

**76-7-203 Sale of child -- Felony -- Payment of adoption related expenses.**

(1) For purposes of this section:

(a) "Adoption related expenses" means expenses that:

- (i) are reasonably related to the adoption of a child;
- (ii) are incurred for a reasonable amount; and
- (iii) may include expenses:

(A) of the mother or father of the child being adopted, including:

- (I) legal expenses;
- (II) maternity expenses;
- (III) medical expenses;
- (IV) hospital expenses;
- (V) counseling expenses;
- (VI) temporary living expenses during the pregnancy or confinement of the mother; or
- (VII) expenses for travel between the mother's or father's home and the location where the child will be born or placed for adoption;

(B) of a directly affected person for:

- (I) travel between the directly affected person's home and the location where the child will be born or placed for adoption; or
- (II) temporary living expenses during the pregnancy or confinement of the mother; or

(C) other than those included in Subsection (1)(a)(iii)(A) or (B), that are not made for the purpose of inducing the mother, parent, or legal guardian of a child to:

- (I) place the child for adoption;
- (II) consent to an adoption; or
- (III) cooperate in the completion of an adoption.

(b) "Directly affected person" means a person who is:

- (i) a parent or guardian of a minor when the minor is the mother or father of the child being adopted;
- (ii) a dependant of:
  - (A) the mother or father of the child being adopted; or
  - (B) the parent or guardian described in Subsection (1)(b)(i); or
- (iii) the spouse of the mother or father of the child being adopted.

(2) Except as provided in Subsection (3), a person is guilty of a third degree felony if the person:

- (a) while having custody, care, control, or possession of a child, sells, or disposes of the child, or attempts or offers to sell or dispose of the child, for and in consideration of the payment of money or another thing of value; or
- (b) offers, gives, or attempts to give money or another thing of value to a person, with the intent to induce or encourage a person to violate Subsection (2)(a).

(3) A person does not violate this section by paying or receiving payment for adoption related expenses, if:

- (a) the expenses are paid as an act of charity; and
- (b) the payment is not made for the purpose of inducing the mother, parent, or legal guardian of a child to:
  - (i) place the child for adoption;
  - (ii) consent to an adoption; or
  - (iii) cooperate in the completion of an adoption.

Amended by Chapter 137, 2008 General Session