes reviewed.

Allowable Payments for Relinquishing Child

This issue is not addressed in the statutes reviewed.

Allowable Fees Charged by Department/Agency**Citation: Gen. Stat. § 45a-727(b)**

The court may assess the adoptive parent a reasonable fee to cover the cost of making any required investigation.

Accounting of Expenses Required by Court

This issue is not addressed in the statutes reviewed.

Delaware*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Ann. Code Tit. 13, § 928**

The only payments permitted are court costs and legal fees.

Birth Parent Expenses Not Allowed**Citation: Ann. Code Tit. 13, § 928**

No other payment is allowed.

Allowable Payments for Arranging Adoption**Citation: Ann. Code Tit. 13, § 928**

No person or organization shall receive any remuneration in connection with an adoption.

Allowable Payments for Relinquishing Child**Citation: Ann. Code Tit. 13, § 928**

No birth parent shall receive any contribution, fee, subsidy, or compensation from any person or organization for the placement of a child for adoption.

Allowable Fees Charged by Department/Agency**Citation: Ann. Code Tit. 13, §§ 916; 928; Code of Reg., 9-200-201, § 16.5**

Court costs shall be paid by the petitioner. The Department of Services for Children, Youth and Their Families or a licensed agency may charge a service fee in the amount not to exceed the cost of services rendered.

In regulation: When a fee is charged, an agency shall have a clearly written policy describing the service fees and when fees are charged, reduced, waived, or refunded. This policy shall be available to people receiving a service that has a fee and to the public upon request.

Accounting of Expenses Required by Court**Citation: Ann. Code Tit. 13, § 906(10)**

An affidavit is to be attached to the adoption petition stating the amount of service fees charged by all agencies and other expenses paid and attesting that no intermediary assisted in locating the child.

District of Columbia

Current Through March 2017

Birth Parent Expenses Allowed**Citation: Code of Municipal Regs. §§ 29-1608.2; 1608.3**

A child-placing agency may charge an adoptive parent for the actual costs of the living expenses of the birth mother, including food, shelter, clothing, counseling by an independent mental health professional, medical expenses, or the costs of transportation to obtain medical or adoption-related services.

Birth Parent Expenses Not Allowed**Citation: Code of Municipal Regs. § 29-1608.12**

A child-placing agency shall not solicit or accept money or any item of value or services from any client or any representative of the client on behalf of the child-placing agency beyond the established fees for services provided in connection with placing a child for adoption.

Allowable Payments for Arranging Adoption**Citation: Ann. Code § 4-1410; Code of Municipal Regs. § 29-1608.13**

No child-placing agency authorized to perform services in connection with placing a child in a family home for adoption may make or receive any charge or compensation whatsoever for such services, except that a licensed child-placing agency that is organized and operated exclusively for religious or charitable purposes may be allowed to charge adoptive parents, within prescribed limits, for such services an amount not to exceed the average costs incurred.

In regulation: A child-placing agency shall not solicit or accept any donation of any type or form for any purpose from any prospective adoptive parent during the period that begins on the date that the prospective adoptive parent applies to the child-placing agency to adopt and ends on the date that the final decree of adoption is entered.

Allowable Payments for Relinquishing Child

This issue is not addressed in the statutes reviewed.

Allowable Fees Charged by Department/Agency**Citation: Ann. Code § 4-1410**

A child-placing agency providing domestic or international adoption services may charge an adoptive parent reasonable fees, but no more than the actual cost, for the following:

- Customary and reasonable legal expenses of the child-placing agency
- Costs of locating an absent birth parent
- Foster care expenses incurred by the child-placing agency for a period not to exceed 120 days of foster care
- The living expenses of the birth mother, including food, shelter, and clothing
- Transportation costs to obtain medical services or adoption-related services
- Costs associated with any required court appearance related to the adoption, including food and lodging expenses
- Expenses for adoption counseling or counseling for the birth parents by an independent mental health professional
- The birth mother's legal, hospital, and medical expenses

- Legal fees and costs in connection with contested adoption proceedings
- Expenses incurred by the child-placing agency in connection with an adoption dissolution and alternative placement of a child
- Expenses incurred by the child-placing agency in obtaining the documents required to complete the home study assessment

Accounting of Expenses Required by Court

Citation: Code of Municipal Regs. § 29-1608.15

At the time that the child-placing agency prepares the report and recommendation to the court to approve or disapprove the adoption, the child-placing agency shall require the prospective adoptive parent to execute an affidavit that sets forth each fee and expense of \$500 or more paid to any individual or organization by the prospective parent for any one service or combination of services, including the amount, purpose of payment, and name and address of the recipient of the payment.

Florida

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Ann. Stat. § 63.097(2)

The following fees, costs, and expenses may be assessed by the adoption entity or paid by the adoption entity on behalf of the prospective adoptive parents:

- Reasonable living expenses of the birth mother that the birth mother is unable to pay due to unemployment, underemployment, or disability, including rent, utilities, basic telephone service, food, toiletries, necessary clothing, transportation, insurance, and expenses found by the court to be necessary for the health and well-being of the birth mother and the unborn child
- Reasonable and necessary medical expenses

Such expenses may be paid during the pregnancy and for a period of up to 6 weeks postpartum.

Birth Parent Expenses Not Allowed

Citation: Ann. Stat. § 63.097(3)-(5)

Approval of the court is required when the total amount of expenses permitted above exceeds the following:

- \$5,000 in legal or other fees
- \$800 in court costs
- \$5,000 in reasonable and necessary living and medical expenses

Any fees, costs, or expenses not included above or prohibited as listed below require court approval prior to payment and must be based on a finding of extraordinary circumstances.

The following fees, costs, and expenses are prohibited:

- Any fee or expense that constitutes payment for locating a minor for adoption
- Any payment that is not itemized and documented on the affidavit filed under § 63.132
- Any fee on the affidavit that does not specify the service that was provided and for which the fee is being charged, such as a fee for facilitation, acquisition, or other similar service, or that does not identify the date the service was provided, the time required to provide the service, the person or entity providing the service, and the hourly fee charged

Allowable Payments for Arranging Adoption

Citation: Ann. Stat. § 63.097(2), (6)

The adoptive parent may be assessed for the following expenses:

- Expenses necessary to comply with the requirements of this chapter, including, but not limited to, service of process, investigator fees, a diligent search as required by § 63.088, a preliminary home study, and a final home investigation
- Court filing expenses, court costs, and other litigation expenses
- Birth certificate and medical record expenses
- Costs associated with advertising under § 63.212(1)(g)
- The following professional fees:
 - » A reasonable hourly fee or flat fee necessary to provide legal representation to the adoptive parents or adoption entity
 - » A reasonable hourly fee or flat fee for contact with the parent related to the adoption, including clerical support, transportation, transmitting funds, arranging appointments, and securing accommodations
 - » A reasonable hourly fee for counseling services provided to a parent or a prospective adoptive parent

Allowable Payments for Relinquishing Child**Citation: Ann. Stat. § 63.212(1)(c)-(d), (f)-(h); 63.085(1)**

It is unlawful for any person to carry out the following:

- To sell or surrender, or to arrange for the sale or surrender of, a minor to another person for money or anything of value or to receive such minor child for such payment or thing of value
- To assign or transfer his or her parental rights for the purpose of, incidental to, or otherwise connected with, selling or offering to sell such rights and duties
- Except an adoption entity, to charge or accept any fee or compensation of any nature from anyone for making a referral in connection with an adoption
- Except an adoption entity, to advertise or offer to the public, in any way or by any medium whatever, that a minor is available for adoption or that a minor is sought for adoption
- To contract for the purchase, sale, or transfer of custody or parental rights in connection with any child, in connection with any fetus yet unborn, or in connection with any fetus identified in any way but not yet conceived, in return for any valuable consideration

The payment of living or medical expenses by the prospective adoptive parents before the birth of the child does not, in any way, obligate the parent to sign the consent for adoption.

Allowable Fees Charged by Department/Agency**Citation: Ann. Stat. § 63.097(1)-(2)**

When an adoption entity uses the services of a licensed child-placing agency, a professional, any other person or agency, or, if necessary, the Department of Children and Family Services, the person seeking to adopt the child must pay the licensed child-placing agency, professional, other person or agency, or the department an amount equal to the cost of all services performed, including, but not limited to, the cost of conducting the preliminary home study, counseling, and the final home investigation.

Accounting of Expenses Required by Court**Citation: Ann. Stat. § 63.132(1)(a)-(c)**

Before the hearing on the adoption petition, the prospective adoptive parent and any adoption entity must file a signed affidavit. The affidavit must itemize all disbursements and receipts of anything of value, including professional and legal fees, made or agreed to be made by or on behalf of the prospective adoptive parent and any adoption entity in connection with the adoption. The affidavit must also include, for each legal or counseling fee itemized, the service provided, the date the service was provided, the time required to provide the service if the service was charged by the hour, the person or entity that provided the service, and the hourly fee charged.

The affidavit must show any expenses or receipts incurred in connection with the following:

- The birth of the minor
- The placement of the minor with the petitioner
- The medical or hospital care received by the mother or minor during the mother's prenatal care and confinement
- The itemized living expenses of the birth mother
- The services relating to the adoption or placement of the minor for adoption that were received by or on behalf of the petitioner, the adoption entity, either parent, the minor, or any other person

The affidavit must state whether any of these expenses were paid for by collateral sources, including, but not limited to, health insurance, Medicaid, Medicare, or public assistance.

Georgia*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Ann. Code § 19-8-24(a)(2)**

Payment or reimbursement of the medical expenses directly related to the mother's pregnancy and hospitalization for the birth of the child and medical care for the child is permitted.

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption**Citation: Ann. Code § 19-8-13(c)**

Payments for services related to the adoption or the placement of the minor are permitted.

Allowable Payments for Relinquishing Child**Citation: Ann. Code § 19-8-24(a)(2)**

It is unlawful for any person or entity to directly or indirectly offer inducements to a birth parent to relinquish his or her child. As used in this subsection, 'inducements' shall include any financial assistance, either direct or indirect, from whatever source.

Allowable Fees Charged by Department/Agency**Citation: Ann. Code § 19-8-13(b); Rules and Regs. R. 290-9-2-.06**

A fee must be paid to the clerk of the court for the filing of the adoption petition, as established by §§ 15-6-77 and 15-6-77.1.

In regulation: Prior to the acceptance of an application or fees of any kind, a child-placing agency shall provide information to prospective adoptive parent(s) to assist them in making an informed decision about applying to adopt. The information may be in the form of a written handout. The information shall include the agency's fee schedule and refund policies.

Accounting of Expenses Required by Court**Citation: Ann. Code § 19-8-13(c), (d)**

Each petitioner in any adoption proceeding shall file with the petition, in a manner acceptable to the court, a report fully accounting for all disbursements of anything of value made or agreed to be made, directly or indirectly, by, on behalf of, or for the benefit of the petitioner in connection with the adoption, including, but not limited to, any expenses incurred in connection with the following:

- The birth of the minor
- Placement of the minor with the petitioner
- Medical or hospital care received by the mother or minor during the mother's prenatal care and confinement
- Services relating to the adoption or placement of the minor for adoption

Every attorney for a petitioner in any adoption proceeding shall file, in a manner acceptable to the court and before the decree of adoption is entered, an affidavit detailing all sums paid or promised to that attorney, directly or indirectly and from whatever source, for all services of any nature rendered or to be rendered in connection with the adoption provided, however, that if the attorney received or is to receive less than \$500, the affidavit need only state that fact.

Guam

Current Through March 2017

Birth Parent Expenses Allowed

This issue is not addressed in the statutes reviewed.

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption

This issue is not addressed in the statutes reviewed.

Allowable Payments for Relinquishing Child

This issue is not addressed in the statutes reviewed.

Allowable Fees Charged by Department/Agency

This issue is not addressed in the statutes or regulations reviewed.

Accounting of Expenses Required by Court**Citation: Ann. Code Tit. 19, § 4221**

The preadoption investigation report shall include the compensation paid or agreed upon for placement of the child for adoption.

Hawaii

Current Through March 2017

Birth Parent Expenses Allowed

This issue is not addressed in the statutes reviewed.

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption

This issue is not addressed in the statutes reviewed.

Allowable Payments for Relinquishing Child

This issue is not addressed in the statutes reviewed.

Allowable Fees Charged by Department/Agency

This issue is not addressed in the statutes and regulations reviewed.

Accounting of Expenses Required by Court

This issue is not addressed in the statutes reviewed.

Idaho

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Ann. Code §§ 18-1511; 16-1515

A person or adoption agency is not prohibited from providing legal and medical costs and reasonable maternity and living expenses during the pregnancy and for a period not to exceed 6 weeks postpartum based upon demonstrated financial need.

If a birth parent withdraws or revokes a consent to adoption and the court orders that the custody of the child be returned to the birth parent, whether or not the order of adoption has been entered, the court shall order the birth parent to reimburse the adoptive or prospective adoptive parents for all adoption expenses, including, but not limited to, all medical fees and costs; all legal fees and costs; and all other reasonable costs and expenses, including, but not limited to, expenses for food and clothing incurred by the adoptive or prospective adoptive parents in connection with the care and maintenance of the child while the child was living with the adoptive or prospective adoptive parents. The court shall determine the amount of the reimbursement owed and shall enter the same as a money judgment in favor of the adoptive or prospective adoptive parents.

