



## 2003 Adoption State Statute Series Statute-at-a-Glance State Regulation of Adoption Expenses

### What You Need to Know

Nearly all States, the District of Columbia, and the U.S. territories have enacted statutes that provide some regulation of the fees and expenses that adoptive parents are expected to pay when arranging an adoptive placement. Some of the fees and expenses that are typically addressed in the statutes are placement costs, such as agency fees; legal and attorney expenses for adoptive and birth parents; and some of the expenses of the birth mother during pregnancy.

### Birth Parent Expenses

Approximately<sup>1</sup> 46 States, American Samoa, and the Northern Mariana Islands have statutes that specify the type of birth parent expenses a prospective adoptive family is allowed to pay. The actual dollar amount is usually limited by the standard of "reasonable and customary."

The types of expenses most commonly allowed by statute include:

- Maternity-related medical and hospital costs
- Temporary living expenses of the mother during pregnancy
- Counseling fees
- Attorney and legal fees; guardian *ad litem* fees
- Travel costs, meals, and lodging when necessary for court appearances
- Foster care for the child, when necessary

Approximately<sup>1</sup> eight States specify expenses that the adoptive parent is not permitted to pay. Certain costs such as educational expenses, vehicles, vacations, permanent housing, or any other payment for the monetary gain of the birth parent often are excluded.

Approximately 18 States specify that payments may not be made beyond a set time period or may not exceed a set amount.

In other States, the statutes do not specify the types of expenses that are not allowed, but do include language indicating that any expense not expressly permitted cannot be paid by the adoptive parents.

In addition, Idaho is the only State that requires reimbursement of expenses to prospective adoptive parents should the parent decide not to place the child for adoption.



The Clearinghouses are services of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services.

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<sup>1</sup> "The word *approximately* is used to stress the fact that statutes are constantly being revised and updated."

**Agency Fees and Costs**

In addition to regulating the types of expenses that can be paid, a few States set time limits, typically four to eight weeks, on how long after the birth of the child an adoptive parent is required to continue payments for the birth mother's living expenses or psychological counseling. Oklahoma is the exception, allowing payments for post-placement counseling for up to 6 months.

The fees charged by agencies and the extent to which they are regulated by State authorities vary from State to State. Regulation is ordinarily determined by administrative rules, regulations, and standards, not by statute.

Very few States specify a dollar amount for agency fees or specific services that agencies provide. In most States, the statutes simply authorize agencies to collect "reasonable and customary" fees for the adoption services provided.

The services that agencies typically provide include preparation of the pre-placement and post-placement home studies of the adoptive family; a social and medical history of the birth family; and birth family counseling.

Sometimes agencies also will receive payment for birth parent expenses and make appropriate disbursements. In addition, in some States, agencies are allowed to factor a portion of their administrative costs into their placement fees.

**Use of an Intermediary**

In an independent adoption, a person or organization will often act as an intermediary to match up or bring together a prospective adoptive parent with a birth mother wishing to place her child. In an effort to ensure that no person, either the intermediary or a member of the birth family, profits from the placement of a child, many States have enacted statutes to regulate the use of intermediaries.

For example, some States restrict the activities of intermediaries, with language that prohibits "giving or accepting payment for the placement of a child, or obtaining a consent to adoption." Other States limit the fees that an intermediary may collect to a sum that is "reasonable and customary" compensation for actual services provided, while, in some States, the statutes prohibit private intermediaries altogether by restricting all adoptive placements to licensed or State agencies.

**Reporting to the Court**

Approximately 37 States, American Samoa, Guam, and the Northern Mariana Islands have statutes requiring that an accounting of all adoption-related expenses be made to the court having jurisdiction over the adoption proceedings.

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. Some statutes specify that receipts for all expenses paid must be attached to the statement, and may disallow any expense for which a receipt is not presented.

In both private and agency 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, and any expense may be denied or modified if the court finds it unreasonable, unnecessary, or not permitted by law.

The Statutes-at-a-Glance listings summarize specific sections of each State's code. 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. Readers interested in the interpretation of specific statutory provisions within an individual jurisdiction should consult with professionals within the State familiar with the statutes' implementation.

To obtain additional copies of this product, or for more information, contact:

National Adoption Information Clearinghouse  
330 C Street, SW  
Washington, DC 20447  
Phone: (888) 251-0075  
E-mail: [naic@calib.com](mailto:naic@calib.com)  
Web: <http://naic.acf.hhs.gov>

We welcome your comments and suggestions about this products.

## Alabama

### Birth Parent Expenses Allowed

Statute: § 26-10A-34(a)

Maternity-connected medical or hospital and necessary living expenses of the mother preceding and during pregnancy-related incapacity as an act of charity.

### Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed.

### Allowable Payments for Arranging Adoption

Statute: § 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 adoptee or natural parents, or for placing, assisting, or arranging a minor placement.

### Allowable Payments for Relinquishing Child

Statute: § 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

Statute: § 26.10-4.1

- The Department shall collect a fee of \$300.00 for investigation services they perform in cases involving adoption except for cases in which a child was placed for adoption as a result of a court order in which parental rights in the child were terminated.
- The Department may waive this fee for good cause.

### Accounting of Expenses Required by Court

Statute: § 26-10A-23(b)-(c)

- Petitioners must file a sworn statement that is a full accounting of all charges, fees and expenses to be paid
- Court must approve all payments made

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## Alaska

### Birth Parent Expenses Allowed

Statute: § 25.23.090

- Expenses incurred in connection with the birth of the child.
- Placement with the petitioner.
- Medical or hospital care received by the mother or minor.
- Services related to the adoption that were received by the petitioner or either natural parent or any other person.

### Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed.

### Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed.

### Allowable Payments for Relinquishing Child

Not addressed in statutes reviewed.

### Allowable Fees Charged by Department/Agency

Not addressed in statutes reviewed.

**Accounting of Expenses Required by Court**

Statute: § 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.
  - Report is to be verified and signed by the petitioner.
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**American Samoa****Birth Parent Expenses Allowed**

Statute: § 45.0430(a)

- Attorney's fees
- Charges and fees as approved by the court

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Statute: § 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**

Statute: § 45.0430(a)

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

**Allowable Fees Charged by Department/Agency**

Statute: § 45.0430(a)

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

**Accounting of Expenses Required by Court**

Statute: § 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.

