

Adoption Advocate



Stepping Out of Adoption's Shadow: Confronting the Problem of Unlicensed Adoption Intermediaries and Online Advertising in Private Domestic Adoption

BY CELESTE LIVERSIDGE, ESQ. AND KELSEY VANDER VLIET RANYARD

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Introduction

The ever-increasing cost and unpredictability of private domestic adoption have recently garnered significant media attention. While responses from members of the adoption community have varied, many are relieved to see the issues finally being boldly addressed. Ethical quandaries over the role of money in private adoption are nothing new. Adoption professionals and child welfare policy experts have been grappling with this issue for decades. However, as the internet's role in private domestic adoption has expanded, the number of private domestic adoptions has declined,¹ and the cost of adoption has increased,² many in the adoption community are urgently concerned about two specific issues: unlicensed adoption intermediaries

(also called “adoption facilitators” or “adoption advertisers”) and online adoption advertising.

Misleading and Predatory Adoption Advertising

Where do expectant mothers and adoptive parents go for information about private domestic adoption? It's the same place we all go to research just about everything—from movie reviews to job opportunities—Google, of course. According to a recent study by the Pew Research Center, Americans turn to the internet when making an important decision more than any other resource—more than counselors, clergy, social service providers,

1 National Council For Adoption. (2022, May 11). *New report from NCFA shows dramatic decline in adoptions during pandemic* [Press release]. <https://adoptioncouncil.org/press-release/new-report-from-ncfa-shows-dramatic-decline-in-adoptions-during-pandemic/>

2 Hanlon, R., & Quade, M. (2022). Profiles in adoption: A survey of adoptive parents and secondary data analysis of federal adoption files. *National Council For Adoption*.

or family members.³ Unfortunately, much of the adoption information found online is confusing, and some is outright deceptive.

As part of an in-depth research project on adoption advertising between January and September 2023, hundreds of online advertisements targeting expectant mothers and prospective adoptive parents were analyzed. Many of the advertisements analyzed were those that showed up when a user actively searched “how to give baby up for adoption” or “adoption agency near me.” However, the advertisements that appeared in response to those searches were not actually from licensed adoption providers. The advertisements that appeared most frequently were from unregulated, unlicensed, for-profit adoption intermediaries or out-of-state entities not licensed to provide services in the states where the advertisements were published. While most states have laws restricting adoption advertising, no state is enforcing those laws. Consequently, these unlicensed or out-of-state entities continue to advertise and operate illegally without fear of repercussion.

Many unlicensed intermediaries use misleading advertisements and website content to trick users into believing they are licensed adoption providers. Our research revealed that 92% of unlicensed adoption intermediaries advertising on Google had no disclaimer anywhere on the ad or their website disclosing that they were not a licensed adoption provider, despite Google’s policy prohibiting advertisements

from misrepresenting information about an advertiser’s business, product, or service.⁴ Additionally, 87% of the adoption advertisements reviewed violated state laws prohibiting advertising by unlicensed intermediaries, despite Google’s policy requiring that all advertisers adhere to the laws of any state where their advertisements appear.⁵ One unlicensed for-profit adoption intermediary, which charges adoptive parents a minimum \$21,000 matchmaker fee, claims to be running a “unique” and “nationwide attorney/licensed adoption agency referral service.” Their daily online advertisements offer “free legal consultation” and “free counseling,” and include claims such as “#1 Best Adoption Agency.” These advertisements are not only deceptive, but many are illegal as this entity is not licensed as an adoption agency in any state nor is it certified as an attorney referral service, in contravention of most state bar rules and the American Bar Association’s model rules.⁶

Unlicensed Adoption Intermediary - \$21,000 fee
This ad appeared in Virginia, where it is a Class 6 felony for anyone other than a VA adoption agency to advertise.

Sponsored

 Chosen Parents Adoptions™
<https://www.chosenparentsadoptions.com> · parent-profiles ·

#1 Best Adoption Agency #1 - Voted Best in America #1

Free Attorney Consultation. Housing and Living Expenses Available. You Choose the Family. We are Your Advocates. Let Us Explain the Process. Know Your Options. We Are Here 24/7.