Birth Parent Expenses Not Allowed

Citation: Ann. Code § 18-1511

Financial assistance may not be released to the birth parent in excess of \$500 without prior approval from the court. A prospective adoptive parent, or another person acting on behalf of a prospective adoptive parent, shall make payments for allowed expenses only to third-party vendors, as is reasonably practical.

No financial assistance to a birth parent shall exceed the sum of \$2,000, unless otherwise authorized by the court. The financial assistance contemplated by this section shall be considered a charitable gift and not subject to recovery under the terms of § 16-1515.

Allowable Payments for Arranging Adoption

This issue is not addressed in the statutes reviewed.

Allowable Payments for Relinquishing Child

Citation: Ann. Code § 18-1511

It is a felony to sell or barter a child for adoption or other purposes.

Allowable Fees Charged by Department/Agency**Citation: Ann. Code § 16-1506; Admin. Code 16.06.01.832**

The social investigation may be performed by any individual who meets the requirements of the law. A copy of the study must be submitted to the Department of Health and Welfare, and the department may impose a reasonable fee, not to exceed \$50, for oversight of such privately conducted studies. If no private investigation is conducted, it shall be the duty of the Department of Health and Welfare to verify the allegations of the adoption petition and to prepare an investigative report. The Department of Health and Welfare or other children's adoption agency may require the petitioner to pay all or any part of the costs of the investigation.

In regulation: For adoptions through the department, fees are established in regulation, including the following:

- Preplacement home study: \$450
- Placement supervision: \$300
- Report to court: \$150

Accounting of Expenses Required by Court**Citation: Ann. Code § 18-1511**

All actual expenditures shall be presented by verified affidavit of counsel or the agency at the time of the adoption finalization.

Illinois

Current Through March 2017

Birth Parent Expenses Allowed**Citation: Comp. Stat. Ch. 720, § 5/12C-70(c)-(d)**

A prospective adoptive parent is permitted to pay the reasonable and actual medical fees or hospital charges for services rendered in connection with the birth of the child to be adopted if such payment is made to the physician or hospital that rendered the services or to the birth mother. The prospective adoptive parent also may give a gift or gifts or other thing or things of value to a birth parent provided that the total value of such gift or gifts or thing or things of value does not exceed \$200.

In addition, the prospective adoptive parent shall be permitted to pay the reasonable living expenses of the birth parents.

'Reasonable living expenses' refer to those expenses related to activities of daily living and meeting basic needs, including, but not limited to, lodging, food, and clothing for the birth parents during the birth mother's pregnancy for no more than 120 days prior to the birth mother's expected date of delivery and for no more than 60 days after the birth of the child.

The prospective adoptive parents are permitted to pay the reasonable living expenses of the birth parents only upon prior order of the court. They may advance a maximum of \$1,000 for reasonable birth parent living expenses without prior order of court in circumstances where there is a demonstrated need for such payment to protect the health of the birth parents or the health of the child sought to be adopted.

The prospective adoptive parents shall be permitted to pay the reasonable fees of a birth parent's attorney in connection with the adoption proceedings if the amount of fees of the attorney is \$1,000 or less. If the amount of attorney's fees of each birth parent exceeds \$1,000, the attorney's fees shall be paid only after a petition seeking leave to pay those fees is filed with the court in which the adoption proceeding is filed or to be filed.

Birth Parent Expenses Not Allowed**Citation: Comp. Stat. Ch. 720, § 5/12C-70(d)(1)**

The term 'reasonable living expenses' does not include expenses for lost wages, gifts, educational expenses, or other similar expenses of the birth parents.

Allowable Payments for Arranging Adoption**Citation: Comp. Stat. Ch. 720, § 5/12C-70**

No person, agency, association, corporation, institution, society, or other organization except a child welfare agency shall request, receive, or accept any compensation or thing of value, directly or indirectly, for providing adoption services.

Allowable Payments for Relinquishing Child**Citation: Comp. Stat. Ch. 720, § 5/12C-70(a), (d)(4)**

Compensation for placing out a child to any person or agency, association, corporation, institution, society, or other organization except a child welfare agency as defined by the Child Care Act of 1969 is prohibited.

Payment of their reasonable living expenses shall not obligate the birth parents to place the child for adoption. In the event the birth parents choose not to place the child for adoption, the adopting parents shall have no right to seek reimbursement from the birth parents or from any relative or associate of the birth parents.

Allowable Fees Charged by Department/Agency**Citation: Comp. Stat. Ch. 720, § 5/12C-70(a), (c)(1)**

No person shall pay or give any compensation or thing of value, directly or indirectly, for providing adoption services, including the placing out of a child to any person or to any agency, association, corporation, institution, society, or other organization except a child welfare agency.

The provisions of this act shall not be construed to prevent the payment of salaries or other compensation by a licensed child welfare agency providing adoption services to the officers, employees, agents, contractors, or any other persons acting on behalf of the child welfare agency.

Accounting of Expenses Required by Court**Citation: Comp. Stat. Ch. 720, § 5/12C-70(d)(7); Ch. 750 § 50/14(a)-(b)**

Within 14 days after the completion of all payments for reasonable living expenses of the birth parents, the adopting parents shall present a final accounting of all those expenses to the court.

Prior to the entry of the judgment for order of adoption in any case other than an adoption of a related child, each petitioner and each person, agency, association, corporation, institution, society, or organization involved in the adoption of the child except a child welfare agency shall execute an affidavit setting forth the hospital and medical costs, legal fees, counseling fees, and any other fees or expenditures paid in accordance with the Adoption Compensation Prohibition Act.

Each child welfare agency involved in the adoption of the child shall file an affidavit concerning the costs, expenses, contributions, fees, compensation, or other things of value that have been given, promised, or received, including, but not limited to, hospital and medical costs, legal fees, social services, living expenses, or any other expenses related to the adoption. The affidavit must meet the following requirements:

- If the total amount is \$4,500 or more, the affidavit shall contain an itemization of expenditures.
- If the total amount is less than \$4,500, the agency may file an unitemized affidavit stating that the total amount paid is less than \$4,500 unless the court, in its discretion, requires the agency to file an itemized affidavit.

Indiana*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Ann. Stat. § 35-46-1-9(b)**

Payment of the following expenses is permitted:

- Reasonable attorney fees
- Hospital and medical costs related to the birth mother's pregnancy, labor, and delivery
- Reasonable expenses for psychological counseling for the birth mother
- Travel expenses and maternity clothes
- Living expenses, including housing, utilities, and phone service, during the second and third trimester of pregnancy
- Reimbursement of not more than actual wages lost as a result of the inability of the adopted child's birth mother to work at her regular, existing employment due to a medical condition, excluding a psychological condition
- Any additional living expenses, as approved by the court

Birth Parent Expenses Not Allowed**Citation: Ann. Stat. § 35-46-1-9(b), (c)**

Payments of expenses are subject to the following limitations:

- Compensation for lost wages shall be offset by the living expenses paid and any unemployment compensation to which the mother is entitled.
- Total expenses paid shall not exceed \$3,000, unless approved by the court.
- Payment of living expenses shall not extend beyond 6 weeks after the child's birth and may not exceed \$1,000.

Allowable Payments for Arranging Adoption**Citation: Ann. Stat. § 35-46-1-9**

Reasonable charges and fees levied by a licensed child-placing agency or by the Department of Child Services are permitted.

Allowable Payments for Relinquishing Child**Citation: Ann. Stat. § 35-46-1-9(a)**

Except for expenses allowed, it is unlawful to transfer or receive property for waiving parental rights or consenting to adoption. The expenses paid must not be offered as an inducement to proceed with the adoption.

Allowable Fees Charged by Department/Agency**Citation: Ann. Stat. §§ 31-19-2-8; 31-19-7-1**

The petitioner for adoption must attach the following to the petition for adoption:

- An adoption history fee of \$20, payable to the State Department of Health
- A putative father registry fee of \$50, payable to the State Department of Health for the following:
 - » Administering the putative father registry
 - » Paying for blood or genetic testing in a paternity action in which an adoption is pending, in accordance with § 31-14-21-9.1

The prospective adoptive parent shall pay the fees and other costs of the criminal history check required by law.

Accounting of Expenses Required by Court**Citation: Ann. Stat. § 35-46-1-9(c)**

All fees and expenses paid must be disclosed to the court supervising the adoption.

Iowa*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Ann. Stat. § 600.9(2)**

Only expenses incurred in connection with the following and any other expenses approved by the juvenile court or court are allowable:

- The birth of the child to be adopted
- Placement of the child with the adoption petitioner and legal expenses related to the termination of parental rights and adoption processes
- Pregnancy-related medical care received by the birth parents or the child during the pregnancy or delivery of the child and for medically necessary postpartum care for the birth parent and the child
- Living expenses of the mother
- Costs of the counseling provided to the birth parents prior to the birth of the child, prior to the release of custody, and any counseling provided to the birth parents after the birth of the child
- Living expenses of the child if the child is placed in foster care during the pendency of the termination of parental rights proceedings

All payments for allowable expenses shall be made to the provider, if applicable, and not directly to the birth parents.

Birth Parent Expenses Not Allowed**Citation: Ann. Stat. § 600.9(2)**

Payment is not permitted for living expenses in excess of the cost of room and board; rent; food; transportation for other than medical purposes, on a common carrier of persons or an ambulance; or for longer than 30 days after the birth of the child. Payment is not permitted for any counseling provided to the birth parents for more than 60 days after the birth of the child.

Allowable Payments for Arranging Adoption**Citation: Ann. Stat. § 600.9(1)(b)**

Any person assisting in the placement or adoption of a child shall not charge a fee that is more than usual, necessary, and commensurate with the services rendered.

Allowable Payments for Relinquishing Child**Citation: Ann. Stat. § 600.9(1)(a)**

Except for an allowable expense, a birth parent shall not receive anything of value for placing a child for adoption.

Allowable Fees Charged by Department/Agency**Citation: Ann. Stat. § 600.8(6)**

Any person conducting an investigation may charge a fee that does not exceed the reasonable cost of the services rendered and is based on a sliding scale relating to the investigated person's ability to pay.

Accounting of Expenses Required by Court**Citation: Ann. Stat. § 600.9(2)**

An adoption petitioner shall file with the court, prior to the adoption hearing, a full accounting of all disbursements of anything of value paid or agreed to be paid by or on behalf of the petitioner in connection with the petitioned adoption. This accounting shall be made by a report prescribed by the juvenile court or court and shall be signed and verified by the petitioner.

Kansas*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Ann. Stat. § 59-2121(a)**

The following payments may be made on behalf of the birth mother:

- Actual medical expenses of the mother attributable to pregnancy and birth
- Actual medical expenses of the child
- Reasonable living expenses of the mother that are incurred during or as a result of the pregnancy

Birth Parent Expenses Not Allowed**Citation: Ann. Stat. § 59-2121(c)**

Expenses other than those specified in statute or that are clearly excessive are prohibited.

Fees for legal and professional services performed outside the State shall not exceed the customary fees for similar services performed within the State.

Allowable Payments for Arranging Adoption**Citation: Ann. Stat. § 59-2121(c)**

Except as otherwise authorized by law, no person shall request, receive, give, or offer to give any consideration in connection with an adoption or a placement for adoption, other than the following:

- Reasonable legal or professional fees and services, not to exceed customary fees of similar services by professionals
- For fees for legal and professional services performed outside of the State, compensation that is comparable to customary fees for similar services performed within the State

Allowable Payments for Relinquishing Child**Citation: Ann. Stat. § 59-2121(a)**

Except as authorized by law, no person shall request or receive any consideration in connection with an adoption.

Allowable Fees Charged by Department/Agency**Citation: Ann. Stat. §§ 59-2121(a); 59-2132**

The following payments are permitted:

- Reasonable fees of a licensed child-placing agency
- Actual and necessary expenses connected to the placement of the child or the adoption proceeding

The costs of making the adoption assessment and report may be assessed as court costs.

Accounting of Expenses Required by Court**Citation: Ann. Stat. § 59-2121(b)**

A detailed accounting of all consideration given or to be given, and all disbursements made or to be made in connection with the adoption shall accompany the petition for adoption. Upon review of the accounting, the court shall disapprove any such consideration that the court determines to be unreasonable or in violation of this section and, to the extent necessary to comply with the provisions of this section, shall order reimbursement of any consideration already given in violation of this section.

Kentucky

Current Through March 2017

Birth Parent Expenses Allowed**Citation: Rev. Stat. § 199.590(6)(a)**

Payment of the following expenses is permitted:

- Fees for legal services
- Cost of placement services
- Expenses of the birth parents

Birth Parent Expenses Not Allowed**Citation: Rev. Stat. § 199.493**

No adoptive parent, agency, or intermediary shall pay the attorney's fees of a birth parent for any purpose related to an adoption action except as approved by the court.

Allowable Payments for Arranging Adoption**Citation: Rev. Stat. § 199.590(3), (5)**

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

A person, organization, group, agency, or any legal entity except a child-placing agency shall not accept any fee for bringing the adoptive parents together with the child to be adopted or the birth parents of the child to be adopted.