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**Arizona****Birth Parent Expenses Allowed**

Statute: § 8-114(A)-(B)

- Reasonable and necessary expenses, including medical and hospital costs
- Counseling fees
- Legal and agency fees
- Living expenses
- A payment exceeding \$1,000 for birth mother living expenses must be approved by the court

**Birth Parent Expenses Not Allowed**

Statute: § 8-114(G)

Expenses which the court finds unauthorized or unreasonable.

**Allowable Payments for Arranging Adoption**

Statute: § 8-114(D)

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

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**Allowable Payments for Relinquishing Child**

Statute: § 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**

Statute: § 8-133; § 12-284

- The division may charge fees for studying and certifying applicants
- The court may charge fees for conducting investigations
- The filing fee for an adoption petition is \$115

**Accounting of Expenses Required by Court**

Statute: § 8-114(E), (H)

- The petitioner shall file a verified accounting of all fees, payments, or commitments of anything of value.
  - The birth mother must submit a signed affidavit asserting she understands that payment of expenses does not obligate her to place the child for adoption.
  - All cases shall be reviewed by the court for reasonableness and necessity of expenses.
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**Arkansas****Birth Parent Expenses Allowed**

Statute: § 9-9-211

- Expenses incurred in connection with the birth of the child
- Fees related to the adoption or placement of the child
- Medical or hospital care received by the mother or minor child
- Fees charged by all attorneys

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Not addressed in statutes reviewed.

**Allowable Fees Charged by Department/Agency**

Not addressed in statutes reviewed.

**Accounting of Expenses Required by Court**

Statute: § 9-9-211

The petitioner must file a full accounting report of all expenses incurred or agreed to, and file a signed, sworn affidavit that expenses have been truthfully listed.

**California****Birth Parent Expenses Allowed**

Statute: Fam. Code § 8610; § 8812

- Services related to adoption
- Medical or hospital care for birth mother or child
- Attorney's fees
- Counseling fees
- Living expenses
- Birth parent must request in writing any payment for expenses

**Birth Parent Expenses Not Allowed**

Statute: Penal Code § 273(d)

It is unlawful for the birth mother to receive payments that exceed reasonable maternity-related and living expenses.

**Allowable Payments for Arranging Adoption**

Statute: Penal Code § 273(a)

It is unlawful for any person or agency to receive payment for the placement or consent to an adoption of a child.

**Allowable Payments for Relinquishing Child**

Statute: Penal Code § 273

A mother may not receive payment for expenses:

- If it is contingent on giving consent
- There is intent not to consent or complete adoption
- She receives payment from more than one adoptive family

**Allowable Fees Charged by Department/Agency**

Statute: Fam. Code § 8810

- The department or adoption agency shall charge \$1,250 for filing a petition for adoption; \$325 for a post-placement evaluation.
- A fee may be deferred, reduced, or waived for economic hardship.

**Accounting of Expenses Required by Court**

Statute: Fam. Code § 8610; § 8812

A full accounting report shall be filed with the court, itemized in detail, including receipts from the birth parent for any expenses paid.

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**Colorado****Birth Parent Expenses Allowed**

Statute: § 19-5-213

- Attorney fees and other charges and fees as may be approved by the court
- Physicians and attorneys may charge reasonable fees for professional services

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Statute: § 19-5-213(b)

No person 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**

Statute: § 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**

Statute: § 19-5-207.5(4)

A person who is subject of a home study report and investigation conducted by a county department shall be required to pay, based on ability to pay, the cost of the investigation.

**Accounting of Expenses Required by Court**

Statute: § 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.

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**Connecticut****Birth Parent Expenses Allowed**

Statute: § 45a-728; 728

- Counseling for the birth mother including transportation
- Birth mother's living expenses
- Reasonable telephone costs
- Reasonable maternity clothing expenses

**Birth Parent Expenses Not Allowed**

Statute: § 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**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Not addressed in statutes reviewed.

**Allowable Fees Charged by Department/Agency**

Statute: § 45a-727(b)

The court may assess the adopting parent a reasonable fee covering the cost of making the required investigation.

**Accounting of Expenses Required by Court**

No accounting of expenses is specifically required by statute.



**Delaware****Birth Parent Expenses Allowed**

Statute: Tit. 13, § 928

- Court costs.
- Legal fees.

**Birth Parent Expenses Not Allowed**

Statute: Tit. 13, § 928

No other payment is allowed.

**Allowable Payments for Arranging Adoption**

Statute: Tit. 13, § 928

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

**Allowable Payments for Relinquishing Child**

Statute: Tit. 13, § 928

No biological parent shall receive any sort of payment for the placement of a child for adoption.

**Allowable Fees Charged by Department/Agency**

Statute: Tit. 13, § 916; § 928

- Court costs shall be paid by the petitioner.
- The department or licensed agency may charge a service fee in the amount not to exceed the cost of services rendered.

**Accounting of Expenses Required by Court**

Statute: Tit. 13, § 906(10)

An affidavit is to be attached to the adoption petition stating the service fees and other expenses paid, and attesting that no intermediary assisted in locating the child.

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**District of Columbia****Birth Parent Expenses Allowed**

Not addressed in statutes reviewed.

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Statute: § 4-1410

No person or agency may charge for services in connection with placing a child for adoption.

**Allowable Payments for Relinquishing Child**

Not addressed in statutes reviewed.

**Allowable Fees Charged by Department/Agency**

Statute: § 4-1410

A licensed agency that is operated for religious or charitable purposes may charge an amount not to exceed average costs incurred.

**Accounting of Expenses Required by Court**

This is not specified in the statutes, but the court may require an accounting.

**Florida****Birth Parent Expenses Allowed**

Statute: § 63.097

- Living expenses of the mother, including transportation, clothes and insurance
- Medical or hospital care received by the mother or minor
- Services related to the adoption
- Attorney and other professional fees
- A reasonable dollar amount is stated in the statute

**Birth Parent Expenses Not Allowed**

Statute: § 63.097

- Any payment not itemized on the affidavit
- Any fee for which service is not specified
- Any payment for locating a minor for adoption

**Allowable Payments for Arranging Adoption**

Statute: § 63.097

A licensed agency, professional or any other person is due an amount equal to the cost of all services performed.

**Allowable Payments for Relinquishing Child**

Statute: § 63.212(1)(c); § 63.085

- It is unlawful to sell or surrender a child to another person for money or anything of value.
- The payment of expenses does not obligate the birth mother's consent.

**Allowable Fees Charged by Department/Agency**

Statute: § 63.097

- The department may charge an amount equal to the cost of services, including the preliminary home study, investigator fees, counseling, and the final home investigation. Prior approval required for court costs over \$800.
- Payments for foster care preplacement and postplacement, social services agency facility and administrative costs.

