

Introduced by Senator HillFebruary 12, 2016

An act to amend Section 8609 of, and to add Chapter 9 (commencing with Section 9220) to Part 2 of Division 13 of, the Family Code, relating to children.

LEGISLATIVE COUNSEL'S DIGEST

SB 1040, as introduced, Hill. Adoptions.

Existing law makes it a misdemeanor for a person or organization to advertise adoption services in any periodical or newspaper, by radio, or by other public medium, if the person or organization does not hold a valid license to place children for adoption.

This bill would additionally make it a misdemeanor for these persons or organizations to advertise adoption services using an electronic means of communication, including, but not limited to, email, an Internet Web site, an Internet profile, or another computerized communication system. By expanding the scope of a crime, this bill would impose a state-mandated local program.

Existing law regulates adoption services by the State Department of Social Services, county adoption agencies, licensed adoption agencies, and other adoption service providers and requires the department to adopt regulations pertaining to those services.

This bill would prohibit the rehomings of an adopted child, as defined. The bill would also require the department to adopt regulations to ensure that postadoptive services are provided to adoptive parents who seek the assistance of the department.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8609 of the Family Code is amended to
2 read:

3 8609. (a) Any person or organization that, without holding a
4 valid and unrevoked license to place children for adoption issued
5 by the department, ~~advertises in any periodical or newspaper, by~~
6 ~~radio, or other public medium,~~ *advertises* that he, she, or it will
7 place children for adoption, or accept, supply, provide, or obtain
8 children for adoption, or that causes any advertisement to be
9 published ~~in or by any public medium~~ *soliciting, requesting, or*
10 *asking for any child or children for adoption, using any*
11 *of the following mediums, is guilty of a* ~~misdemeanor.~~
12 *misdemeanor:*

13 *(1) A periodical or newspaper, radio, or any other public*
14 *medium.*

15 *(2) An electronic means of communication, including, but not*
16 *limited to, email, an Internet Web site, an Internet profile, or*
17 *another computerized communication system.*

18 (b) Any person, other than a birth parent, or any organization,
19 association, or corporation that, without holding a valid and
20 unrevoked license to place children for adoption issued by the
21 department, places any child for adoption is guilty of a
22 misdemeanor.

23 SEC. 2. Chapter 9 (commencing with Section 9220) is added
24 to Part 2 of Division 13 of the Family Code, to read:

25

26

CHAPTER 9. RE-HOMING

27

28 9220. (a) An adoptive parent, an individual, or an entity having
29 custody of an adopted minor shall not rehome an adopted minor.

30 (b) For purposes of this chapter, “rehome” or “rehomeing” means
31 an action taken to facilitate a transaction through electronic means
32 or otherwise by an adoptive parent, an individual, or an entity

1 having custody of an adopted minor that is done with both of the
2 following:

3 (1) Without court approval.

4 (2) To avoid permanent parental responsibility by placing the
5 minor in the physical custody of another person or entity, except
6 as provided in subdivision (c).

7 (c) This section does not apply to any of the following:

8 (1) A child placed with a relative, as defined by paragraph (2)
9 of subdivision (c) of Section 361.3 of the Welfare and Institutions
10 Code.

11 (2) A child placed with a nonrelative extended family member,
12 as defined by Section 362.7 of the Welfare and Institutions Code.

13 (3) Temporary placement of a minor by a parent, individual, or
14 entity for a designated short-term period with a specified intent
15 and time period for return of the minor, if the temporary placement
16 is due to a vacation or a school-sponsored function or activity or
17 the incarceration, military service, medical treatment, or incapacity
18 of a parent or guardian.

19 9221. In order to address and present circumstances in which
20 an adoptive parent, individual, or entity having custody of an
21 adopted minor seeks to rehome an adopted minor, the State
22 Department of Social Services shall adopt regulations to ensure
23 that postadoptive services are provided to adoptive parents who
24 seek the assistance of the department.

25 SEC. 3. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.