[We Give More Options](#) · [Choose a Family Here](#) · [Giving Baby for Adoption](#)

Many online adoption advertisements from unlicensed intermediaries target low-income pregnant women by explicitly offering financial support in exchange for adoption.

3 Turner, E., & Rainie, L. (2020, March 5). Most Americans rely on their own research to make big decisions, and that often means online searches. *Pew Research Center*. <https://www.pewresearch.org/short-reads/2020/03/05/most-americans-rely-on-their-own-research-to-make-big-decisions-and-that-often-means-online-searches/>

4 Google. (n.d.). Advertising policies help: Misrepresentation. <https://support.google.com/adspolicy/answer/6020955?hl=en#:~:text=We%20don%27t%20allow%20ads>

5 Google. (n.d.). Advertising policies help: Legal Requirements. https://support.google.com/adspolicy/answer/6023676?hl=en&ref_topic=1626336&sjid=6319465184668276325-NA

6 American Bar Association. (n.d.). Model rules of professional conduct: Rule 7.2: Communications concerning a lawyer’s service: Specific rules. https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_7_2_advertising/

“Need Money? Give Your Baby for Adoption,” “Rich Parents Looking to Adopt: Cash Support Available,” or “Get Paid for Adoption” are just a few examples of the kind of predatory advertisements that show up when someone searches online for “help with adoption” or “how to give baby up for adoption.”

Adoptive Parents

This ad appeared in North Dakota where it is a Class C felony for anyone other than an ND agency to advertise.

Sponsored

 meetugeekay.adoptzone.com
<https://meetugeekay.adoptzone.com>

Rich Parents Looking to Adopt - Cash Support & Adoption Help


Rich **Parents** Seeking to **Adopt**. Giving **Baby** Up for **Adoption**. Cash Support. Expenses Paid. **Adoption** Compensation for Birth Mother? Cash Support. Expenses Paid. Giving **Baby** Up. Ready to **Adopt** & Help.

[Connect Today](#) · [Cash Support Help](#) · [Browse Snapshots](#) · [Read FAQs](#) · [What You Can Expect](#)

Unlicensed Adoption Intermediary - \$15,000 fee

These ads appeared in Oregon, where it is a Class C felony for anyone other than an OR adoption agency to advertise.


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 [freeadoptionhelp.com](https://www.freeadoptionhelp.com)
<https://www.freeadoptionhelp.com> · [think > adoption](#)

Thinking about Adoption? - Money for Bills & Free Housing

Pregnant and need **help**? We can provide **adoption** money for bills, rent and...

[Free Adoption Housing](#) · [Open/Closed Adoptions](#) · [Adoption Info Packet](#) · [Adoption Money](#)




Unlicensed intermediaries aren't alone in their use of deceptive and illegal advertising tactics to attract expectant mothers and prospective adoptive parents looking for adoption help. Some licensed providers run frequent advertisements in multiple states claiming to be “nationwide adoption providers” in violation of state laws and despite only being licensed to provide adoption services in one or a small number of states.

Adoption Agency Licensed in UT

This ad appeared in AL where it is a Class A misdemeanor for anyone other than an AL adoption agency to advertise.

Sponsored

 [aactofloveadoptions.com](https://www.aactofloveadoptions.com)
<https://www.aactofloveadoptions.com>


Putting My Baby For Adoption - Financial Help Available Now

Adoption is an Option. Create an **Adoption** Plan for Your **Baby**. Licensed **Adoption** Agency. Bringing Hope to Thousands of Women Since 1993. Choose the Best For You and Your **Baby**. Personal Counseling. 26 Years of Experience. 24/7 Support.

Attorney Licensed in CA

This ad appeared in WI, where it is a Class H felony for anyone other than a WI adoption agency to advertise.

