

Adoption Advertising and Use of Intermediaries or Facilitators in Adoptive Placement

The following Oregon statutes regulate or limit the use of adoption advertising or intermediaries, also known as facilitators: ORS 109.311; ORS 418.300; ORS 418.215, and ORS 163.537.

109.311(3), in part states that, “A person may not charge, accept or pay or offer to charge, accept or pay a fee for locating a minor child for adoption or for locating another person to adopt a minor child, except that Oregon licensed adoption agencies licensed under ORS 412.001 to 412.161 and 412.991 and ORS chapter 418 may charge reasonable fees for services provided by them.”

(4)(a) It is unlawful for any person to advertise:

(A) A child offered or wanted for adoption; or (B) That the person is able to place, locate, dispose of or receive a child for adoption.

(b) The provisions of paragraph (a) of this subsection do not apply to: (A) The department or a licensed Oregon adoption agency or an agent, employee or person with whom the department or adoption agency has a contract authorizing such actions; or (B) A person who has completed a home study as required by ORS 109.309 (6)(a)(C) and has received a favorable recommendation regarding the fitness of the person to be an adoptive parent or the person’s attorney or uncompensated agent. A written declaration by the person who prepared the home study is sufficient verification of compliance with this subparagraph. The person’s attorney must be licensed to practice in Oregon. (c) Nothing in this subsection prohibits an attorney licensed to practice in Oregon from advertising the attorney’s availability to provide services related to the adoption of children. (d) As used in this subsection, unless the context requires otherwise, “advertise” means to communicate by newspaper, radio, television, handbills, placards or other print, broadcast or electronic medium that originates within this state.

ORS 418.300 (When child placement by private persons prohibited), states that, “No private individual, including midwives, physicians, nurses, hospital officials and all officers and employees or representatives of unauthorized agencies, organizations or institutions, shall engage in child-placing work, except that relatives of the first and second degrees may thus provide for children of their own blood.

ORS 418.215, states that , “No private child-caring agency shall provide or engage in any care or service described in [ORS 418.205 \(Definitions for ORS 418.205 to 418.310 and 418.992 to 418.998\)](#) unless the agency is at the time: (a) Duly incorporated under

the corporation laws of any state; and (b) Licensed to provide or engage in the care or service by the Department of Human Services under the provisions of ORS [418.205](#) ([Definitions for ORS 418.205 to 418.310 and 418.992 to 418.998](#)) to [418.325](#) ([Medical examinations required](#)). (2) The fine which may be imposed for violation of the provisions of this section, as provided in ORS [412.991](#) ([Criminal penalties](#)) and [418.990](#) ([Criminal penalties](#)), may be assessed by any court of competent jurisdiction upon presentation of evidence of such action.”

ORS 163.537 (Buying or selling a person under 18 years of age), in part states that, “A person commits the crime of buying or selling a person under 18 years of age if the person buys, sells, barter, trades or offers to buy or sell the legal or physical custody of a person under 18 years of age.”