Allowable Payments for Relinquishing Child**Citation: Rev. Stat. § 199.590(2)**

A person, agency, institution, or intermediary shall not sell or purchase or procure for sale or purchase any child for the purpose of adoption or any other purpose, including termination of parental rights.

Allowable Fees Charged by Department/Agency**Citation: Rev. Stat. §§ 199.590(2); 199.473; Admin. Regs. 922 KAR 1:010**

A child-placing agency may charge a fee for adoption services.

Except for a child-placing agency or institution, the department, a stepparent, grandparent, or other close relative, any person who wishes to place or receive a child for adoption shall make written application to the secretary for permission. Prior to the approval of an application to place or receive a child, the required fee shall be paid, and a home study shall be completed.

In regulation: The Cabinet for Health and Family Services shall be paid a nonrefundable fee of \$200 upon the filing of the written application for permission to place or receive a child.

Accounting of Expenses Required by Court**Citation: Rev. Stat. § 199.590(6)(a)**

In every adoption proceeding, the expenses paid by the prospective adoptive parents, including, but not limited to, any fees for legal services, placement services, and expenses of the birth parent or parents for any purpose related to the adoption shall be submitted to the court and supported by an affidavit that sets forth in detail a listing of expenses for the court's approval or modification.

In the event the court modifies the expense request as it relates to legal fees and legal expenses only, the attorney for the adoptive parents shall not have any claim against the adoptive parents for the amount not approved.

Louisiana*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Children's Code Art. 1200; Rev. Stat. § 14:286**

Payments made by or on behalf of the adoptive parents for reimbursement of the following expenses are permissible:

- Reasonable medical expenses, including hospital, testing, nursing, pharmaceutical, travel, or other similar expenses, incurred by the birth mother for prenatal care and those medical expenses incurred by the birth mother and child incident to birth
- Reasonable medical expenses, including hospital, testing, nursing, pharmaceutical, travel, or other similar expenses, and foster care expenses incurred on behalf of the child prior to the decree of adoption
- Reasonable expenses incurred for mental health counseling services provided to a birth parent or a child for a reasonable time before and after the child's placement for adoption
- Reasonable expenses incurred in ascertaining the information for the Statement of Family History required by articles 1124 and 1125
- Reasonable living expenses incurred by a mother for a reasonable time before the birth of her child and for no more than 45 days after the birth
- Reasonable attorney fees, court costs, travel, or other expenses incurred on behalf of a parent who surrenders a child for adoption or otherwise consents to the child's adoption
- Any other specific service or fee the court finds is reasonable and necessary

Birth Parent Expenses Not Allowed**Citation: Children's Code Art. 1200**

Payment for the birth mother's living expenses may not extend beyond 45 days after the birth.

If a court determines from an accounting that an amount that is going to be or has been disbursed for expenses is unreasonable, it may order a reduction in the amount to be disbursed and order the person who received the disbursement to refund that portion.

Allowable Payments for Arranging Adoption**Citation: Children's Code Art. 1200; Rev. Stat. § 14:286**

Except for expenses permitted by law, the payment or receipt of anything of value for the procurement, attempted procurement, or assistance in the procurement of a party to an act of voluntary surrender of a child for adoption is strictly prohibited.

Allowable Payments for Relinquishing Child**Citation: Children's Code Art. 1200; Rev. Stat. § 14:286**

The payment of allowable expenses may not be made contingent on the placement of a child for adoption, relinquishment of the child, or consent to the adoption.

Except for expenses permitted by law, it shall be unlawful for any person to sell or surrender a minor child to another person for money or anything of value, or to receive a minor child for such payment of money or anything of value.

Allowable Fees Charged by Department/Agency**Citation: Children's Code Art. 1200; Rev. Stat. § 14:286**

The payment of allowable expenses may not be made contingent on the placement of a child for adoption, relinquishment of the child, or consent to the adoption.

Except for expenses permitted by law, it shall be unlawful for any person to sell or surrender a minor child to another person for money or anything of value, or to receive a minor child for such payment of money or anything of value.

Accounting of Expenses Required by Court**Citation: Children's Code Art. 1200; 1201**

The petitioner shall file with the adoption petition a preliminary estimate and accounting of fees and charges. The petitioner also shall file a final Adoption Disclosure Affidavit with the court no later than 10 days prior to the date scheduled for the final hearing on the adoption. A form for the affidavit is in Children's Code article 1201.

The court shall not issue a final decree of adoption until it has reviewed and approved the final accounting.

Maine*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Rev. Stat. Tit. 18-A, § 9-306(A)**

Except when one of the petitioners is a blood relative of the child to be adopted or the adopted person is an adult, only the following expenses may be paid by or on behalf of a petitioner in any adoption proceeding:

- The actual cost of legal services related to the consent, the surrender and release, and the adoption process
- Prenatal and postnatal counseling expenses for the birth mother
- Prenatal, birthing, and other related medical expenses for the birth mother
- Necessary transportation expenses to obtain the services listed above
- Foster care expenses for the child
- Necessary living expenses for the birth mother and the child
- For the birth father, legal and counseling expenses related to the consent, the surrender and release, and the adoption process
- Fees to a licensed child-placing agency providing services in connection with the pending adoption

Birth Parent Expenses Not Allowed**Citation: Rev. Stat. Tit.18-A, § 9-306(C)**

Other expenses or payments to the birth parents are not authorized.

Allowable Payments for Arranging Adoption

This issue is not addressed in the statutes reviewed.

Allowable Payments for Relinquishing Child**Citation: Rev. Stat. Tit.18-A, § 9-306(C)**

Payments for allowable expenses may not be contingent upon any future decision a birth parent may make pertaining to the child.

Allowable Fees Charged by Department/Agency**Citation: Rev. Stat. Tit. 18-A, § 9-301**

The fee for filing an adoption petition is \$65. In addition, separate fees will be charged for the required State and Federal criminal history record checks.

Accounting of Expenses Required by Court**Citation: Rev. Stat. Tit. 18-A, § 9-306(B)**

Prior to the dispositional hearing, the petitioner shall file a full accounting of all disbursements of anything of value made or agreed to be made by or on behalf of the petitioner in connection with the adoption. The accounting report must be signed under penalty of perjury and must be submitted to the court on or before the date the final decree is granted.

The accounting report must be itemized and show the services related to the adoption or to the placement of the child. The accounting must include the dates of each payment and the names and addresses of each attorney, physician, hospital, licensed child-placing agency, or other person or organization who received funds or anything of value from the petitioner.

Maryland

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Fam. Law §§ 5-3A-45; 5-3B-32

In both agency and independent adoptions, the following payments are permitted:

- A customary and reasonable charge or fee for adoption counseling, hospital, legal, or medical services
- Reasonable expenses for transportation for medical care associated with the pregnancy or birth of the child
- Reasonable expenses for food, clothing, and shelter for a birth mother if, on written advice of a physician, the birth mother is unable to work or otherwise support herself because of medical reasons associated with the pregnancy or birth of the child
- Reasonable expenses associated with any required court appearance relating to the adoption, including transportation, food, and lodging expenses

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption

Citation: Fam. Law §§ 5-3A-45; 5-3B-32

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

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

Allowable Payments for Relinquishing Child

Citation: Crim. Law § 3-603

A person may not sell, barter, or trade or offer to sell, barter, or trade a minor for money, property, or anything else of value.

Allowable Fees Charged by Department/Agency

Citation: Fam. Law § 5-3A-45

In an agency adoption, the agency may accept reasonable reimbursement for costs of an adoptive service in connection with adoption if the following applies:

- The reimbursement is in accordance with standards set by regulation of the Social Services Administration.
- The ability to provide this reimbursement does not affect the acceptability of any individual for adoptive services or the choice of the most suitable prospective adoptive parent.

Accounting of Expenses Required by Court

Citation: Fam. Law § 5-3B-24

In an independent adoption, a court may not enter an order under this subtitle until the petitioner files with the court an accounting of all payments and disbursements of any item of value made by or for the petitioner in connection with the adoption.

Massachusetts

Current Through March 2017

Birth Parent Expenses Allowed

This issue is not addressed in the statutes reviewed.

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption

Citation: Ann. Laws Ch. 210, § 11A

Only authorized agents or employees of the Department of Social Services may advertise or accept payment for arranging adoptions.

Allowable Payments for Relinquishing Child**Citation: Ann. Laws Ch. 210, § 11A**

It is unlawful for an unauthorized person to accept payment for placing a child for adoption.

Allowable Fees Charged by Department/Agency

This issue is not addressed in the statutes and regulations reviewed.

Accounting of Expenses Required by Court

This issue is not addressed in the statutes reviewed.

Michigan

Current Through March 2017

Birth Parent Expenses Allowed**Citation: Comp. Laws § 710.54(3), (5)**

An adoptive parent may pay the reasonable and actual charge for all of the following:

- Medical, hospital, nursing, or pharmaceutical expenses incurred by the birth mother or the child to be adopted in connection with the birth or any illness of the child
- Counseling services related to the adoption for the parent, guardian, or child, unless the parent or guardian waives the counseling
- Living expenses of a mother before the birth of the child and for no more than 6 weeks after the birth
- Expenses incurred in ascertaining the information required under this chapter about a child to be adopted and the child's birth family
- Traveling expenses necessitated by the adoption

Birth Parent Expenses Not Allowed**Citation: Comp. Laws § 710.54(3)**

The adoptive parent may not pay:

- Medical expenses that are covered by the birth mother's insurance or Medicaid
- Living expenses of the birth mother beyond 6 weeks after the birth of the child

Allowable Payments for Arranging Adoption**Citation: Comp. Laws § 710.54(1),(2)**

Except for charges and fees approved by the court, a person shall not pay or give; offer to pay or give; or request, receive, or accept any money or other consideration or thing of value, directly or indirectly, in connection with any of the following:

- The placing of a child for adoption
- The registration, recording, or communication of the existence of a child available for adoption
- A release or consent

Except for a child-placing agency's preparation of a preplacement assessment or investigation, a person shall not be compensated for the following activities:

- Assisting a parent or guardian in evaluating a potential adoptive parent
- Assisting a potential adoptive parent in evaluating a parent, guardian, or child to be adopted
- Referring a prospective adoptive parent to a parent or guardian of a child for purposes of adoption
- Referring a parent or guardian of a child to a prospective adoptive parent for purposes of adoption

Allowable Payments for Relinquishing Child**Citation: Comp. Laws § 710.54(6)**

Any authorized payment of expenses shall not be made contingent on the placement of the child for adoption, release of the child, consent to the adoption, or cooperation in the completion of the adoption. If the adoption is not completed, an individual who has made payments of expenses may not recover them.

Allowable Fees Charged by Department/Agency**Citation: Comp. Laws § 710.54(3), (4)**

An adoptive parent shall pay the reasonable and actual charge for the following:

- The services of a child-placing agency in connection with an adoption
- The preparation of the preplacement assessment and any additional needed investigation
- Legal fees charged for consultation and legal advice, preparation of papers, and representation in connection with an adoption proceeding, including legal services performed for a birth parent or guardian and necessary court costs in an adoption proceeding

Accounting of Expenses Required by Court**Citation: Comp. Laws § 710.54(7), (10)**

At least 7 days before formal placement of a child, the following documents shall be filed with the court:

- A verified accounting signed by the petitioner itemizing all payments or disbursements of money or anything of value made or agreed to be made by or on behalf of the petitioner in connection with the adoption
- A verified statement of the attorney for each petitioner itemizing the services performed and any fee, compensation, or other thing of value received by or agreed to be paid to the attorney
- A verified statement of the attorney for each parent of the adopted person itemizing the services performed and any fee, compensation, or other thing of value received by or agreed to be paid to the attorney
- A verified statement of the child-placing agency or the department itemizing the services performed and any fee, compensation, or other thing of value received by or agreed to be paid to the child-placing agency or the department

The court shall approve or disapprove all fees and expenses. Acceptance or retention of amounts in excess of those approved by the court constitutes a violation of this section.

Minnesota*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Ann. Stat. § 259.55, Subd. 1**

A prospective adoptive parent or anyone acting on behalf of a prospective adoptive parent may pay only the following expenses of the birth parent:

- Reasonable counseling, medical, and legal fees, which shall be paid directly to the provider of the service
- Reasonable expenses for transportation, meals, and lodging incurred for placement of the child or to access permitted services
- Adoption services provided by an agency at the request of the birth parent that shall be paid directly to the agency
- Reasonable living expenses of the birth mother that are needed to maintain an adequate standard of living that the birth mother is unable to otherwise maintain because of loss of income or other support resulting from the pregnancy

Birth Parent Expenses Not Allowed**Citation: Ann. Stat. § 259.55, Subd. 1**

Payments for living expenses shall not extend beyond 6 weeks after delivery, unless the court determines that the mother is unable to work due to physical limitations relating to the birth. 'Reasonable living expenses' does not include lost wages, gifts, educational expenses, or other similar expenses of the birth mother.

Allowable Payments for Arranging Adoption**Citation: Ann. Stat. § 259.55, Subd. 3(b)**

A person may not give money or anything of value to the birth parent if the person is engaged or has engaged in any placement activity.