**Accounting of Expenses Required by Court**

Statute: § 63.132

- Petitioner and adoption entity must file an itemized affidavit of a full accounting of all disbursements for expenses, and any additional information the court requests.
- Expenses which must be shown are stated in statute.

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**Georgia****Birth Parent Expenses Allowed**

Statute: § 19-8-13(c)

- Medical expenses related to pregnancy
- Hospital costs for birth of child
- Expenses for placement and adoption

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Statute: § 19-8-24

It is unlawful for any person or entity to directly or indirectly offer inducements to a parent to relinquish their child.

**Allowable Fees Charged by Department/Agency**

Statute: § 19-8-13(b)

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

**Accounting of Expenses Required by Court**

Statute: § 19-8-13(c), (d)

- Each petitioner must file a report fully accounting for all disbursements made
  - Each attorney must file an affidavit detailing all legal fees
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**Guam****Birth Parent Expenses Allowed**

There are no express provisions that pertain to the payment of adoption related expenses.

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Not addressed in statutes reviewed.

**Allowable Fees Charged by Department/Agency**

Not addressed in statutes reviewed.

**Accounting of Expenses Required by Court**

Statute: § Tit. 19, 4221

The division shall report to the court on the compensation paid for placement of the child in its pre-adoptive investigation.

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**Hawaii****Birth Parent Expenses Allowed**

There are no express provisions that pertain to the payment of adoption related expenses.

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Not addressed in statutes reviewed.

**Allowable Fees Charged by Department/Agency**

Not addressed in statutes reviewed.

**Accounting of Expenses Required by Court**The Adoption Code does not require an accounting, but judges may, in their discretion, ask for one.

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## Idaho

### Birth Parent Expenses Allowed

Statute: § 16-1515

- A parent who revokes a consent to adoption may be required to pay back any expenses paid by adoptive parent, including medical and living expenses, legal fees, and all other reasonable costs.
- The court shall determine the amount of the reimbursement.

### Birth Parent Expenses Not Allowed

Statute: § 18-1511

- Living expenses are not to extend beyond 6 weeks after the birth
- Financial assistance to the birth parent shall not exceed \$2,000, without permission of the court

### Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed.

### Allowable Payments for Relinquishing Child

Statute: § 18-1511

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

### Allowable Fees Charged by Department/Agency

Statute: § 16-1506

The department or agency may require petitioner to pay all or any part of the cost of the investigation.

### Accounting of Expenses Required by Court

Judges, in their discretion, may order an accounting.

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## Illinois

### Birth Parent Expenses Allowed

Statute: 720 ILCS § 525/4; 4.1

- Reasonable living expenses, as defined by statute, where need is demonstrated
- Reasonable and actual medical and hospital charges
- Reasonable attorney's fees

### Birth Parent Expenses Not Allowed

Statute: 720 ILCS § 525/4.1(a)

- Reasonable living expenses does not include lost wages, gifts, educational expenses, or other similar expenses.
- Payment of living expenses shall not extend beyond 30 days after the birth.

### Allowable Payments for Arranging Adoption

Statute: 720 ILCS § 525/1

No person or organization, except a child welfare agency, shall request or accept any compensation for placing a child.

### Allowable Payments for Relinquishing Child

Statute: 720 ILCS § 525/4.1(d)

- Payment of living expenses shall not obligate birth parents to place the child for adoption.
- Petitioners shall have no right to seek reimbursement in the event that the birth parents choose not to place the child for adoption.

**Allowable Fees Charged by Department/Agency**

Statute: 720 ILCS § 525/2

No person shall pay or give any compensation to any person or organization for placing a child, except for a child welfare agency.

**Accounting of Expenses Required by Court**

Statute: 720 ILCS § 525/4.1(e); 750 ILCS § 50/14(a)

- Petitioners must file an accounting of all living expenses paid to the biological parents. Must include voucher and receipts.
- Each party involved must file an affidavit of all hospital and medical costs, legal and counseling fees, and other expenditures.

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**Indiana****Birth Parent Expenses Allowed**

Statute: § 35-46-1-9(b)

- Attorney fees
- Hospital and medical costs
- Reasonable expenses for counseling
- Travel and maternity clothes
- Agency fees
- Living expenses
- Lost wages if leaving a job is made necessary by medical complications of the pregnancy

**Birth Parent Expenses Not Allowed**

Statute: § 35-46-1-9(b), (c)

- Compensation for lost wages shall be offset by living expenses paid and any unemployment compensation to which 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 birth.

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Statute: § 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.

**Allowable Fees Charged by Department/Agency**

Statute: § 31-19-2-8

The petitioner for adoption must attach to the petition an adoption history fee of \$20 and a putative father registry fee of \$50, payable to the Department of Health.

**Accounting of Expenses Required by Court**

Statute: § 35-46-1-9(c)

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

**Iowa****Birth Parent Expenses Allowed**

Statute: § 600.9(2)

- Legal costs
- Pregnancy and birth-related medical care
- Living expenses of the mother
- Counseling provided to the birth parents
- Foster care for the child, if needed

**Birth Parent Expenses Not Allowed**

Statute: § 600.9(2)

Living expenses other than room and board, and not to extend beyond 30 days after child's birth.

Counseling beyond 60 days.

**Allowable Payments for Arranging Adoption**

Statute: § 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**

Statute: § 600.9(1)(a)

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

**Allowable Fees Charged by Department/Agency**

Statute: § 600.8(6)

- A fee may be charged for any required investigations.
- The fee may not exceed the reasonable cost of services rendered and be on a sliding scale based on ability to pay.

**Accounting of Expenses Required by Court**

Statute: § 600.9(2)

A petitioner shall file with the court a full accounting, in a report prescribed by the court, signed and verified, of all disbursements made in connection with the adoption.

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**Kansas****Birth Parent Expenses Allowed**

Statute: § 59-2121(a)

- Reasonable fees for legal and other professional services
- Actual expenses, including medical costs for mother and child
- Mother's living expenses
- Expenses incidental to the adoption

**Birth Parent Expenses Not Allowed**

Statute: § 59-2121(a)

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**

Statute: § 59-2121(c)

Knowingly and intentionally accepting clearly excessive fees is a felony.

**Allowable Payments for Relinquishing Child**

Statute: § 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**

Statute: § 59-2132

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

**Accounting of Expenses Required by Court**

Statute: § 59-2121(b)

A detailed accounting of all disbursements made shall accompany the petition for adoption.

The court has the power to review and disapprove any payments deemed unreasonable.

