

# HOUSE BILL NO. 1653

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SOMMER.

3812H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 570, RSMo, by adding thereto one new section relating to the offense of adoption deception, with penalty provisions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 570, RSMo, is amended by adding thereto one new section, to be known as section 570.500, to read as follows:

**570.500. 1. A person commits the offense of adoption deception if she is a birth mother, or holds herself out to be a birth mother, and knowingly or intentionally benefits from adoption-related expenses paid:**

(1) When she knows or should have known that she is not pregnant;

(2) By or on behalf of a prospective adoptive parent who is unaware that at the same time another prospective adoptive parent is also paying adoption-related expenses described under subsection 2 of this section in an effort to adopt the same child; or

(3) When she does not intend to make an adoptive placement.

2. As used in this section, "adoption-related expenses" include the following expenses:

(1) Reasonable attorney's fees;

(2) Hospital and medical expenses concerning childbirth and pregnancy incurred by the adopted person's birth mother;

(3) Reasonable charges and fees levied by a child placing agency as defined in section 210.481 or the children's division within the department of social services;

(4) Reasonable expenses for psychological counseling relating to adoption incurred by the adopted person's birth parents;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18           **(5) Reasonable costs for housing, utilities, and phone service for the adopted**  
19 **person's birth mother during the second or third trimester of pregnancy and no more than**  
20 **six weeks after childbirth;**

21           **(6) Reasonable costs of maternity clothing for the adopted person's birth mother;**

22           **(7) Reasonable travel expenses incurred by the adopted person's birth mother that**  
23 **relate to the pregnancy or adoption;**

24           **(8) Any additional itemized necessary living expenses for the adopted person's birth**  
25 **mother during the second or third trimester of pregnancy and no more than six weeks after**  
26 **childbirth that are not listed in subdivisions (5) to (7) of this subsection, in an amount not**  
27 **to exceed one thousand dollars; or**

28           **(9) (a) Other charges and fees approved by the court supervising the adoption,**  
29 **including reimbursement of not more than actual wages lost as a result of the inability of**  
30 **the adopted person's birth mother to work at her regular, existing employment due to a**  
31 **medical condition, excluding a psychological condition, if:**

32           **a. The attending physician of the adopted person's birth mother has ordered or**  
33 **recommended that the adopted person's birth mother discontinue her employment; and**

34           **b. The medical condition and its direct relationship to the pregnancy of the adopted**  
35 **person's birth mother are documented by her attending physician.**

36           **(b) In determining the amount of reimbursable lost wages, if any, that are**  
37 **reasonably payable to the adopted person's birth mother under this subdivision, the court**  
38 **shall offset against the reimbursable lost wages any amounts paid to the adopted person's**  
39 **birth mother under subdivisions (5) and (8) of this subsection and any unemployment**  
40 **compensation received by or owed to the adopted person's birth mother.**

41           **3. The offense of adoption deception is a class E felony.**

42           **4. In addition to any penalty imposed under this section, a court may order the**  
43 **person who commits the offense of adoption deception to make restitution to a prospective**  
44 **adoptive parent, attorney, or licensed child placing agency that incurs an expense as a**  
45 **result of the offense.**

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