Allowable Payments for Relinquishing Child**Citation: Ann. Stat. § 259.55**

A contract purporting to require a birth parent to reimburse a prospective adoptive parent for expense payments under any circumstances, including circumstances in which a birth parent refuses to consent to adoption or withdraws consent to adoption, is void as against public policy.

Except as authorized above, it is unlawful for an individual to give or for a birth parent to accept money, anything of value, or compensation for the placement of a child for adoption.

Payment shall not be contingent upon placement, consent, or cooperation in the completion of an adoption.

Allowable Fees Charged by Department/Agency

Citation: Ann. Stat. § 317A.907, Subd. 6

A licensed agency may receive payment for the following expenses related to adoption services in an amount that fairly reflects the agency's reasonable and necessary expenses:

- Adoptive counseling, whether or not legal adoption is completed
- Provision of services to children before adoptive placement
- Supervision of children in the home until legal adoption is completed
- Expenses of a birth parent authorized under § 259.55 if they are paid to the agency to forward to the birth parent

Only that part of the expenses that the person seeking to adopt is financially able to meet may be requested. No person may be barred from receiving a child for adoption because of inability to pay part of the expenses referred to in this subdivision.

Accounting of Expenses Required by Court

Citation: Ann. Stat. § 259.53, Subd. 6

Upon the filing of a petition for adoption, an agency shall file with the court a statement of expenses that have been paid or are required to be paid by the prospective adoptive parent in connection with the adoption. In a direct adoptive placement, the statement of expenses shall be filed by the prospective adoptive parent.

Mississippi

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Ann. Code §§ 43-15-23(4); 43-15-117(4)

The payment of the following expenses is permitted:

- Legal fees that have been approved by the court
- Attorney fees for services performed in regard to adoption proceedings
- Reasonable and actual medical fees or hospital charges for services rendered in connection with the birth or medical treatment of the child
- The mother's living expenses
- Counseling for the parents and/or the child

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption

Citation: Ann. Code §§ 43-15-23(2); 43-15-117(3)

No person, agency, association, corporation, institution, society, or other organization except a child-placing agency licensed by the Department of Public Welfare shall request, receive, or accept any compensation or thing of value, directly or indirectly, for placing a child for adoption.

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

Allowable Payments for Relinquishing Child

This issue is not addressed in the statutes reviewed.

Allowable Fees Charged by Department/Agency**Citation: Ann. Code §§ 93-17-12; 93-17-19**

In all adoptions, the court shall impose a fee for any court-ordered home study performed by the Department of Human Services or any other entity. The minimum fee imposed shall not be less than \$350 for each household on which a home study is performed. The fee shall be paid directly to the Mississippi Department of Human Services prior to the home study being conducted by the department or to the entity if the study is performed by another entity. The judge may order the fee be paid by one or both of the parents or a guardian. If the court determines that the parents or the guardian are unable to pay the fee, the judge shall waive the fee and the cost of the home study shall be defrayed to the Department of Human Services.

All costs of the proceeding shall be taxed in the manner that the court may direct, including a reasonable fee as determined, approved, and allowed by the court to be paid for each investigation that may be authorized or required by the chancellor, other than for an investigation and report by a public authority or agency, in which event no such fee shall be allowed.

Accounting of Expenses Required by Court

This issue is not addressed in the statutes reviewed.

Missouri

Current Through March 2017

Birth Parent Expenses Allowed**Citation: Ann. Stat. § 453.075(1)**

Payment of the following expenses is permitted:

- Hospital, medical, or physician expenses incurred by the mother or the child
- Counseling services for the parent or child for a reasonable time before and after the placement for adoption
- Expenses incurred in obtaining a preplacement assessment and an assessment during the proceeding for adoption
- Reasonable legal expenses, court costs, travel, and other administrative expenses in connection with the adoption
- Reasonable living expenses, including food, shelter, utilities, transportation, and clothing expenses of the birth parents and child that are within the norms of the community in which the birth mother resides
- Any other services or items the court finds reasonably necessary

Birth Parent Expenses Not Allowed**Citation: Ann. Stat. § 453.075(2)**

The court may disallow the following:

- Payments that the court finds unreasonable
- Any unlawful payment in connection with the child's placement, as described in § 568.175

Allowable Payments for Arranging Adoption**Citation: Ann. Stat. § 568.175**

It is unlawful for any organization to engage in child trafficking by soliciting, offering, or giving money for the delivery of a child for adoption.

Allowable Payments for Relinquishing Child**Citation: Ann. Stat. § 568.175**

It is unlawful to give or receive anything of value for the execution of consent to adoption or waiver of consent for future adoption or termination of parental rights.

Allowable Fees Charged by Department/Agency**Citation: Ann. Stat. § 453.070(6)**

In the case of an investigation and report made by the Children's Division by order of the court, the court may order the payment of a reasonable fee by the petitioner to cover the costs of the investigation and report.

Accounting of Expenses Required by Court**Citation: Ann. Stat. § 453.075(1)**

The petitioner must file with the court a signed and verified full accounting of all payments made, agreed to be made, or promised in connection with the adoption.

Montana

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Ann. Code §§ 42-7-101(1); 42-7-102(1), (2)

The adoptive parent may provide payment for the following services for the birth parent:

- Medical care or services
- Prenatal care
- Counseling related to providing information necessary to make an informed decision to voluntarily relinquish a child
- Travel or temporary living costs for the birth mother
- Legal fees incurred for services on behalf of the placing parent
- The reasonable costs incurred by the parent who placed the child in a direct parental-placement adoption to document the disclosures of medical and social history required by § 42-3-101
- Other reasonable costs related to adoption

A prospective adoptive parent may pay counseling expenses for a maximum of 10 hours of counseling.

A prospective adoptive parent may pay for legal costs entailed for providing legal counsel for one birth parent unless the birth parents elect joint representation. The right of a relinquishing parent to legal counsel paid for by the prospective adoptive parent continues only until the relinquishment becomes irrevocable. An attorney may not represent both a birth parent and a prospective adoptive parent.

Birth Parent Expenses Not Allowed

Citation: Ann. Code §§ 42-7-101(1)(k); 42-7-102

Costs related to adoption do not include education, vehicles, salary or wages, vacations, or permanent housing for the birth parent.

Allowable Payments for Arranging Adoption

Citation: Ann. Code § 42-7-105(3)

A person who, as a condition for placement, relinquishment, or consent to the adoption of a child, knowingly offers, gives, agrees to give, solicits, accepts, or agrees to accept from another person, either directly or indirectly, anything other than the fees allowed under § 42-7-101 commits the offense of paying or charging excessive adoption process fees.

Allowable Payments for Relinquishing Child

Citation: Ann. Code §§ 42-7-101(2); 42-7-105(4)

The payment of expenses may not be made contingent on the placement of a child for adoption or upon relinquishment of and consent to adoption of the child. If the adoption is not completed, a person who is authorized to make a specific payment is not liable for that payment unless the person has agreed in a signed writing with a birth parent or a provider of a service to make the payment regardless of the outcome of the proceeding for adoption.

It is illegal to require repayment or reimbursement of anything provided to a birth parent under § 42-7-101. All payments by the adoptive parent made on behalf of a birth parent pursuant to this section are considered a gift to the birth parent.

Allowable Fees Charged by Department/Agency

Citation: Ann. Code § 42-7-101(1)

Reasonable adoption fees may be paid by the adoptive parent for the actual cost of services. The cost of services must relate to the following:

- A petition for adoption
- Placement of a child
- Foster care
- A preplacement evaluation

Accounting of Expenses Required by Court

Citation: Ann. Code §§ 42-7-106; 42-5-101

The department may review and investigate compliance with this title and may maintain an action in court to compel compliance.

A disclosure of any disbursements made in connection with the adoption proceeding must be attached to or accompanying the adoption petition.

Nebraska

Current Through March 2017

Birth Parent Expenses Allowed

This issue is not addressed in the statutes reviewed.

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption

This issue is not addressed in the statutes reviewed.

Allowable Payments for Relinquishing Child

This issue is not addressed in the statutes reviewed.

Allowable Fees Charged by Department/Agency

Citation: Rev. Stat. § 43-107(1)(b)(vi)

Any adoptive home study required by this section shall be conducted by the Department of Health and Human Services or a licensed child-placing agency at the expense of the petitioner or petitioners unless such expenses are waived by the department or agency.

The department or agency shall determine the fee or rate for the adoptive home study.

Accounting of Expenses Required by Court

This issue is not addressed in the statutes reviewed.

Nevada

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Rev. Stat. § 127.287(3)

A person may pay the medical and other necessary living expenses related to the birth of a child of another as an act of charity as long as the payment is not contingent upon the natural parent's placement of the child for adoption or consent to, or cooperation in, the adoption of the child.

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption

Citation: Rev. Stat. §§ 127.285; 127.290

An attorney may not receive payment for finding children for adoption or finding adoptive parents but may receive reasonable compensation for any legal services provided.

No person who does not have a license to operate a child-placing agency may request or accept, directly or indirectly, any compensation or thing of value for placing, arranging the placement of, or assisting in placing or arranging the placement of any child for adoption or permanent free care. A licensed child-placing agency may accept fees for operational expenses.

Allowable Payments for Relinquishing Child

Citation: Rev. Stat. § 127.287

It is unlawful for any person to pay or offer to pay money or anything of value to the natural parent of a child in return for the natural parent's placement of the child for adoption or consent to, or cooperation in, the adoption of the child.

It is unlawful for any person to receive payment for medical and other necessary expenses related to the birth of a child from a prospective adoptive parent with the intent of not consenting to or completing the adoption of the child.

Allowable Fees Charged by Department/Agency**Citation: Rev. Stat. § 127.275; Admin. Code § 127.190**

An agency that provides child welfare services may charge reasonable fees for the services provided in placing any child for adoption and for conducting any required investigation.

A fee must not be charged for services related to the adoption of a child with special needs. An agency may waive or reduce any fee if the agency determines that the adoptive parents are not able to pay the fee or the needs of the child require a waiver or reduction of the fee.

In regulation: Any fees charged by a child-placing agency for the placement of a child for adoption must be imposed pursuant to a sliding schedule of fees established by the agency that implements the following:

- Sets forth a minimum and maximum fee
- Provides for a gradual reduction in the fee based on the financial resources of adoptive parents

An agency may waive any part or all of its fees in appropriate cases.

An agency shall not accept any compensation for the placement of a child for adoption in excess of its average expenses for those services. The maximum fee a particular agency may charge must be set by the agency. The agency may consider the following expenses when it sets its maximum fee:

- Investigation of prospective adoptive homes
- Medical care of the birth mother
- Financial support of the birth mother before and for a reasonable time after the birth of the child
- Medical and other care of children awaiting adoption
- Legal services relating to the termination of the birth parent's parental rights
- Counseling of birth parents, adoptive parents, and children awaiting adoption
- Administrative costs and any other relevant expenses

Accounting of Expenses Required by Court**Citation: Rev. Stat. § 127.127**

The petitioners shall file with the court, within 15 days of filing the adoption petition or 5 months after the child begins to live in the home, whichever is later, an affidavit listing all fees, donations, and expenses paid by them in connection with the adoption.

New Hampshire*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Rev. Stat. § 170-B:13(I)**

In any adoption of an unrelated minor child, an intended adoptive parent or anyone acting on his or her behalf shall pay only the following expenses of the birth parent:

- Reasonable counseling, medical, and legal fees that shall be paid directly to the provider of the services
- Reasonable expenses for transportation, lodging, clothing, and meals incurred for the placement of the minor
- Reasonable living expenses of the birth mother to maintain an adequate standard of living when the mother is unable to due to loss of wages caused by the pregnancy or delivery
- Reasonable expenses for adoption services provided by an agency at the request of the birth parent that shall be paid directly to the agency

Birth Parent Expenses Not Allowed**Citation: Rev. Stat. § 170-B:13(I)(d)**

Payments for living expenses may cover expenses incurred during the pregnancy-related incapacity but not for a period longer than 6 weeks following delivery. Reasonable living expenses shall not include gifts in excess of \$50, educational expenses, or other payments for the monetary gain of the birth parent.

Allowable Payments for Arranging Adoption

This issue is not addressed in the statutes reviewed.

Allowable Payments for Relinquishing Child**Citation: Rev. Stat. § 170-B:13(II)**

A contract cannot be made to require reimbursement of payments when the birth parent refuses to or withdraws consent to the adoption.

Allowable Fees Charged by Department/Agency**Citation: Rev. Stat. § 170-B:13(I)**

An agency may charge reasonable fees for any services provided.

Accounting of Expenses Required by Court**Citation: Rev. Stat. § 170-B:19(V)**

Before a final decree of adoption is issued in the adoption of a minor child not related to the petitioner or one of the petitioners, the petitioners shall file with the court on forms supplied by the department an affidavit listing the amount of fees or other charges, whether in the form of cash, gifts, or other thing of value, paid to or on behalf of birth parents, physicians, attorneys, or any other person in connection with the adoption, including, but not limited to, fees for medical, legal, or assessment services conducted pursuant to § 170-B:18, or board and care for the birth mother or minor child.