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**Kentucky****Birth Parent Expenses Allowed**

Statute: § 199.590(6)(a)

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

**Birth Parent Expenses Not Allowed**

Statute: § 199.493

No adoptive parent, agency, or intermediary shall pay the attorney's fees of a biological parent except as approved by the court.

**Allowable Payments for Arranging Adoption**

Statute: § 199.590(3), (5)

No person or group shall act as intermediary in placing a child or accept a fee for facilitating an adoption.

**Allowable Payments for Relinquishing Child**

Statute: § 199.590(2)

A person, agency or intermediary shall not sell or purchase any child for the purpose of adoption.

**Allowable Fees Charged by Department/Agency**

Statute: § 199.590(2)

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

**Accounting of Expenses Required by Court**

Statute: § 199.590(6)(a)

The expenses paid shall be submitted to the court, supported by an affidavit, detailing the expenses for the court's approval or modification.

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**Louisiana****Birth Parent Expenses Allowed**

Statute: Ch. Code art. § 1200

- Medical and hospital costs of the mother
- Living expenses of the mother
- Medical, hospital, and foster care expenses of the child

**Birth Parent Expenses Not Allowed**

Statute: Ch. Code art. § 1200

- Payment for mother's living expenses may not extend beyond 45 days after the birth
- If a court determines that an expense is unreasonable, it may order a reduction in the amount

**Allowable Payments for Arranging Adoption**

Statute: La. R.S. § 14:286

Only licensed nonprofit adoption agencies may charge fees for arranging adoptions.

**Allowable Payments for Relinquishing Child**

Statute: Ch. Code art. § 1200; La. R.S. § 14:286

- Payment of expenses may not be made contingent on the placement of a child for adoption
- It is unlawful for any person to sell or surrender a child to another person for money or anything of value

**Allowable Fees Charged by Department/Agency**

Statute: Ch. Code art. § 1200

Adoptive parents shall pay reasonable expenses incurred for:

- Counseling
- Training
- Home studies
- Legal fees
- Administrative costs

**Accounting of Expenses Required by Court**

Statute: Ch. Code art. §1200, § 1201

- A preliminary estimate and accounting of fees must be filed with the petition.
- Each petition for an agency adoption shall be accompanied by an affidavit of accounting of all fees and charges paid.
- A form for the affidavit is in the statute.

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**Maine****Birth Parent Expenses Allowed**

Statute: Tit. 18-A, § 9-306(a)

- Legal fees related to consent
- Prenatal and postnatal counseling
- Medical costs
- Transportation to services allowed
- Foster care for child
- Reasonable living expenses for mother
- Counseling and legal fees for birth father
- Fees to placing agency

**Birth Parent Expenses Not Allowed**

Statute: Tit. 18-A, § 9-306(c)

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

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Statute: 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**

Statute: Tit. 18-A, § 9-301

\$50 fee for filing adoption petition.



**Accounting of Expenses Required by Court**

Statute: Tit. 18-A, § 9-306(b)

- Petitioner shall file a full accounting of all disbursements made in connection with the adoption
- The accounting must be signed under penalty of perjury and itemized

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**Maryland****Birth Parent Expenses Allowed**

Statute: Fam. § 5-327(a)(2)

Reasonable and customary charges or fees for hospital or medical or legal services.

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Statute: Fam. § 5-327(a)(1)

A person or organization may not receive compensation for arranging an adoptive placement.

**Allowable Payments for Relinquishing Child**

Statute: Crim. § 27 35E

A person may not barter, trade, buy or offer to sell a child for anything of value.

**Allowable Fees Charged by Department/Agency**

Statute: Fam. § 5-327(b)

The Social Services Administration or licensed agency may receive reimbursement for costs of adoptive services.

**Accounting of Expenses Required by Court**

Statute: Fam. § 5-327(c)

In an independent adoption, petitioner shall file an accounting of all payments and disbursements.

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**Massachusetts****Birth Parent Expenses Allowed**

Not addressed in statutes reviewed.

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Statute: § 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**

Statute: § 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**

Not addressed in statutes reviewed.

**Accounting of Expenses Required by Court**

The statutes do not require this.

**Michigan****Birth Parent Expenses Allowed**

Statute: § 710.54(3)

- Medical and hospital costs; counseling
- Living expenses; legal fees; and travel expenses

**Birth Parent Expenses Not Allowed**

Statute: § 710.54(3)

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

**Allowable Payments for Arranging Adoption**

Statute: § 710.54(1),(2)

A person shall not pay or receive compensation for:

- Arranging placement or consent for adoption
- Referring a parent to a prospective adoptive parent

**Allowable Payments for Relinquishing Child**

Statute: § 710.54(6)

Payment for expenses shall not be contingent on:

- Release of child or consent to the adoption
- Cooperation in the completion of the adoption

**Allowable Fees Charged by Department/Agency**

Statute: § 710.54(3), (4)

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

- The services of child placing agency
- Preplacement assessment
- Any additional investigations ordered

**Accounting of Expenses Required by Court**

Statute: § 710.54(7)

At least 7 days before placement of the child, a verified accounting shall be filed with the court itemizing all payments made in connection with the adoption.

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**Minnesota****Birth Parent Expenses Allowed**

Statute: § 259.55 Subd. 1

- Counseling
- Medical expenses
- Legal fees
- Transportation, meals, and lodging
- Adoption services provided by an agency
- Reasonable living expenses

**Birth Parent Expenses Not Allowed**

Statute: § 259.55 Subd. 1

Payments for living expenses shall not extend beyond 6 weeks after delivery.

Does not include lost wages, gifts, educational expenses, or other similar expenses.

**Allowable Payments for Arranging Adoption**

Statute: § 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**

Statute: § 259.55 Subd. 2, 3

- Reimbursement for payments for expenses is not allowed when a birth parent refuses to consent or withdraws consent to adoption.
- It is unlawful to give or accept payment 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**

Statute: § 317A.907 Subd. 6

A licensed agency may receive payment for:

- Expenses related to adoptive counseling
- Provision of services
- Supervision of children before legal adoption is complete
- Birth parent expenses

**Accounting of Expenses Required by Court**

The statutes do not specifically require an accounting of expenses.

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**Mississippi****Birth Parent Expenses Allowed**

Not addressed in statutes reviewed.

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Not addressed in statutes reviewed.

**Allowable Fees Charged by Department/Agency**

Statute: § 93-17-19; 93-17-12

- A reasonable fee may be charged for each investigation that may be required.
- The court could require either or both parties to pay a fee of not less than \$350 for the homestudy. Fee payment based on ability to pay.