Sponsored

 [adoptionplanners.com](https://www.adoptionplanners.com)
<https://www.adoptionplanners.com>


Pregnant & Thinking Adoption - Birth Mother Open Adoption

Choose A Loving Pre-Screened Family For Your Baby! Expenses Paid & 24/7 Support.

Adoption Agency Licensed in UT, AZ, & FL

These ads appeared in CO, where it is a Class 6 felony for anyone other than a CO adoption agency to advertise.

Sponsored

 [mothergooseadoptions.com](https://www.mothergooseadoptions.com/)
<https://www.mothergooseadoptions.com/>

Mother Goose Adoptions - pregnant + adoption


There is a family waiting to love your child. Rent/Groc/Util paid. When Faced with This Difficult Decision, There Is No Easy Solution.

At least one adoption agency has resorted to effectively subleasing its state-issued license to two different unlicensed for-profit intermediaries with the same owners. The intermediaries advertise heavily throughout the country, claiming on their websites to be working under the supervision of a nonprofit adoption agency. They spend thousands of dollars every month on Google advertisements that use headlines claiming these companies are licensed adoption agencies in the state where the advertisements appear. However, these entities are for-profit limited liability companies, generating millions of dollars per year from fees they collect from prospective adoptive families.

Unlicensed Adoption Intermediary - \$20,000 fee

These ads appeared in CO, where it is a Class 6 felony for anyone other than a CO adoption agency to advertise.

Sponsored

 [angeladoptioninc.com](https://www.angeladoptioninc.com)
<https://www.angeladoptioninc.com>

Colorado Adoption Agency - Angel Adoption


Share Your Love with a Little One Who Needs a Forever Family. Birthmothers Want to Bless a Family Like Yours. Learn More & Start Your Journey Today! Over 2,000 **Adoptions**. Private.

[Adoption FAQs](#) · [Free Application](#) · [Adoption Testimonials](#) · [Success Stories](#)

Unlicensed Adoption Intermediary - \$20,000 fee

This ad appeared in CA where it is a misdemeanor for anyone other than a CA adoption agency to advertise.

Sponsored

 [lifelongadoptions.com](https://www.lifelongadoptions.com)
<https://www.lifelongadoptions.com> · [infant-adoption](#)

Infant Adoption Agency - No Wait Lists

Experienced & Professional. Strong Track Record. Start your Journey and Apply Today! Private. Small & Personalized. We Put You First. Affordable. Reliable. Affordable. LifeLong...

[LGBT Adoption](#) · [About Us](#) · [Single Parent Adoptions](#) · [Free Application](#)

Since these entities and many unlicensed adoption intermediaries pay a lot to appear at the top of search results pages, it becomes nearly impossible for local, licensed nonprofit adoption providers to compete for the attention of the women and families in their community. Since the websites of the local, licensed providers usually appear much later in the search results pages, expectant mothers and adoptive families often unwittingly reach out to an unlicensed adoption intermediary or out-of-state provider whose advertisements appear first on the search results page. As a birth mother who placed her child for adoption in 2022 recently shared, “I found a Phoenix adoption agency online, but found out later that the place wasn’t a real adoption agency—more like a paid matchmaker. Even though I went through with the adoption, the whole experience with them was awful. She was very pushy about wanting me to choose a certain family, but thankfully I held out. My emotions got very intense after my daughter was born. I asked for a counselor a bunch of times, but they never followed through. I found out later that the matchmaker lady charged my daughter’s parents \$35,000. That’s just wrong. It’s like she sold my baby.”⁷

As the executive director of a highly respected adoption agency noted,

“Advertising by unlicensed adoption and out-of-state providers has taken over. If we want to reach the women in our community looking for help with adoption, we’d have to spend at least \$15,000 each month on Google Ads. We need to use our already limited resources to help women and families in our state, not to try to outspend adoption brokers who have no regard for the laws.”⁸

A Case Study: Nevada

The following scenario further illustrates the impact of deceptive online adoption advertising on expectant parents: A woman in Reno, Nevada, where state law *prohibits adoption advertising by anyone other than an adoption agency licensed by the Nevada Division of Child and Family Services*⁹ is facing an unintended pregnancy. When she goes online to look for adoption information and searches “give my baby up for adoption Reno,” the first page of her search results shows her 14 advertisements promising help with adoption; however, only one of them is for an adoption agency licensed in Nevada, as required by Nevada law. The others violate Nevada law since they belong to either an unlicensed adoption intermediary or a provider licensed in a state other than Nevada.