New Jersey

Current Through March 2017

Birth Parent Expenses Allowed**Citation: Ann. Stat. § 9:3-39.1**

The adoptive parent is permitted to provide payment for the following expenses:

- Medical, hospital, counseling, or other similar expenses incurred in connection with the birth or any illness of the child
- The reasonable living expenses of the mother of the child during her pregnancy, including payments for reasonable food, clothing, medical expenses, shelter, and religious, psychological, vocational, or similar counseling services
- If the child is from a foreign country, reasonable and customary fees and expenses of a foreign agency or attorney for the care or representation of the child during any period of foster or institutional care in the child's country of origin
- Reasonable attorney fees and costs for legal services

Birth Parent Expenses Not Allowed**Citation: Ann. Stat. § 9:3-39.1(e)**

Payments for expenses cannot extend beyond 4 weeks after the termination of the pregnancy, by birth or otherwise.

Allowable Payments for Arranging Adoption**Citation: Ann. Stat. § 9:3-39.1(a)**

Only an approved agency or authorized person may offer to place or materially assist in the placement of a child for adoption.

Allowable Payments for Relinquishing Child**Citation: Ann. Stat. § 9:3-39.1(c), (d)**

Written notice shall be given to the birth parent and the adoptive parent that the decision not to place the child for adoption or the return of the child to the birth parent cannot be conditioned upon reimbursement of expenses by the birth parent to the adoptive parent and that payments by the adoptive parent are nonrefundable.

Allowable Fees Charged by Department/Agency**Citation: Ann. Stat. §§ 9:3-48; 9:3-53; Admin. Code § 3A:23-2.1**

In a nonagency adoption, all expenses and fees for the investigation and any counseling provided shall be the responsibility of the adopting parent.

The costs of all proceedings pursuant to § 9:3-37, et seq., shall be borne by the plaintiff, including the costs incurred by an approved agency acting pursuant to an order of the court, except that the approved agency may waive part or all of the costs.

In regulation: The Division of Youth and Family Services, as an approved adoption agency in New Jersey, is authorized to conduct adoption-complaint investigations and required to charge to the plaintiffs in such cases the costs of conducting such investigations.

The Division of Youth and Family Services charges fees to conduct adoption-complaint investigations based on a person's or family's ability to pay.

Accounting of Expenses Required by Court

Citation: Ann. Stat. § 9:3-55

A prospective parent shall file a detailed report that shall be signed and verified by each prospective parent. The report shall disclose all sums of money or other valuable consideration paid, given, or agreed to be given to any person, firm, partnership, corporation, association, or agency in connection with the adoption and the names and addresses of each person, firm, partnership, corporation, association, or agency to whom the consideration was given or promised. The report shall include, but not be limited to, expenses incurred or to be incurred by or on behalf of a prospective parent in connection with the following:

- The birth of the child
- The placement for adoption of the child with the prospective parent
- Medical or hospital care received by the mother or the child during the mother's prenatal and postnatal period
- Services relating to the adoption or to the placement for adoption, including legal services

New Mexico

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Ann. Stat. § 32A-5-34(B)

A prospective adoptive parent, or a person acting on behalf of a prospective adoptive parent, shall make payments for services relating to the adoption or to the placement of the child for adoption for allowed expenses only to third-party vendors as is reasonably practical. These payments shall consist of reasonable and actual fees or charges for the following:

- Medical, hospital, nursing, pharmaceutical, travel, or other similar expenses incurred by a mother or the child to be adopted in connection with the birth or any illness of the child
- Reasonable counseling services relating to the adoption
- Living expenses of a mother and her dependent children, including the child to be adopted, for a reasonable time before or after the child's birth or placement
- Expenses incurred for the purposes of full disclosure
- Any legal service performed for a parent who consents to the adoption of a child or relinquishes the child to an agency
- Any other service or expense the court finds is reasonably necessary for services relating to the adoption or to the placement of the child for adoption

Birth Parent Expenses Not Allowed

Citation: Ann. Stat. § 32A-5-34(B), (C)

The following payments are not permitted:

- Living expenses beyond 6 weeks after the child's birth
- Any payments other than those permitted by statute

Allowable Payments for Arranging Adoption

Citation: Ann. Stat. § 32A-5-12

All placements must be made by the Children, Youth, and Families Department; an agency; or, in the case of an independent adoption, by order of the court.

Allowable Payments for Relinquishing Child

Citation: Ann. Stat. § 32A-5-34(D)

It is unlawful for any person to threaten or coerce a parent to complete the relinquishment of parental rights or to complete the consent to an adoption by demanding repayment of expenses.

Allowable Fees Charged by Department/Agency**Citation: Ann. Stat. § 32A-5-34(B)**

A prospective adoptive parent shall make payments for reasonable and actual fees or charges for the following:

- The services of an agency in connection with an adoption
- Legal services, court costs, travel, or other administrative expenses connected with an adoption
- Preparation of a preplacement study and of a postplacement report during the pendency of the adoption proceeding

Accounting of Expenses Required by Court**Citation: Ann. Stat. § 32A-5-34(A)**

Prior to the final hearing on the adoption petition, the petitioner shall file a full accounting of all disbursements of anything of value made or agreed to be made in connection with the adoption. The accounting report shall be signed under penalty of perjury. The accounting report shall be itemized in detail and show the services reasonably relating to the adoption or to the placement of the child for adoption that were received by the parents of the child, by the child, or by or on behalf of the petitioner. The report shall also include the dates of each payment and the names and addresses of each attorney, physician, hospital, licensed adoption agency, or other person or organization who received any funds or any other thing of value from the petitioner in connection with the adoption or placement of the child.

New York*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Soc. Serv. Law § 374(6)**

The adoptive parent is permitted to make the following payments:

- Reasonable and actual medical fees or hospital charges for services rendered in connection with the birth of the child
- Other necessary expenses incurred by the mother in connection with or as a result of her pregnancy or the birth of the child
- Reasonable and actual nursing, medical, or hospital fees for the care of the child
- The birth mother's reasonable and actual expenses for housing, maternity clothing, clothing for the child, and transportation

Birth Parent Expenses Not Allowed**Citation: Soc. Serv. Law § 374(6)**

Payment of living expenses shall not extend for 60 days prior to the birth and 30 days after the birth, unless the court determines that there are exceptional circumstances.

Allowable Payments for Arranging Adoption**Citation: Soc. Serv. Law § 374(6); Dom. Rel. Law § 116(3)(d)**

No person may pay or give to any person or to any agency, association, corporation, institution, society, or organization except an authorized agency any compensation or thing of value in connection with the adoption of a child or for assisting a parent, relative, or guardian of a child in arranging for the placement of the child for the purpose of adoption.

In a private placement adoption, the investigation and report shall include the compensation paid or agreed upon with respect to the placement of the child for adoption.

Allowable Payments for Relinquishing Child**Citation: Soc. Serv. Law § 374(6)**

No agency, association, corporation, institution, society, or organization except an authorized agency and no person may or shall request, accept, or receive any compensation or thing of value, directly or indirectly, in connection with the placing of a child or for assisting a parent, relative, or guardian of a child in arranging for the placement of the child for adoption.

Allowable Fees Charged by Department/Agency**Citation: Soc. Serv. Law § 374(6)**

An authorized agency may charge or accept a fee or other compensation from a person with whom it has placed a child for the reasonable and necessary expenses of such placement.

The adoptive parent also may pay reasonable and actual legal fees charged for consultation and legal advice, preparation of papers and representation, and other legal services rendered in connection with an adoption proceeding or of necessary disbursements incurred for or in an adoption proceeding.

Accounting of Expenses Required by Court

Citation: Dom. Rel. § 115(8)

In a private placement adoption, the adoptive parents shall present an affidavit describing all fees, compensation, and other remunerations paid by them on account of or incidental to the birth or care of the adoptive child, the pregnancy or care of the adoptive child's mother, the placement or adoption of the child, and assistance in arrangements for such placement or adoption. The attorney representing the adoptive parents shall also present an affidavit describing all fees, compensation, and other remuneration received by him or her on account of or incidental to the placement or adoption of the child or assistance in arrangements for such placement or adoption.

North Carolina

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Gen. Stat. § 48-10-103(a)

An adoptive parent, or a person acting on behalf of an adoptive parent, may pay the reasonable and actual fees and expenses for the following:

- Medical, hospital, nursing, pharmaceutical, travel, or other similar expenses incurred by a birth mother or her child incident to the pregnancy and birth or any illness of the child to be adopted
- Counseling services for a birth parent or the child that are directly related to the adoption and are provided by a licensed psychiatrist, licensed psychologist, licensed marriage and family therapist, licensed professional counselor, licensed or certified social worker, fee-based practicing pastoral counselor, or other licensed professional counselor
- Ordinary living expenses of a mother during the pregnancy
- Expenses incurred in ascertaining the information required under § 48-3-205 about a child to be adopted and the child's birth family
- Legal service connected with the adoption performed for a birth parent who consents to the adoption of a minor or relinquishes the minor to an agency

Birth Parent Expenses Not Allowed

Citation: Gen. Stat. § 48-10-103(a)(4)

Living expenses may not be paid beyond 6 weeks after the birth of the child.

Allowable Payments for Arranging Adoption

Citation: Gen. Stat. § 48-10-102

Except for the expenses authorized by § 48-10-103, a person or entity may not give or receive compensation for the following:

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

Allowable Payments for Relinquishing Child

Citation: Gen. Stat. § 48-10-103(c), (d)

A payment for expenses may not be made contingent on the placement of the minor for adoption, relinquishment of the minor, consent to the adoption, or cooperation in the completion of the adoption. Except as provided below, if the adoption is not completed, a person who has made authorized payments may not recover them; but neither is this person liable for any further payment unless the person has agreed in a signed writing with a provider of a service to make this payment regardless of the outcome of the proceeding for adoption.

A prospective adoptive parent may seek to recover a payment if the parent or other person receives or accepts it with the fraudulent intent to prevent the proposed adoption from being completed.

Allowable Fees Charged by Department/Agency**Citation: Gen. Stat. § 48-10-103(e); Admin. Code Tit. 10A, § 70H.0113**

An adoptive parent may pay the reasonable and actual fees and expenses for the following:

- Services of an agency in connection with an adoption
- Legal services, court costs, travel, or other administrative expenses
- Preparation of the preplacement assessment and the report to the court

An agency may charge a reasonable fee to prospective adoptive parents. In assessing a fee, the agency may take into account the income of adoptive parents and may use a sliding scale related to income in order to provide services to persons of all incomes.

In regulation: County departments of social services may charge reasonable fees for the preparation of a preplacement assessment or report to the court in accordance with §§ 48-3-304(a) and 48-2-504(a). No fee shall be charged unless there is a written fee agreement that is signed by the parties to be charged prior to the beginning of the preparation. The fee agreement shall not be based on the outcome of the report or the adoption proceeding.

Maximum fees for the preparation of the reports shall not exceed the following amounts:

- \$1,500 for the preplacement assessment and report to the court
- \$200 for the report to the court

No fee shall be charged when one or more of the following circumstances exist:

- The head of household for the prospective adoptive family is an Aid to Families With Dependent Children (AFDC) or Supplemental Security Income (SSI) recipient.
- The family's income is below the State's Established Income (or 150 percent of the 1992 Federal Poverty Level).
- The family has identified a child who is in the custody and placement responsibility of the Department of Social Services, and the adoptive family continues to pursue the adoption of the identified child.

Fees for the above reports may be reduced or waived if it can be documented in the case record that the prospective adoptive family cannot pay the required fee.

Accounting of Expenses Required by Court**Citation: Gen. Stat. § 48-2-602**

At least 10 days before the date of the hearing, each petitioner shall file with the court an affidavit accounting for any payment or disbursement of money or anything of value made or agreed to be made by or on behalf of each petitioner in connection with the adoption, including the amount of each payment or disbursement made or to be made and the name and address of each recipient. The court, in its discretion, may request a more specific statement of any fees, charges, or payments made or to be made.

North Dakota*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Cent. Code §§ 14-15-10; 14-15.1-06**

The report to the court must show any expenses incurred in connection with the following:

- Medical expenses relating to prenatal care and the birth of the child that are not already covered by health insurance
- Expenses for transportation, meals, and lodging incurred for placement of the child or in order to receive counseling, legal, or medical services related to the pregnancy, birth, or placement
- Living expenses of the birth mother that are needed to maintain an adequate standard of living that the birth mother is unable to otherwise maintain because of loss of income or other support resulting from the pregnancy

Birth Parent Expenses Not Allowed**Citation: Cent. Code §§ 14-15-10; 14-15.1-06**

Payments may cover expenses incurred during the pregnancy-related incapacity but not for a period longer than 6 weeks following the delivery, unless the court determines within the 6-week period that the birth mother is unable to be employed due to physical limitations relating to the birth of the child.

Living expenses do not include expenses for lost wages, gifts, education, vacations, or other similar expenses of a birth mother.

Allowable Payments for Arranging Adoption**Citation: Cent. Code § 12.1-31-05**

It is unlawful for a person to knowingly offer, give, or agree to give to another a thing of value as consideration for the recipient's furnishing or aiding another to furnish a minor child for the purposes of adoption.

Allowable Payments for Relinquishing Child**Citation: Cent. Code §§ 12.1-31-05; 14-15-10**

It is unlawful for a person to knowingly solicit, accept, or agree to accept from another a thing of value as consideration for the recipient's furnishing or aiding another to furnish a minor child for the purposes of adoption.