**Accounting of Expenses Required by Court**

The statutes do not specifically require an accounting, but judges may, in their discretion, ask for one.

**Missouri****Birth Parent Expenses Allowed**

Statute: § 453.075(1)

- Hospital and medical costs
- Counseling services
- Any assessments made
- Legal expenses and court costs
- Travel and living expenses
- Any other services or items the court finds reasonably necessary

**Birth Parent Expenses Not Allowed**

Statute: § 453.075(2)

- Payments that the court finds unreasonable
- Any payment not permitted by law

**Allowable Payments for Arranging Adoption**

Statute: § 568.175

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

**Allowable Payments for Relinquishing Child**

Statute: § 568.175

It is a felony to give or receive anything of value for the execution of consent to adoption.

**Allowable Fees Charged by Department/Agency**

Statute: § 453.070(6)

The division of family services may be paid a reasonable fee to cover the cost of an investigation and report.

**Accounting of Expenses Required by Court**

Statute: § 453.075(1)

Petitioner must file with the court a signed and verified full accounting of all payments made in connection with the adoption.

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**Montana****Birth Parent Expenses Allowed**

Statute: § 42-7-101(1)

- Medical and prenatal care
- Foster care
- Counseling for mother
- Travel and temporary living expenses
- Legal fees
- Any other adoption related expenses

**Birth Parent Expenses Not Allowed**

Statute: § 42-7-101(1)(k); § 42-7-102

- Education
- Vehicles
- Salary, wages, or vacations
- Permanent housing for the birth mother
- Counseling for the mother beyond a maximum of 10 hours

**Allowable Payments for Arranging Adoption**

Statute: § 42-7-105(3)

A person may not give or accept payment beyond the fees that are specifically allowed by statute.

**Allowable Payments for Relinquishing Child**

Statute: § 42-7-101(2); § 42-7-105(4)

- Expense payments may not be made contingent on the placement of the child
- Payments made cannot be recovered; they are considered a gift to the birth mother

**Allowable Fees Charged by Department/Agency**

Statute: § 42-7-101(1)

The actual cost of the preplacement evaluation.

**Accounting of Expenses Required by Court**

Although an accounting is not mandatory, judges may, in their discretion, ask for one.

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**Nebraska****Birth Parent Expenses Allowed**

Not addressed in statutes reviewed.

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Not addressed in statutes reviewed.

**Allowable Fees Charged by Department/Agency**

Statute: § 43-107(1)(b)(vi)

- Any adoptive home study shall be conducted at the expense of the petitioner
- The fee may be waived by the department

**Accounting of Expenses Required by Court**

An accounting is not required by statute, but the court may, at its discretion, ask for one.

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**Nevada****Birth Parent Expenses Allowed**

Statute: § 127.287(3)

A person may pay medical and other necessary living expenses as long as payment is not contingent on placement of child for adoption.

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Statute: § 127.285; § 127.290

- Any attorney may not receive payment for finding children for adoption or finding adoptive parents
- A agency must be licensed to receive payment for arranging an adoption

**Allowable Payments for Relinquishing Child**

Statute: § 127.287

- A person may not pay a birth mother to consent to placing her child
- A birth mother may not accept payment for expenses with the intent not to consent to an adoption

**Allowable Fees Charged by Department/Agency**

Statute: § 127.275

- The division shall charge reasonable fees for services provided and for conducting any investigations required.
- No fee is charged for placing a child with special needs.

**Accounting of Expenses Required by Court**

Statute: § 127.127

Petitioners shall, within 15 days of filing the petition or 5 months after the birth or surrender of the child, file an affidavit listing all fees, donations, and expenses paid by them in connection with the adoption.

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***New Hampshire*****Birth Parent Expenses Allowed**

Statute: § 170-B:10-a(I)

- Counseling
- Medical expenses
- Legal fees
- Transportation, lodging, clothing, and meals
- Reasonable living expenses

**Birth Parent Expenses Not Allowed**

Statute: § 170-B:10-a(I)(d)

Reasonable expenses shall not include:

- Gifts over \$50
- Educational expenses
- Living expenses beyond 6 weeks after delivery
- Other payments for the monetary gain of the natural parent

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Statute: § 170-B:10-a(II)

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

**Allowable Fees Charged by Department/Agency**

Statute: § 170-B:10(I)

Agency may charge reasonable fees for any services provided.

**Accounting of Expenses Required by Court**

Statute: § 170-B:15(III-a)

Petitioner shall file with the court an affidavit listing the amount of fees and other charges paid to any person in connection with the adoption.

**New Jersey****Birth Parent Expenses Allowed**

Statute: § 9:3-39.1(e)

- Medical, hospital, counseling, and other expenses connected with the birth
- Reasonable living expenses
- Attorney fees and legal costs
- Religious, psychological, or vocational counseling during the pregnancy

**Birth Parent Expenses Not Allowed**

Statute: § 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**

Statute: § 9:3-39.1(a)

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

**Allowable Payments for Relinquishing Child**

Statute: § 9:3-39.1(c), (d)

The decision to place a child for adoption cannot be contingent upon payment of expenses. Payments made are non-refundable.

**Allowable Fees Charged by Department/Agency**

Statute: § 9:3-48

- In a non-agency 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 shall be borne by the petitioner.

**Accounting of Expenses Required by Court**

Statute: § 9:3-55

A detailed report, signed and verified, shall be filed with the court that discloses all sums of money or other valuable consideration paid.

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**New Mexico****Birth Parent Expenses Allowed**

Statute: § 32A-5-34(B)

- Medical, hospital, pharmaceutical or nursing costs
- Travel expenses
- Counseling services
- Living expenses
- Legal fees and court costs
- Any other court approved expenses

**Birth Parent Expenses Not Allowed**

Statute: § 32A-5-34(B), (C)

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

**Allowable Payments for Arranging Adoption**

Statute: § 32A-5-34(B)

Reasonable and actual fees for services.

**Allowable Payments for Relinquishing Child**

Statute: § 32A-5-34(D), (F)

- It is unlawful to demand repayment of expenses to coerce consent
- It is not permitted to pay a woman to conceive and carry a child

**Allowable Fees Charged by Department/Agency**

Statute: § 32A-5-34(B)

It is the responsibility of the petitioner to cover the cost of the pre-placement and post-placement study.

**Accounting of Expenses Required by Court**

Statute: § 32A-5-34(A)

Prior to the final hearing, the petitioner shall file a full accounting of all disbursements in connection with the adoption.