The screenshot displays a grid of 14 search results for the query "give my baby up for adoption Reno". Each result includes a website icon, a URL, and a headline. The providers listed include adoptionplanners.com, letisha.adoption.com, angeladoptioninc.com, chosenparentsadoption.com, aactofadoption.com, adoptionnevada.com, adoptionplanners.com, adoptionfor-my-baby.com, freedoptionhelp.com, adoptionplanners.com, letisha.adoption.com, gladneycenteradoption.com, gladneyadoption.com, freedoptionhelp.com, and choiceadoption.com. Many of these providers offer services like "Pregnant & Thinking Adoption - Birth Mother Open Adoption", "Adoption for Pregnant Women - Do You Get Paid Giving Baby Up?", "Family Looking to Adopt a Baby - Give Your Child a Loving Home", and "Adoption Service - We are Local - Parent Profiles - Contact Us - About Us". Some results also mention financial assistance, housing, and legal support.

7 G., Katelyn. (2023). *Victim Impact Statement* [Personal communication].

8 Baker, S., & Courageous Hearts Adoption Agency. (2023). *Victim Impact Statement* [Personal communication].

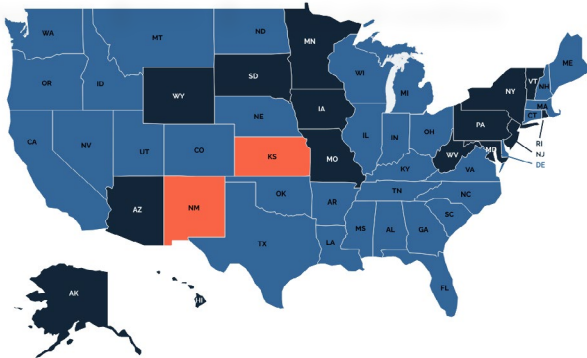
9 Adoption of Children and Adults: Unlawful Placement or Advertising; Penalty, NV. Rev. Stat. § 127.310 (2020). <https://law.justia.com/codes/nevada/2020/chapter-127/statute-127-310/>

Inconsistent Laws and Enforcement Gaps

Deciphering state laws governing unlicensed adoption intermediaries or adoption advertising is challenging, even for adoption professionals whose job is to understand them. We've created a few resources to make these issues more understandable. Currently, 31 states plus the District of Columbia prohibit unlicensed adoption intermediaries from operating in their state. Four states allow them to operate with some restrictions, and two allow them to operate without restriction.¹⁰ Thirteen states have no applicable laws. The laws pertaining to adoption advertising break down similarly. Thirty-three states prohibit adoption advertising by unlicensed adoption intermediaries, 16 states prohibit anyone not licensed in their state from advertising, and 16 states have no applicable laws.¹¹

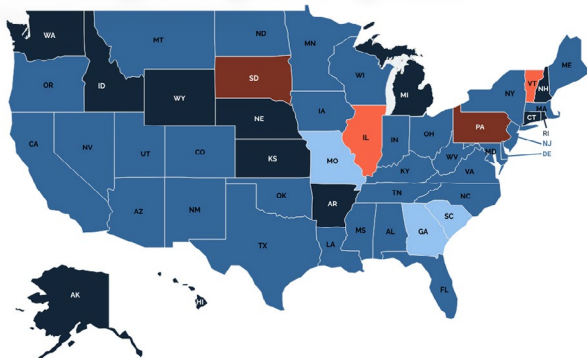
Where is adoption advertising allowed?