Fees may not be contingent upon placement of the child for adoption, consent to adoption, or cooperation in the completion of adoption.

Allowable Fees Charged by Department/Agency**Citation: Cent. Code § 14-15.1-06**

Reasonable fees may be charged for professional services. 'Reasonable fees' may include the following:

- Preplacement counseling, adoption assessment, placement of the child, foster care, or other preadoption services that must be paid directly to the provider of the services
- Legal fees relating to the petition for relinquishment or adoption that must be paid directly to the provider of the services

Accounting of Expenses Required by Court**Citation: Cent. Code § 14-15-10**

The petitioner in any proceeding for the adoption of a minor shall file, before the petition is heard, a full accounting report in a manner acceptable to the court of all disbursements of anything of value made or agreed to be made by or on behalf of the petitioner in connection with the adoption.

Northern Mariana Islands*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Commonwealth Code Tit. 8, § 1409(a)**

The petitioner may pay expenses incurred in connection with:

- The birth of the minor
- Medical and hospital costs for services received by the mother or the minor during the mother's prenatal care and delivery
- Attorney's fees
- If the mother is not a resident, transportation back to her country of origin
- Reasonable living expenses for the mother during her pregnancy and confinement

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption**Citation: Commonwealth Code Tit. 8, § 1420**

It is unlawful for a person to adopt or intentionally induce a person to adopt another in exchange for money or anything of value, including personal services.

Allowable Payments for Relinquishing Child**Citation: Commonwealth Code Tit. 8, § 1420**

It is unlawful for a person to offer or receive a minor, born or unborn, for adoption in exchange for money or anything of value, including personal services.

Allowable Fees Charged by Department/Agency**Citation: Commonwealth Code Tit. 8, § 1409(a)(4)**

Payment for the following is permitted:

- Services related to the adoption or placement of the child
- Fees charged by all attorneys involved in the adoption

Accounting of Expenses Required by Court**Citation: Commonwealth Code Tit. 8, § 1409**

The petitioner in any adoption proceeding shall file, before the petition is heard, a full accounting of all disbursements made or agreed to be made of anything of value in connection with the adoption. The report must be signed and verified by the petitioner. A fraudulent report shall be cause for the court to deny the petition.

Ohio*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Rev. Code § 3107.055(C)**

No petitioner, agency, or attorney shall make or agree to make any disbursements in connection with the minor's permanent surrender, placement, or adoption other than for the following:

- Physician expenses incurred on behalf of the birth mother or minor in connection with prenatal care, delivery, and confinement prior to or following the minor's birth
- Hospital or other medical facility expenses incurred on behalf of the birth mother or minor in connection with the minor's birth
- Expenses charged by the attorney arranging the adoption for providing legal services in connection with the placement and adoption
- Temporary costs of routine maintenance and medical care for a minor if the person seeking to adopt the minor refuses to accept placement of the minor
- Guardian ad litem fees incurred on behalf of the minor in any court proceedings
- Foster care expenses incurred in connection with any temporary care and maintenance of the minor
- Court expenses incurred in connection with the minor's permanent surrender, placement, and adoption
- Living expenses not exceeding \$3,000 for the birth mother that are incurred during pregnancy through the 60th day after the minor's birth

As used in this section, 'living expenses' means any of the following expenses incurred by a birth mother:

- Rental or mortgage payments
- Utility payments
- Payments for products or services required for the birth mother's or minor's sustenance or safety including, but not limited to, food, household goods, personal care items, and the costs of transportation to work or school

Birth Parent Expenses Not Allowed**Citation: Rev. Code § 3107.055(D)**

Any expense not expressly permitted by the statute or any expense that the court finds unreasonable will be disallowed.

Allowable Payments for Arranging Adoption**Citation: Rev. Code § 3107.055(C)**

No person, agency, or attorney shall make any disbursements in connection with the surrender, placement, or adoption other than those specified by law.

Allowable Payments for Relinquishing Child**Citation: Rev. Code § 3107.055(C)**

No person shall make any disbursements in connection with the surrender of a child other than those specified by law.

Allowable Fees Charged by Department/Agency**Citation: Rev. Code § 3107.055(C)**

Expenses charged by the agency arranging the adoption for providing services in connection with the permanent surrender and adoption, including the agency's application fee and the expenses incurred by the agency pursuant to the home study, compiling the social and medical histories of the birth parents, prospective adoptive home visits, and the prefinalization assessment of the minor and petitioner are permitted.

Accounting of Expenses Required by Court**Citation: Rev. Code § 3107.055(B), (C)**

The agency or attorney that arranged the minor's adoption shall file with the court a preliminary accounting estimate no later than the time the adoption petition is filed with the court. The agency or attorney that arranged the adoption also shall file a final accounting with the court before a final decree of adoption is issued.

The accounting shall specify all disbursements of anything of value the petitioner, agency, or attorney made and has agreed to make in connection with the minor's permanent surrender and adoption. The agency or attorney shall include with a preliminary accounting estimate and a final accounting a written statement signed by the petitioner that the petitioner has reviewed the accounting and attests to its accuracy.

The agency or attorney shall file the final accounting with the court no later than 10 days prior to the date scheduled for the final hearing on the adoption. The court may not issue a final decree of adoption or finalize an interlocutory order of adoption of a minor until at least 10 days after the agency or attorney files the final accounting.

Oklahoma*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Ann. Stat. Tit. 10, § 7505-3.2(B)**

The following adoption-related costs and expenses are allowed in connection with an adoption:

- Reasonable attorney fees and court costs
- Reasonable medical expenses for the birth mother and minor to be adopted
- Reasonable adoption counseling expenses for birth parents before and after the child's birth, not to exceed 6 months after the child's placement
- Reasonable living expenses for housing, utilities, and other necessities of the birth mother
- Reasonable costs for travel or transportation of the birth mother or minor as needed for medical or adoption placement needs
- A one-time gift to the birth mother from the prospective adoptive parents of no greater value than \$100

Living expenses also may include the following:

- Food for the birth mother and any minor child of the birth mother residing in the home
- Costs of transportation to support the pregnancy, such as gasoline, bus fares, or providing for the temporary use of a vehicle during the pregnancy
- Child care or foster care for any minor child of the birth mother associated with pregnancy-related medical care

All expenses approved by the court should be commensurate with other customary fees for similar services by persons of equivalent experience and training. Any services provided outside the State shall be allowed in an amount as if the services had been performed within the State of Oklahoma.

The provisions of this subsection shall apply to living and transportation expenses incurred after the birth mother of the minor contacts the child-placing agency or attorney for adoption services.

Any person, attorney, or licensed child-placing agency desiring to pay living and transportation expenses on behalf of a birth mother is authorized to expend an initial amount up to \$1,000 plus deposits for housing and utilities without first obtaining court approval.

Birth Parent Expenses Not Allowed**Citation: Ann. Stat. Tit. 10, § 7505-3.2(B)**

The following payments are not allowed:

- Living expenses for the birth mother beyond 2 months after placement of the child
- Counseling for the birth parents beyond 6 months after placement of the child
- Payments deemed unreasonable by the court

Living expenses that are not considered reasonable and necessary include the following:

- Any expenses met by existing resources of the birth mother
- Any expenses used for the support of family members who are not minor children of the mother
- Any expenses for recreational or leisure activities
- The purchase or gift of an automobile

The provisions of this subsection shall not prohibit a court from extending any time period or including any additional costs and expenses in connection with an adoption other than those specified in this subsection based on unusual circumstances or need.

Allowable Payments for Arranging Adoption**Citation: Ann. Stat. Tit. 21, § 866**

It is unlawful for any person or organization to accept or solicit any compensation, in money, property, or other thing of value, for services performed, rendered, or purported to be performed to facilitate or assist in the adoption of a minor child except by the Department of Human Services, a licensed child-placing agency, or an attorney authorized to practice law in Oklahoma. The provisions of this paragraph shall not prohibit an attorney licensed to practice law in another State or an out-of-State licensed child-placing agency from receiving compensation when working with an attorney licensed in this State who is working with a child-placing agency licensed in this State in providing adoption services or other services necessary for placing a child for adoption.

Allowable Payments for Relinquishing Child**Citation: Ann. Stat. Tit. 21, § 866**

It is unlawful for any person to accept, solicit, offer, pay, or transfer any compensation, in money, property, or other thing of value, at any time, in connection with the acquisition or transfer of the legal or physical custody or adoption of a minor child except as ordered by the court or except as otherwise provided by Tit. 10, § 7505-3.2.

It is unlawful for a birth parent to solicit or receive any money or any other thing of value for expenses related to the placement of a child for adoption when he or she, at the time of the solicitation or receipt, had no intent to consent to eventual adoption.

It is unlawful for a woman to solicit or receive any money or any other thing of value for expenses related to the placement of a child for adoption when she knows she is not pregnant but who holds herself out to be pregnant and offers to place a child upon birth for adoption.

Allowable Fees Charged by Department/Agency**Citation: Ann. Stat. Tit. 10, § 7505-3.2(B)**

The following adoption-related costs and expenses are permitted:

- Reasonable fees of a licensed agency, including the following:
 - » Casework services
 - » Adoptive child and family studies
 - » Placement services
 - » Certification of agency facilities
 - » Admission assessments
 - » Service planning
- Reasonable expenses for a home study
- Reasonable expenses related to the adoption legally required by any governmental entity

Accounting of Expenses Required by Court**Citation: Ann. Stat. Tit. 10, § 7505-3.2(A)**

An affidavit shall be attached to the petition or filed later, but prior to the final decree, that discloses to the court all costs expended or expected to be expended by the adoptive family.

No final decree of adoption shall be entered until the court is satisfied that all costs and expenses have been disclosed, are reasonable, and that the costs and expenses do not violate the provisions of the law. Upon its review of the affidavit of expenses, the court shall in writing disapprove any expenditure that the court deems unreasonable or in violation of the law and, to the extent necessary to comply with State law, shall order reimbursement of any unlawful payment made. Court approval of the affidavit of expenses shall not exempt a person, attorney, or licensed child-placing agency from prosecution if the information provided to the court is fraudulent or false.

In addition to the adoptive family affidavit required above, a disclosure statement of adoption-related costs and expenditures shall be prepared in writing by the person, attorney, or child-placing agency in a direct-placement adoption. The disclosure statement shall include a declaration of all fees, expenses, and costs charged or expected to be charged for the adoption including, but not limited to, the following:

- Retainer fees, the hourly rate, and the number of hours billed for the adoption
- Any fee charged for preplacement or other home studies of any prospective birth parents, regardless of whether the home study was performed by an outside agency
- Any costs, fees, expenses, or any other thing of value paid to or on behalf of the birth parents related to the adoption of a minor by any party other than the adoptive parents
- Any other fees and expenses related to the adoption not otherwise specifically listed in this section

Oregon

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Rev. Stat. § 109.311(1)

The only allowable expenses are the legal, medical, living, and travel expenses that are included in the written disclosure statement.

Birth Parent Expenses Not Allowed

Citation: Rev. Stat. § 109.311

No charges, except those reported in the disclosure statement, may be paid.

Allowable Payments for Arranging Adoption

Citation: Rev. Stat. § 109.311(3)

A person may not charge, accept, pay, or offer to charge, accept, or pay a fee for locating a minor child for adoption or for locating another person to adopt a minor child.

Allowable Payments for Relinquishing Child

This issue is not addressed in the statutes reviewed.

Allowable Fees Charged by Department/Agency

Citation: Rev. Stat. §§ 109.309(9); 109.311(3); Admin. Rules R. 413-140-0035; 0047

The Department of Human Services may charge the petitioner a fee for investigating a proposed nonagency adoption and preparing the home study and placement report. The petitioner shall report the fee amount to the court. The court granting the adoption shall determine whether the fee is necessary and reasonable. Any fee charged may not exceed reasonable costs for the investigation, home study, and placement report preparation.

Oregon-licensed adoption agencies may charge reasonable fees for services they provide.

In regulation: Any fees charged to a petitioner by an Oregon-licensed adoption agency must be based on reasonable costs and the actual expenses incurred by the adoption agency as a result of completing the required services.

Unless the fee is waived, the assignment and completion of a placement report for an independent adoption may be charged at a maximum rate of \$ 800 per report. The department may, upon petitioner's request, consider waiving all or a portion of the fee. Fee-waiver eligibility is calculated using the size of the household in correlation to Federal poverty guidelines.

Accounting of Expenses Required by Court**Citation: Rev. Stat. § 109.311(1)**

Each adoption petition shall be accompanied by a written disclosure statement containing an itemized accounting of all money paid or estimated to be paid by the petitioner for fees, costs, and expenses related to the adoption, including all legal, medical, living, and travel expenses. The form of the disclosure statement shall be prescribed by the department after consultation with approved Oregon-licensed adoption agencies.

