

- SUBJECT:** Allowing counseling expenses for birth parents in adoption cases
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 7 ayes — Goodman, A. Reyna, P. King, Menendez, Morrison, Naishtat, Nixon
0 nays
2 absent — E. Reyna, Tillery
- WITNESSES:** For — Susan Paquet, American Academy of Adoption Attorneys; Eileen Anderson Stancukas, Adoption Services, Inc.
Against — None
- BACKGROUND:** Penal Code, sec. 25.08 outlines what constitutes the sale or purchase of a child. It is a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) for someone to offer or accept any kind of payment in exchange for a child for the purpose of adoption. Exceptions to forbidden payments are: fees paid to a licensed child-placing agency, fees paid to an attorney or physician for normal legal or medical services, and reimbursement of legal or medical expenses incurred for the benefit of the child.
- DIGEST:** HB 1634 would amend Penal Code, sec. 25.08 to include fees for adoption counseling among the allowable exemptions to the criminal act of selling a child. Specifically, it would exempt fees paid to a social worker or mental health professional who provides adoption counseling. It also would exempt reimbursements paid to a licensed child-placing agency for any necessary pregnancy-related expense as allowed by the minimum standards set by the Department of Protective and Regulatory Services.
- HB 1634 would take effect September 1, 2001. It would apply to an offense committed before, on, or after this date except in the cases where a conviction is final before this date.

**SUPPORTERS
SAY:**

HB 1634 is necessary because it would allow birth parents to receive adoption counseling at the expense of the adoptive parents. Birth parents need good information and qualified help to prepare for their decision, and they especially need emotional support before and during the adoption process.

HB 1634 also is needed to clarify what is a prosecutable offense under this section of the Penal Code. Under current law, it is unclear whether accepting payment for pre-adoptive counseling would be considered a criminal offense.

**OPPONENTS
SAY:**

HB 1634 would add the terms social worker and mental health professional without specifying the qualifications for those professions. This could allow for open interpretation of who qualifies under this exemption and could lead to abuse of the exemption by unqualified counselors.