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**New York****Birth Parent Expenses Allowed**

Statute: Soc. Serv. § 374(6)

- Actual medical and hospital costs
- Other necessary expenses related to pregnancy
- Legal fees

**Birth Parent Expenses Not Allowed**

Statute: Soc. Serv. § 374(6)

Payment of expenses shall not exceed 30 days after birth or consent unless court determines exceptional circumstances.

**Allowable Payments for Arranging Adoption**

Statute: Soc. Serv. § 374(6)

No person shall receive payment for placing a child or assisting a parent in arranging a placement.

**Allowable Payments for Relinquishing Child**

Not addressed in statutes reviewed.

**Allowable Fees Charged by Department/Agency**

Statute: Soc. Serv. § 374(6)

An agency may charge a fee for the reasonable and necessary expenses of placement.

**Accounting of Expenses Required by Court**

Statute: Dom. Rel. § 115(8)

In a private placement adoption, the adoptive parent will present an affidavit describing all fees and other payments made or promised.



**North Carolina****Birth Parent Expenses Allowed**

Statute: § 48-10-103(a)

- Medical, hospital, pharmaceutical, and nursing costs
- Travel expenses
- Counseling services
- Ordinary living expenses
- Legal and court costs

**Birth Parent Expenses Not Allowed**

Statute: § 48-10-103(a)(4)

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

**Allowable Payments for Arranging Adoption**

Statute: § 48-10-102

A person or entity may not give or receive compensation for:

- Placing a child
- Arranging consent
- Otherwise assisting in locating a child or adoptive family

**Allowable Payments for Relinquishing Child**

Statute: § 48-10-103(c), (d)

- A payment may not be contingent on consent, nor can payments be recovered.
- Expenses may be recovered if they were accepted with fraudulent intent.

**Allowable Fees Charged by Department/Agency**

Statute: § 48-2-504; § 48-3-304; § 48-10-103(e)

- An agency may charge a reasonable fee for services, including for preparation of reports and pre-placement assessments.
- Fees based on ability to pay.

**Accounting of Expenses Required by Court**

Statute: § 48-2-602

At least 10 days before the hearing, the petitioner shall file with the court an affidavit accounting for any payments or disbursements made in connection with the adoption.

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**North Dakota****Birth Parent Expenses Allowed**

Statute: § 14-15-10; § 14-15.1-06

- Medical or hospital care received by the mother or child
- Services related the placement and adoption of the child
- Legal fees
- Counseling
- Living expenses

**Birth Parent Expenses Not Allowed**

Statute: § 14-15-10; § 14-15.1-06

- Payments may not exceed 6 weeks after delivery unless approved by the court
- Wages, gifts, educational expenses, vacations, or other similar expenses

**Allowable Payments for Arranging Adoption**

Statute: § 12.1-31-05

It is unlawful to accept a thing of value for enabling another to furnish a minor child for adoption.

**Allowable Payments for Relinquishing Child**

Statute: § 12.1-31-05; § 14-15-10

- It is unlawful to accept a thing of value for furnishing a child for purposes of adoption
- Fees may not be contingent upon placement of the child for adoption

**Allowable Fees Charged by Department/Agency**

Statute: § 14-15-10; § 14-15.1-06

Reasonable fees may be charged for professional services relating to placement, relinquishment or other pre-adoption services.

**Accounting of Expenses Required by Court**

Statute: § 14-15-10

The petitioner shall file a full accounting in a manner acceptable to the court of all disbursements related to the adoption.

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***Northern Mariana Islands*****Birth Parent Expenses Allowed**

Statute: Tit. 8, § 1409(a)

- Birth expenses
- Medical and hospital costs
- Attorney's fees
- Transportation and reasonable living expenses

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Statute: Tit. 8, § 1420

It is a felony to offer or receive payment in exchange for placing a child for adoption.

**Allowable Fees Charged by Department/Agency**

Statute: Tit. 8, § 1409(a)(4)

Services related to the adoption or placement of the child.

**Accounting of Expenses Required by Court**

Statute: Tit. 8, § 1409

- Before the petition is heard, a full accounting must be filed
- Report must be signed and verified by the petitioner

**Ohio****Birth Parent Expenses Allowed**

Statute: § 3107.10(C)

- Physician and hospital costs
- Attorney's fee and court costs
- Temporary maintenance and medical care, or foster care for the child
- Guardian *ad litem* fees

**Birth Parent Expenses Not Allowed**

Statute: § 3107.10(D)

- Any expense not expressly permitted by the statute
- Any expense that the court finds unreasonable

**Allowable Payments for Arranging Adoption**

Statute: § 3107.10(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**

Statute: § 3107.10

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**

Statute: § 3107.10(C)(4)

Application fee and expenses incurred for conducting a home study and other investigations required by statute.

**Accounting of Expenses Required by Court**

Statute: § 3107.10(B)

- An agency or attorney shall file a preliminary accounting no later than the filing of petition for adoption
- A final accounting must be made before the final decree, specifying all disbursements

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**Oklahoma****Birth Parent Expenses Allowed**

Statute: Tit. 10, § 7505-3.2(B)

- Attorney's fees and court costs
- Medical expenses
- counseling expenses
- Necessities for the birth mother that are incurred as a result of the pregnancy only in extraordinary circumstances

**Birth Parent Expenses Not Allowed**

Statute: Tit. 10, § 7505-3.2(B)

- Payments to birth mother not to extend beyond 2 months after placement of child
- Payments for counseling may not exceed 6 months after placement

**Allowable Payments for Arranging Adoption**

Statute: Tit. 21, § 866

The acceptance of any compensation by any person or organization for services performed to facilitate the adoption of a minor child is a felony.

**Allowable Payments for Relinquishing Child**

Statute: Tit. 21, § 866

The offer or payment of any compensation for adoption of a minor child is a felony.

**Allowable Fees Charged by Department/Agency**

Statute: Tit. 10, § 7505-3.2(B)

- Reasonable fees of a licensed agency
- Cost of a home study
- Any reasonable expenses legally required by any governmental entity related to the adoption

**Accounting of Expenses Required by Court**

Statute: Tit. 10, § 7505-3.2(A)

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

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**Oregon****Birth Parent Expenses Allowed**

Statute: § 109.311(1)

- Legal costs
- Medical expenses
- Living and travel expenses

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Statute: § 109.311(3)

No person shall charge a fee for locating a child for adoption or an adoptive family other than a licensed agency.

**Allowable Payments for Relinquishing Child**

Not addressed in statutes reviewed.