Pennsylvania*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Cons. Stat. Tit. 23, § 2533(d)**

Payments made by the adoptive parents to an intermediary or a third party for reimbursement of the following expenses, calculated without regard to the income of the adoptive parents, are permissible:

- Medical and hospital expenses incurred by the birth mother for prenatal care and medical and hospital expenses incurred by the birth mother and child incident to birth
- Medical, hospital, and foster care expenses incurred on behalf of the child prior to the decree of adoption

Birth Parent Expenses Not Allowed**Citation: Cons. Stat. Tit. 23, § 2533(c)**

The court may provide appropriate relief when it finds the expenses reported are excessive.

Allowable Payments for Arranging Adoption**Citation: Cons. Stat. Tit. 18, § 4305**

It is unlawful to trade, barter, buy, sell, or deal in infant children.

Allowable Payments for Relinquishing Child**Citation: Cons. Stat. Tit. 18, § 4305**

It is unlawful to trade, barter, buy, sell, or deal in infant children.

Allowable Fees Charged by Department/Agency**Citation: Cons. Stat. Tit. 23, § 2533(d)**

Payments made by the adoptive parents to an intermediary or a third party for reimbursement of the following expenses, calculated without regard to the income of the adoptive parents, are permissible:

- Reasonable expenses incurred by the agency or a third party for adjustment counseling and training services provided to the adoptive parents and for home studies or investigations
- Reasonable administrative expenses incurred by the agency, including overhead costs and attorney fees

Accounting of Expenses Required by Court**Citation: Cons. Stat. Tit., 23, § 2533 (b)(8)**

The intermediary's written report to the court shall include an itemized accounting of all monies paid, agreed to be paid, or received in connection with the adoption.

Puerto Rico*Current Through March 2017***Birth Parent Expenses Allowed**

This issue is not addressed in the statutes reviewed.

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption**Citation: Ann. Laws Tit. 33, § 4764**

Any person who offers or gives money in exchange for the surrender of a child for adoption in violation of the law that regulates the procedure, shall incur a fourth-degree felony.

Allowable Payments for Relinquishing Child**Citation: Ann. Laws Tit. 33, § 4764**

Any person who, for profit, receives money or other goods in exchange for the surrender of a minor for adoption in violation of the law that regulates the procedure, shall incur a fourth-degree felony.

Allowable Fees Charged by Department/Agency**Citation: Ann. Laws Tit. 32, § 2699e(3)**

In those cases in which the court appoints a professional, qualified as an expert and licensed in the field of social work, psychiatry, or psychology, at the request of the petitioners, to perform the report on the corresponding expert social study, it shall determine the fee to be paid by the petitioners or the Department of the Family, with due consideration of the welfare and comfort of the child being adopted.

Accounting of Expenses Required by Court**Citation: Ann. Laws Tit. 32, § 2699b**

The adoption petition shall include information on financial contributions of any nature the adopter has made to the physical, emotional, and intellectual improvement of the adopted child, among others.

Rhode Island*Current Through March 2017***Birth Parent Expenses Allowed**

This issue is not addressed in the statutes reviewed.

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption

This issue is not addressed in the statutes reviewed.

Allowable Payments for Relinquishing Child

This issue is not addressed in the statutes reviewed.

Allowable Fees Charged by Department/Agency

This issue is not addressed in the statutes and regulations reviewed.

Accounting of Expenses Required by Court

This issue is not addressed in the statutes reviewed.

South Carolina*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Ann. Code § 63-9-310(F)**

Subject to court approval, payment may be made for the following:

- Necessary and actual medical costs
- Reasonable living expenses for the birth mother and the child for a reasonable period of time

Birth Parent Expenses Not Allowed**Citation: Ann. Code § 63-9-740**

No assessment is allowed for a cost that does not have a corresponding receipt or that the court considers unreasonable.

Allowable Payments for Arranging Adoption

This issue is not addressed in the statutes reviewed.

Allowable Payments for Relinquishing Child**Citation: Ann. Code § 63-9-310(F)**

Under no circumstances may a child-placing agency or any person receive a fee, compensation, or any other thing of value as consideration for giving a consent or relinquishment of a child for the purpose of adoption, and no child-placing agency or person may receive a child for payment of such fee, compensation, or any other thing of value.

Allowable Fees Charged by Department/Agency**Citation: Ann. Code § 63-9-310(F)**

Costs may be assessed and payment made, subject to the court's approval, for the following:

- Fees for investigations and reports
- Fees to individuals required to take consents or relinquishments
- Guardian ad litem fees
- Reasonable attorney's fees and costs for services actually rendered
- Reasonable fees to child-placing agencies and sending agencies

Accounting of Expenses Required by Court**Citation: Ann. Code §§ 63-9-710(C)(4); 63-9-740**

The adoption petition must include a statement of all payments of money or anything of value made within the past 5 years or agreed to be made in the future by or on behalf of the petitioner to any person, agency, or organization connected with the adoption that is other than a disbursement of expenses listed below.

At the final hearing on the adoption, the petitioner shall file a full, itemized accounting of disbursements of anything of value made, agreed to be made, or anticipated being made by or on behalf of the petitioner for expenses incurred or fees for services rendered in connection with the adoption. The accounting must be verified by the petitioner under penalty of perjury. The accounting by the petitioner must include the following:

- Dates and amounts of disbursements made, agreed to be made, or anticipated being made and by whom the disbursements were or are to be made
- Names and addresses of persons to whom the disbursements were made or are to be made
- Services received for the disbursements and by whom the services were received
- Receipts for reasonable living expenses incurred by the mother and child assessed as costs under § 63-9-310(F)(1)

No assessment is allowed for a cost that does not have a corresponding receipt or is unreasonable.

South Dakota*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Ann. Laws § 25-6-4.2**

Only charges that have been approved by the court are allowed.

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption**Citation: Ann. Laws § 25-6-4.2**

It is unlawful for any person to offer, give, or receive any money or other consideration or thing of value in connection with the placing of any child for adoption, relating to the consent to adoption, or with the petition for adoption except such charges as are approved by the court and fees charged by licensed agencies.

Allowable Payments for Relinquishing Child**Citation: Ann. Laws § 25-6-4.1**

It shall be unlawful to compel, coerce, or force by any means any person to release, sell, place, relinquish, or give up for adoption any minor child.

Allowable Fees Charged by Department/Agency**Citation: Ann. Laws § 25-6-4.2**

Fees charged by licensed agencies are permitted.

Accounting of Expenses Required by Court

This issue is not addressed in the statutes reviewed.

Tennessee*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Ann. Code § 36-1-109(a)(1)(B)**

Payment of the following expenses is permitted:

- Reasonable charges or fees for hospital or medical services for the birth of the child
- Medical care or other reasonable birth-related expenses for the mother or child
- Reasonable counseling fees for the parent or adoptive parents of the child
- Reasonable legal fees
- Reasonable and actual expenses for housing, food, maternity clothing, child's clothing, utilities, or transportation for a reasonable period of time

The expenses must be incurred directly in connection with the maternity, birth, and/or placement of the child for adoption, for legal services or legal proceedings directly related to the adoption of the child, or for counseling for a period of up to 1 year for the parent who surrenders the child or consents to the adoption of the child.

The payment may be only for expenses or costs actually incurred during the time periods specified above, but the actual payment or receipt of payment for expenses or costs may be made later.

Birth Parent Expenses Not Allowed**Citation: Ann. Code § 36-1-109(a)(1)(B)**

Payment of living expenses is not permitted, without court approval, beyond a reasonable period not to exceed 90 days prior to the birth of the child or 45 days after the child's birth or surrender for adoption.

Allowable Payments for Arranging Adoption**Citation: Ann. Code §§ 36-1-108(a); 37-5-507**

No person, corporation, agency, or other entity except the Department of Children's Services, a licensed child-placing agency, or licensed clinical social worker shall engage in the placement of children for adoption. This section shall not be construed to prohibit any person from advising parents of a child or prospective adoptive parents of the availability of adoption or from acting as an agent or attorney for the parents of a child or prospective adoptive parents in making necessary arrangements for adoption as long as no remuneration, fees, contributions, or things of value are given to or received from any person or entity for such service other than usual and customary legal and medical fees in connection with the birth of the child or other pregnancy-related expenses, or for counseling for the parents and/or the child, and for the legal proceedings related to the adoption.

Private individuals, including midwives, physicians, nurses, hospital officials, lawyers, and the officials of any nonchartered or nonlicensed child-caring institution, child-placing agency, or maternity home are forbidden to engage in placing children for temporary care or for adoption.

Allowable Payments for Relinquishing Child**Citation: Ann. Code § 36-1-109(a)(1)(A)**

It is unlawful for any person to sell or surrender a child to another person for anything of value.

It is unlawful for any person, having the rights and duties of a parent or guardian with respect to the care and custody of a minor child, to assign or transfer such parental or guardianship rights for the purpose of, incidental to, or otherwise connected with, selling or offering to sell such rights and duties for money or anything of value.

Allowable Fees Charged by Department/Agency**Citation: Ann. Code § 36-1-108(d)(2), (d)(5)**

The department shall maintain an informational database of fees charged by licensed agencies for home studies, placement services, counseling, and legal fees. The information is available to a prospective adoptive parent upon written request.

The department is specifically authorized to disclose to prospective adoptive parents or other interested persons any fees charged by any licensed child-placing agency, licensed clinical social worker, attorney, counseling service, or counselor for all legal and counseling services provided by that licensed child-placing agency, licensed clinical social worker, attorney, counseling service, or counselor.

Accounting of Expenses Required by Court**Citation: Ann. Code § 36-1-116(b)(16)**

The petition to adopt must state the following:

- Whether the petitioners have paid, or promised to pay, any money, fees, contributions, or other remuneration or thing of value in connection with the birth, placement, or adoption of the child, and if so, to or from whom, the specific amount, and the specific purpose for which these were paid or promised
- Whether any attorney's fees, medical expenses, counseling fees, other expenses permitted under §§ 36-1-108 and 36-1-109, or any other fees, remuneration, or contribution, were paid or promised in connection with the child's birth, placement, or adoption, and if so, to whom, the specific amount and the specific purpose for which they were paid or promised
- The amount of fees paid to any licensed child-placing agency or licensed clinical social worker in connection with the placement of the child

Texas

Current Through March 2017

Birth Parent Expenses Allowed**Citation: Penal Code § 25.08(b)**

The following payments are permitted:

- Fees paid to an attorney, social worker, mental health professional, or physician for services rendered in the usual course of legal or medical practice or in providing adoption counseling
- Reimbursement of legal or medical expenses incurred by a person for the benefit of the child
- Necessary pregnancy-related expenses paid by a child-placing agency for the benefit of the child's parent during the pregnancy or after the birth of the child as permitted by the minimum standards for child-placing agencies and Department of Protective and Regulatory Services rules

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption**Citation: Family Code § 162.025**

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

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

It is not an offense if a professional provides legal or medical services to the following:

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

Allowable Payments for Relinquishing Child

Citation: Penal Code § 25.08(a)

A person commits an offense if he or she engages in the following:

- Possesses a child younger than age 18 or has the custody, conservatorship, or guardianship of a child younger than age 18, whether or not he or she has actual possession of the child, and he or she offers to accept, agrees to accept, or accepts a thing of value for the delivery of the child to another or for the possession of the child by another for purposes of adoption
- Offers to give, agrees to give, or gives a thing of value to another for acquiring or maintaining the possession of a child for the purpose of adoption

Allowable Fees Charged by Department/Agency

Citation: Penal Code § 25.08

A licensed child-placing agency may charge a fee for services provided.

Accounting of Expenses Required by Court

This issue is not addressed in the statutes reviewed.

Utah

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Ann. Code § 76-7-203

Payment of adoption-related expenses is permitted as an act of charity. 'Adoption-related expenses' means expenses that are reasonably related to the adoption of a child and are incurred for a reasonable amount. These expenses may include expenses of the mother or father of the child being adopted, including the following:

- Legal expenses
- Maternity expenses
- Medical and hospital expenses
- Counseling expenses
- Temporary living expenses during the pregnancy or confinement of the mother
- Expenses for travel between the mother's or father's home and the location where the child will be born or placed for adoption

Birth Parent Expenses Not Allowed

Citation: Ann. Code § 78B-6-140

Payments for adoption-related expenses may only be made in accordance with § 76-7-203.

Allowable Payments for Arranging Adoption

This issue is not addressed in the statutes reviewed.

Allowable Payments for Relinquishing Child

Citation: Ann. Code § 76-7-203

It is unlawful for a person, while having custody, care, control, or possession of a child, to sell, dispose of, or attempt to sell or dispose of the child for and in consideration of the payment of money or other thing of value.

No payment may be made for the purpose of inducing the mother, parent, or legal guardian of a child to engage in the following:

- Place the child for adoption
- Consent to an adoption
- Cooperate in the completion of an adoption

Allowable Fees Charged by Department/Agency

This issue is not addressed in the statutes and regulations reviewed.

