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July 20, 1954
Letter Opinion
No. 54-185-L

LAW LIBRARY ARIZONA ATTORNEY GENERAL

CBS Radio
485 Madison Avenue
New York 22, New York

Attention: Mr. Jay McMullen

Re: Adoption and child placement laws

Gentlemen:

We have your letter of July 12, 1954, wherein you ask six questions concerning Arizona child placement and adoption laws.

1. "Does your Law forbid the placing out of children for adoption by unauthorized intermediaries who make a profit on the transaction?"

In answer to this question, Section 70-505 A.C.A. 1939, as amended, prohibits the placing of children for adoption by an unauthorized agency and Section 70-511, A.C.A. 1939, as amended, prohibits any person or any child welfare agency from receiving compensation for placement of a child.

2. "Does your law provide for the prosecution of these intermediaries? If so, what penalty is stipulated and does this penalty also apply to the mother and adoptive parents involved in the case?"

In answer to this question, Section 70-517, A.C.A. 1939, as amended, makes it a misdemeanor for any unauthorized person or agency to place out children for adoption or for any person or agency to make a profit on such placement. The punishment for a misdemeanor in the State of Arizona is \$300.00 or six months in the county jail, or both. The penalty does apply to the mother and the adoptive parents.

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3. "When a child is permanently placed in a foster home, does your law require the foster parents to register this placement with local or state authorities?"

In answer to this question, Section 70-512, A.C.A. 1939, as amended, requires any relinquishment of parental rights to be filed with the state department of public welfare.

4. "Does your law require an investigation of these foster homes? If so, when and by whom is it conducted?"

In answer to this question, Section 70-505, A.C.A. 1939, as amended, requires all child welfare agencies, which includes foster homes, to be licensed by the State Department of Public Welfare. Such license expires on June 30 of each year and may be renewed annually.

5. "What court handles adoption proceedings? Paternity proceedings?"

The Superior Court handles adoptions and paternity proceedings. The superior court is a court of record.

6. "Can a mother legally release her child either to an adoption agency or directly to foster parents without court approval?"

A mother may legally release her child to a child welfare agency, which agency may place the child for adoption without court approval. This is provided for in Section 70-512, A.C.A. 1939, as amended. A mother may not legally release her child directly to foster parents or adoptive parents except in proceedings for adoption and with the approval of the court.

We trust that the foregoing satisfactorily answers all your questions, and if we can be of further assistance, please feel free to call upon us.

Yours very truly,

KENT A. ELAKE
Special Assistant to
The Attorney General

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