**Allowable Fees Charged by Department/Agency**

Statute: § 109.311(3)

A licensed adoption agency may charge reasonable fees for services provided.

**Accounting of Expenses Required by Court**

Statute: § 109.311(1)

- Each petition shall be accompanied by a written disclosure statement itemizing all expenditures
- Form of disclosure statement determined by the department

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**Pennsylvania****Birth Parent Expenses Allowed**

Statute: 23 Pa. § 2533(d)

- Medical and hospital costs
- Foster care expenses
- Adjustment counseling
- Training services

**Birth Parent Expenses Not Allowed**

Statute: 23 Pa. § 2533(c)

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

**Allowable Payments for Arranging Adoption**

Statute: 18 Pa. § 4305

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

**Allowable Payments for Relinquishing Child**

Statute: 18 Pa. § 4305

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

**Allowable Fees Charged by Department/Agency**

Statute: 23 Pa. § 2533(d)

- Reasonable expenses for home studies or investigations
- Overhead costs
- Attorney's fees

**Accounting of Expenses Required by Court**

Statute: 23 Pa. § 2533 (b)(8)

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

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***Puerto Rico*****Birth Parent Expenses Allowed**

There are no specific statutory provisions regarding payment of adoption related expenses.

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Statute: Tit. 33, § 4245

It is unlawful for any person to give or receive money or goods in exchange for delivery of a minor for adoption.

**Allowable Payments for Relinquishing Child**

Statute: Tit. 33, § 4245

It is unlawful for any person to give or receive money or goods in exchange for delivery of a minor for adoption.

**Allowable Fees Charged by Department/Agency**

Statute: Tit. 32, § 2699e(3)

- The petitioner shall pay a fee when a professional performs the adoption assessment
- The court will determine the fee

**Accounting of Expenses Required by Court**

The statutes do not require an accounting of expenses.

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***Rhode Island*****Birth Parent Expenses Allowed**

There are no specific statutory provisions regarding payment of adoption related expenses.

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Not addressed in statutes reviewed.

**Allowable Fees Charged by Department/Agency**

Not addressed in statutes reviewed.

**Accounting of Expenses Required by Court**

The statutes do not require an accounting, but the court may request one.

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**South Carolina****Birth Parent Expenses Allowed**

Statute: § 20-7-1690(F)(1)

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

**Birth Parent Expenses Not Allowed**

Statute: § 20-7-1775(B)(4)

- Any expense which does not have a corresponding receipt
- Any expense which is found to be unreasonable

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Statute: § 20-7-1690(F)

A person or agency may not receive payment for giving consent or relinquishment of a child for the purpose of adoption.

**Allowable Fees Charged by Department/Agency**

Statute: § 20-7-1690(F)

- Investigations and reports
- Fees to individuals required to take consents
- Guardian *ad litem* fees
- Attorney's fees
- Fees to child placing agencies and sending agencies

**Accounting of Expenses Required by Court**

Statute: § 20-7-1730(C)(4); § 20-7-1775(A)

- A statement if all payments in the last 5 years or agreed to be made in the future that is not a disbursement must be attached to the adoption petition.
- At the final hearing, a full itemized accounting of all fees and expenses must be filed.

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**South Dakota****Birth Parent Expenses Allowed**

Statute: § 25-6-4.2

Charges approved by the court.

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Statute: § 25-6-4.2

It is unlawful to offer or receive payment in connection with placing a child, or consenting to an adoptive placement.

**Allowable Fees Charged by Department/Agency**

Statute: § 25-6-4.2

Charges approved by the court.

**Accounting of Expenses Required by Court**

The Adoption Code does not require an accounting, but judges may, in their discretion, ask for one.

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**Tennessee****Birth Parent Expenses Allowed**

Statute: § 36-1-109(a)(B)(1)

- Usual and customary legal fees
- Medical fees in connection with the birth or other pregnancy related expenses
- Counseling for the birth parents
- Housing, clothing, utilities, or transportation

**Birth Parent Expenses Not Allowed**

Statute: § 36-1-109(a)(B)(1)

Payment of living expenses not permitted beyond a reasonable period, not to exceed 90 days prior to or 30 days after the birth or surrender, without court approval.

**Allowable Payments for Arranging Adoption**

Statute: § 36-1-108(a), (b)

No person or entity may receive payment for the placement of children for adoption, as in the selection of prospective adoptive families or arranging the bringing together of children and families.

**Allowable Payments for Relinquishing Child**

Statute: § 36-1-109(a)(2)

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

**Allowable Fees Charged by Department/Agency**

Statute: § 36-1-108(d)(2)

The department shall maintain a database of fees charged by licensed agencies for home studies, placement services, counseling, and legal fees.

**Accounting of Expenses Required by Court**

Statute: § 36-1-116(b)(16)

- The petition for adoption must state whether the petitioners have paid any remuneration in connection with the birth, placement, or adoption of the child.
- Must be signed by petitioner and verified.

**Texas****Birth Parent Expenses Allowed**

Statute: Pen. § 25.08(a)(2)

- Legal and medical expenses in connection with birth and pregnancy
- Adoptive counseling services

**Birth Parent Expenses Not Allowed**

Statute: Pen. § 25.08(a)(2)

Statutorily prohibited payments.

**Allowable Payments for Arranging Adoption**

Statute: Fam. § 162.025(a)

A person who is not the parent or a licensed agency may not receive payment for placing a child or serving as an intermediary.

**Allowable Payments for Relinquishing Child**

Statute: Pen. § 25.08(a)(2)

It is unlawful to offer or accept a thing of value for the adoption of a child.

**Allowable Fees Charged by Department/Agency**

Statute: Fam. § 162.003

A licensed agency may charge a fee for services, including preadoptive home studies and post-placement reports.

**Accounting of Expenses Required by Court**

The statutes do not specifically require that an accounting be given to the court.

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**Utah****Birth Parent Expenses Allowed**

Statute: § 76-7-203

- Actual and reasonable legal expenses
- Maternity expenses
- Related medical and hospital costs
- Necessary living expenses

**Birth Parent Expenses Not Allowed**

Statute: § 78-30-14.5

Fees and payments for expenses may only be made in accordance with 76-7-203.

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Statute: § 76-7-203

It is unlawful to sell a child, or to make payment to induce a mother to place a child or to consent to the adoption of her child.

**Allowable Fees Charged by Department/Agency**

Statute: § 78-30-14(3)

The division shall charge the petitioner a reasonable fee for the investigation and report.