Accounting of Expenses Required by Court

Citation: Ann. Code § 78B-6-140

Prior to the entry of the final decree, an affidavit regarding fees and expenses, signed by the adoptive parents and the person or agency placing the child, shall be filed with the court. The affidavit shall list the following items in connection with the adoption:

- All legal expenses, maternity expenses, medical or hospital expenses, and living expenses that have been or will be paid to or on behalf of the birth mother or father, with the source of payment
- Fees paid by the prospective adoptive parent or parents in connection with the adoption
- All gifts, property, or other items that have been or will be provided to the birth mother or father, with the source of the gifts, property, or other items
- All public funds used for any medical or hospital costs in connection with the pregnancy, delivery of the child, or care of the child
- A description of services provided to the prospective adoptive parent or parents or birth parents in connection with the adoption

Vermont

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Ann. Stat. Tit. 15A, § 7-103(a)

An adoptive parent, or a person acting on behalf of an adoptive parent, may pay the reasonable and actual fee or charge for the following:

- Medical, hospital, nursing, pharmaceutical, or other similar expenses incurred by a mother or her minor child in connection with prenatal care or the birth or any illness of the minor
- Counseling services for a parent or a minor for a reasonable time before and after the minor's placement for adoption
- Living expenses of a birth mother for a reasonable time before and after the birth of her child
- Expenses incurred in ascertaining the social and medical history of the child, as required by § 2-105 of this title
- Any legal services performed for a parent who consents to the adoption of a minor or relinquishes the minor to an agency
- Transportation for services provided
- Any other service or expense the court finds reasonable and necessary

Birth Parent Expenses Not Allowed

Citation: Ann. Stat. Tit. 15A, § 7-103(a)(4)

Payments for living expenses may continue for no more than 6 weeks after the child's birth.

Allowable Payments for Arranging Adoption

Citation: Ann. Stat. Tit. 15A, § 7-105

Except as otherwise provided in §§ 7-103 and 7-104 of this title, a person may not pay, give, or offer to pay or give to any other person or request, receive, or accept any money or anything of value, directly or indirectly, for the following:

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

Allowable Payments for Relinquishing Child**Citation: Ann. Stat. Tit. 15A, § 7-103(b)-(c)**

A birth parent or a provider of a service listed above may receive or accept a payment authorized by this section. The payment may not be made contingent on the placement of a minor for adoption, relinquishment of the minor, or consent to the adoption. If the adoption is not completed, a person who is authorized to make a specific payment is not liable for that payment unless the person has agreed in a signed writing with a provider of a service to make the payment regardless of the outcome of the proceeding for adoption. If the adoption is not completed, an adoptive parent is liable only for agreed-upon expenses that are permitted under this section and were incurred prior to the termination of the adoption process.

Allowable Fees Charged by Department/Agency**Citation: Ann. Stat. Tit. 15A, § 7-104**

An agency may charge or accept a fee or other reasonable compensation from a prospective adoptive parent for expenses not paid by public assistance for the following:

- Medical, hospital, nursing, pharmaceutical, or other similar expenses incurred by a mother or her minor child in connection with prenatal care, the birth, or any illness of the minor
- A percentage of the annual cost the agency incurs in locating and providing counseling services for minor adopted persons, parents, and prospective parents
- Living expenses of a mother for a reasonable time before the birth of a child and for no more than 6 weeks after the birth
- Expenses incurred in obtaining the health and social history of the child
- Legal services, court costs, or other administrative expenses connected with an adoption, including the legal services performed for a birth parent
- Preparation of a preplacement evaluation and an evaluation during the proceeding for adoption
- Transportation for services provided
- Any other service or expense the court finds is reasonable and necessary

Accounting of Expenses Required by Court**Citation: Ann. Stat. Tit. 15A, § 3-702**

The following should be completed at least 10 days before the hearing:

- The petitioners shall file an accounting of any payment or disbursement made or agreed to be made.
- The attorney for the petitioners shall file an affidavit itemizing any fees accepted for adoption-related services.
- If an agency or guardian placed the child for adoption, the agency or guardian shall file an affidavit itemizing all fees and expenses paid.

Virgin Islands*Current Through March 2017***Birth Parent Expenses Allowed**

This issue is not addressed in the statutes reviewed.

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption

This issue is not addressed in the statutes reviewed.

Allowable Payments for Relinquishing Child

This issue is not addressed in the statutes reviewed.

Allowable Fees Charged by Department/Agency

This issue is not addressed in the statutes and regulations reviewed.

Accounting of Expenses Required by Court

This issue is not addressed in the statutes reviewed.

Virginia

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Ann. Code § 63.2-1218

Payment of the following expenses is permitted:

- Medical expenses and insurance premiums that are directly related to the birth mother's pregnancy and hospitalization
- Mental health counseling for the birth mother and birth father
- Reasonable and necessary expenses for food, clothing, and shelter when the birth mother is unable to work due to her pregnancy
- Reimbursement for expenses incurred incident to any court appearance, including, but not limited to, food, lodging, and transportation
- Fees for legal services
- Transportation to any of the services provided

Birth Parent Expenses Not Allowed

Citation: Ann. Code § 63.2-1218

Fees determined to be in excess of the usual or customary amounts are prohibited.

Allowable Payments for Arranging Adoption

Citation: Ann. Code § 63.2-1218

No person or child-placing agency shall charge, pay, give, or agree to give or accept any money, property, service, or other thing of value in connection with a placement or adoption except reasonable and customary services provided by a licensed or duly authorized child-placing agency and fees paid for such services.

Allowable Payments for Relinquishing Child

Citation: Ann. Code § 63.2-1232(A)(4)

In a parental placement adoption, all parties must verify for the court that they understand that no binding contract regarding placement or adoption of the child may exist based on any financial agreement.

Allowable Fees Charged by Department/Agency

Citation: Ann. Code § 63.2-1248

Local departments of social services shall assess fees for home studies, investigations, visits, and reports. The fee charged shall not exceed the actual cost of the service.

The board shall adopt regulations and fee schedules, which shall include the following:

- Standards for determining the petitioner's or applicant's ability to pay
- A scale of fees based on the petitioner's or applicant's income and family size and the actual cost of the services provided

Accounting of Expenses Required by Court

Citation: Ann. Code § 63.2-1232(A)(4)

In a parental placement adoption, any financial agreements or exchange of property among the parties and any fees paid or charged must be disclosed to the court.

Washington

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Rev. Code § 9A.64.030(2)(f)

A person receiving a child for adoption is permitted to pay the following:

- The prenatal hospital or medical expenses involved in the birth of the child
- Attorneys' fees and court costs involved in effectuating transfer of child custody

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption

This issue is not addressed in the statutes reviewed.

Allowable Payments for Relinquishing Child

Citation: Rev. Code § 9A.64.030(1)

It is unlawful for any person to sell or purchase a minor child.

Allowable Fees Charged by Department/Agency

Citation: Rev. Code §§ 26.33.190(4); 26.33.200(2)

An agency, the department, or a court-approved individual may charge a reasonable fee based on the time spent in conducting the home study and preparing the preplacement report. The court may set a reasonable fee for conducting the study and preparing the report when a court employee has prepared the report. An agency, the department, a court-approved individual, or the court may reduce or waive the fee if the financial condition of the person requesting the report so warrants.

A fee may be charged for preparation of the postplacement report in the same manner as for a preplacement report.

Accounting of Expenses Required by Court

Citation: Rev. Code § 26.33.190(4)

The fee charged by an agency, department, or court-approved individual is subject to review by the court upon request of the person requesting the report.

West Virginia

Current Through March 2017

Birth Parent Expenses Allowed

Citation: Ann. Code § 61-2-14h(e)

The following payments are permitted:

- Reasonable and customary legal, medical, hospital, or other expenses incurred in connection with the pregnancy, birth, and adoption proceedings
- Any other fees authorized by law or approved by the court

Birth Parent Expenses Not Allowed

Citation: Ann. Code § 61-2-14h(a)

Any fees not authorized by law or approved by the court are prohibited.

Allowable Payments for Arranging Adoption

Citation: Ann. Code § 61-2-14h(a)

It is unlawful for any person or agency to knowingly offer, give, or agree to give to another person money, property, service, or other thing of value in consideration for the recipient's locating, providing, or procuring a minor child for any purpose that entails a transfer of the legal or physical custody of the child, including, but not limited to, adoption or placement.

Allowable Payments for Relinquishing Child

Citation: Ann. Code § 61-2-14h(a), (c)

It is unlawful for any person to knowingly receive, accept, or offer to accept money, property, service, or other thing of value to locate, provide, or procure a minor child for any purpose that entails a transfer of the legal or physical custody of the child, including, but not limited to, adoption or placement.

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

Allowable Fees Charged by Department/Agency**Citation: Ann. Code § 61-2-14h(e)(1)**

Fees may be paid for reasonable and customary services provided by the Department of Health and Human Resources or any licensed or duly authorized adoption or child-placing agency.

Accounting of Expenses Required by Court**Citation: Ann. Code § 61-2-14h(f)**

At the final hearing on the adoption, an affidavit of any fees and expenses paid or promised by the adoptive parents shall be submitted to the court.

Wisconsin*Current Through March 2017***Birth Parent Expenses Allowed****Citation: Ann. Stat. § 48.913(1)**

The adoptive parents, or a person acting on their behalf, may pay the actual cost of any of the following:

- Preadoptive and postadoptive counseling for a birth parent or an alleged or presumed father of the child
- Maternity clothes for the child's birth mother, in an amount not to exceed \$300
- Local transportation expenses of the birth parent that are related to the pregnancy or adoption
- Medical and hospital care received by the child's birth mother in connection with the pregnancy or birth of the child
- Medical and hospital care received by the child
- Legal and other services received by a birth parent, an alleged or presumed father, or the child in connection with the adoption
- Living expenses of the child's birth mother, in an amount not to exceed \$5,000, if payment of the expenses is necessary to protect the health and welfare of the birth mother or the fetus
- If the adoption is completed, the cost of any care provided for the child under § 48.837(4)(d)
- Birthing classes
- A gift to the child's birth mother from the adoptive parents, not to exceed \$100 in value

Birth Parent Expenses Not Allowed**Citation: Ann. Stat. § 48.913(1), (4)**

Medical and hospital care does not include lost wages or living expenses.

The adoptive parents or a person acting on their behalf may not make any payments to or on behalf of a birth parent, an alleged or presumed father, or the child, except as permitted above.

Allowable Payments for Arranging Adoption**Citation: Ann. Stat. § 948.24**

It is unlawful for any person to solicit, negotiate, or arrange the placement of a child for adoption for anything of value, except under § 48.833. It is unlawful for any person, for the purpose of receiving a child for adoption, to give anything exceeding the actual cost of the legal and other services rendered in connection with the adoption and the items listed in § 48.913(1)(a) to (m) and the payments authorized under § 48.913(2).

Allowable Payments for Relinquishing Child**Citation: Ann. Stat. §§ 948.24; 48.837(6)(b)**

It is unlawful for any person to place or agree to place his or her child for adoption for anything exceeding the actual cost of the items listed in § 48.913(1)(a) to (m) and the payments authorized under § 48.913(2).

The court shall determine whether any payments or the conditions specified in any agreement to make payments are coercive to the birth parent of the child or to an alleged or presumed father of the child or are impermissible under § 48.913(4). Making any payment to or on behalf of the birth parent, an alleged or presumed father, or the child conditional in any part upon transfer or surrender of the child, termination of parental rights, or finalization of the adoption creates a rebuttable presumption of coercion. Upon a finding that impermissible payments have been made, the court shall dismiss the adoption petition and refer the matter to the district attorney for prosecution.

Allowable Fees Charged by Department/Agency**Citation: Ann. Stat. §§ 48.913(1); 48.837(7) 48.838(2); 48.84**

The adoptive parents may pay the following:

- The actual cost of services provided by a licensed child welfare agency in connection with the adoption
- The cost of any investigation ordered under § 48.837(4)(c), according to a fee schedule established by the Department of Children and Families based on ability to pay
- If the adoption is completed, the cost of any care provided for the child

The department may charge a fee of no more than \$75 to review foreign adoption documents and provide the certification and approval required by State and Federal law.

A proposed adoptive parent who petitions to adopt a child in an independent adoption shall pay the costs of the required preadoption preparation and the postadoption training offered. The department shall pay the costs of the preadoption preparation and the postadoption training for a proposed adoptive parent with whom a child is placed by the department or a licensed agency.

Accounting of Expenses Required by Court**Citation: Ann. Stat. § 48.913(6), (7)**

A report shall be provided to the court at the time of the hearing on the petition for adoptive placement or upon the order of the court. The report shall include a list of all transfers of anything of value made or agreed to be made by the adoptive parents or by a person acting on their behalf to a birth parent, an alleged or presumed father, or the child; on behalf of the birth parents or child; or to any other person in connection with the pregnancy, birth, placement, or adoption of the child. The report shall be itemized and shall show the goods or services for which payment was made or agreed to be made. The report shall include the dates of each payment and the names and addresses of each attorney, doctor, hospital, agency, or other person or organization receiving any payment from the adoptive parents or a person acting on their behalf.

Wyoming

Current Through March 2017

Birth Parent Expenses Allowed

This issue is not addressed in the statutes reviewed.

Birth Parent Expenses Not Allowed

This issue is not addressed in the statutes reviewed.

Allowable Payments for Arranging Adoption

This issue is not addressed in the statutes reviewed.

Allowable Payments for Relinquishing Child

This issue is not addressed in the statutes reviewed.

Allowable Fees Charged by Department/Agency

This issue is not addressed in the statutes and regulations reviewed.

Accounting of Expenses Required by Court

This issue is not addressed in the statutes reviewed.



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