**Accounting of Expenses Required by Court**

Statute: § 78-30-15.5

Prior to the entry of the final decree, an affidavit, itemizing all fees and expenses, signed by the adoptive parents and agent placing the child, shall be filed with the court.

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**Vermont****Birth Parent Expenses Allowed**

Statute: Tit. 15A, § 7-103(a)

- Medical, hospital, pharmaceutical, nursing, or other similar costs
- Counseling
- Living expenses
- Legal fees and court costs
- Transportation
- Any other service or expense the court finds reasonable and necessary

**Birth Parent Expenses Not Allowed**

Statute: Tit. 15A, § 7-103(a)(4)

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

**Allowable Payments for Arranging Adoption**

Statute: Tit. 15-A, § 7-105

A person may not offer or receive payment for:

- The placement of a child
- A consent to adoption
- The recruitment of nonresident pregnant women for the purpose of relinquishing their children

**Allowable Payments for Relinquishing Child**

Statute: Tit. 15A, § 7-103(b)-(c)

- Payment may not be made contingent on relinquishing or giving consent
- No payment may be made directly to the parent without prior court approval

**Allowable Fees Charged by Department/Agency**

Statute: Tit. 15-A, § 7-104

A agency may charge fees for:

- Birth parent expenses
- Counseling services
- Legal services or court costs
- Preparation of evaluations
- Transportation services

**Accounting of Expenses Required by Court**

Statute: Tit. 15-A, § 3-702

At least 10 days before the hearing, the petitioners and their attorneys shall file accountings of all fees and expenses to be paid.

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**Virgin Islands****Birth Parent Expenses Allowed**

There are no express provisions that pertain to the payment of adoption related expenses.

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Not addressed in statutes reviewed.

**Allowable Fees Charged by Department/Agency**

Not addressed in statutes reviewed.

**Accounting of Expenses Required by Court**

The statutes do not require an accounting of expenses.

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**Virginia****Birth Parent Expenses Allowed**

Statute: § 63.2-1218

- Medical expenses and insurance premiums
- Mental health counseling
- Reasonable and necessary expenses for food, clothing, shelter and transportation
- Expenses incurred incident to any court appearance
- Fees for legal services

**Birth Parent Expenses Not Allowed**

Statute: § 63.2-1218

Fees determined to be in excess of usual or customary fees.

**Allowable Payments for Arranging Adoption**

Statute: § 63.2-1218

No person or agency shall charge or accept payment in connection with an adoption unless it is for a service that is specifically allowed by statute.

**Allowable Payments for Relinquishing Child**

Statute: § 63.2-1232(4)

All parties must understand that no binding contract regarding placement or adoption of the child exists based on any financial agreement.

**Allowable Fees Charged by Department/Agency**

Statute: § 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.

**Accounting of Expenses Required by Court**

Statute: § 63.2-1232(4)

No court shall accept parental consent until all financial agreement among the parties or fees paid have been disclosed to the court.

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**Washington****Birth Parent Expenses Allowed**

Statute: § 9A.64.030(2)(f)

- Prenatal, hospital, or medical expenses
- Attorney's fees and court costs

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Statute: § 9A.64.030(1)

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

**Allowable Fees Charged by Department/Agency**

Statute: § 26.33.190(4); § 26.33.200

- A reasonable fee may be charged by an agency, the department or a court approved person for preparation of the pre-placement report.
- The fee may be waived.
- A fee may be charged for the post-placement report.

**Accounting of Expenses Required by Court**

The Adoption Code does not provide for an accounting, but judges may, in their discretion, ask for one.

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**West Virginia****Birth Parent Expenses Allowed**

Statute: § 48-22-803(e)

- Reasonable and customary legal fees
- Medical and hospital costs
- Other expenses related to the pregnancy and adoption proceeding

**Birth Parent Expenses Not Allowed**

Statute: § 48-22-803(e)

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

**Allowable Payments for Arranging Adoption**

Statute: § 48-22-803

It is unlawful for any person or entity to offer payments for providing or procuring a child for the purpose of adoption.

**Allowable Payments for Relinquishing Child**

Statute: § 48-22-803

It is unlawful for any person to accept payment for providing a child for the purpose of adoption.

**Allowable Fees Charged by Department/Agency**

Statute: § 48-22-803(e)

The department or an authorized placing agency may charge fees for reasonable and customary services.

**Accounting of Expenses Required by Court**

Statute: § 48-22-803(f)

At the final hearing, an affidavit of any fees and expenses shall be submitted to the court.

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**Wisconsin****Birth Parent Expenses Allowed**

Statute: § 48.913(1)

- Pre- and post-adoptive counseling
- Maternity clothes
- Local transportation
- Medical and hospital care
- Legal services
- Living expenses up to \$1,000 when necessary to protect the health and welfare of mother or fetus
- Birthing classes
- A gift to the mother, not to exceed \$50 in value
- Statute outlines payment procedure to out-of-State adoptions

**Birth Parent Expenses Not Allowed**

Statute: § 48.913(1), (4)

- Lost wages or living expenses while receiving medical care
- Any payments other than those specifically authorized by statute

**Allowable Payments for Arranging Adoption**

Statute: § 948.24

It is illegal, for a person to offer anything of value, to solicit, negotiate, or arrange the placement of a child for adoption except under 48.833.

**Allowable Payments for Relinquishing Child**

Statute: § 948.24; § 48.837

- It is unlawful to place or agree to place a child for anything other than the actual cost of the items authorized in 48.913.
- Making any payment to a birth parent conditional upon the surrender of the child is considered coercion and grounds to dismiss the petition to adopt.

**Allowable Fees Charged by Department/Agency**

Statute: § 48.913(1); § 48.838

- Fees may be charged for services provided or investigations completed
- The department may charge a fee of \$75 to review foreign adoption documents and provide certification

**Accounting of Expenses Required by Court**

Statute: § 48.913(6), (7)

A report shall be submitted to the court at the time of the hearing that provides a list of all transfers of value made to birth parents or any other person in connection with the adoption.

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**Wyoming****Birth Parent Expenses Allowed**

There are no express provisions that pertain to the payment of adoption related expenses.

**Birth Parent Expenses Not Allowed**

Not addressed in statutes reviewed.

**Allowable Payments for Arranging Adoption**

Not addressed in statutes reviewed.

**Allowable Payments for Relinquishing Child**

Not addressed in statutes reviewed.

**Allowable Fees Charged by Department/Agency**

Not addressed in statutes reviewed.

**Accounting of Expenses Required by Court**

The adoption code does not require an accounting of expenses to the court.