● Restricted ● Silent ● Allowed, with conditions



Where are unlicensed paid adoption intermediaries allowed to operate?

● Prohibited ● Silent ● Unclear ● Allowed
● Allowed, with Restrictions



Despite these widespread prohibitions on unlicensed adoption intermediaries and restrictions on adoption advertising, the laws are not being enforced. Unfortunately, most policymakers and law enforcement officials lack a basic understanding of how the conduct of these unlicensed adoption intermediaries threatens the safety and well-being of everyone involved in an adoption, and are unaware that such entities even exist. Thus, education is urgently needed.

Risks of Working with Unlicensed Adoption Intermediaries

Risks for Expectant and Prospective Adoptive Parents

Risk #1: Revenue-Driven Matching

Without guidance at the outset from trained, regulatory-bound professionals, adoptive parents, expectant parents, and children are left unprotected at a time when they are arguably the most vulnerable during the adoption process: the matching phase.

Licensed adoption social workers are specifically trained to advocate for the child's best interests throughout the matching phase. Their role is to offer guidance to the expectant mother in her decision-making with appropriate consideration of important factors such as the child's cultural heritage, family of origin, sibling relationships, social/medical history, and perspectives on open adoption. When social workers are excluded from the matching process and replaced by unlicensed adoption

¹⁰ AdoptChange. (2023). *State laws: Unlicensed paid adoption intermediaries*. <https://www.adoptchange.org/unlicensed-adoption-intermediary-laws>

¹¹ AdoptChange. (2023). *Adoption advertising laws*. <https://www.adoptchange.org/advertising-laws>

intermediaries who stand to profit from each match they make, the child is vulnerable to becoming the subject of an adoptive placement made without these essential considerations. Simply put, when an unlicensed, unregulated intermediary arranges a child's adoption in exchange for a non-refundable finder's fee, the pregnant woman and her unborn child are treated as commodities.

Expectant mothers are especially vulnerable in this process, which places them at risk for coercion by unscrupulous, unregulated providers. Instead of having an opportunity to carefully consider a variety of qualified prospective families with guidance from a skilled, licensed, and regulated adoption professional, expectant mothers relying on unlicensed intermediaries are often rushed through the process and expected to select an adoptive family after reviewing the family's digital profile and a 30-minute phone call (usually moderated by the unlicensed intermediary). Rarely is the expectant mother offered the opportunity to meet with the prospective adoptive family face-to-face before making a decision. When an expectant mother chooses an adoptive family with such minimal information, she is robbed of the opportunity to make an intentional, thoughtful decision despite the enormity and lifelong implications of that decision for her and her child.

Simply put, when an unlicensed, unregulated intermediary arranges a child's adoption in exchange for a non-refundable finder's fee, the pregnant woman and her unborn child are treated as commodities.

The matching process is similarly fraught for adoptive parents. After waiting and wondering if they will ever adopt, receiving the news that an expectant mother has "chosen them" should be a joyful moment for prospective adoptive parents, albeit one tempered with cautious optimism. However, for adoptive parents working with an unlicensed intermediary, that joy can be quickly overshadowed by uncertainty since most unlicensed intermediaries gather very little information before presenting an "adoption opportunity" to adoptive parents. As a result, prospective adoptive parents are often expected to make a decision within 24-48 hours after receiving only minimal information about a child or the expectant mother's circumstances.

At times, the information provided does not even include a verified proof of pregnancy, let alone in-depth social history, medical records, birth father information, or an opportunity for a face-to-face meeting with the placing parents. In fact, it is not uncommon for some of the most prolific unlicensed intermediaries to only give the prospective adoptive parents the expectant mother's phone number with instructions to limit their communication with her to text messaging.

Despite their long list of unanswered questions and uneasiness about how the "match" transpired, many prospective adoptive parents trepidatiously agree to move forward, fueled by their intense desire to adopt. They wire the intermediaries' nonrefundable fees as instructed and hope for the best.

Some in the adoption community believe that since a licensed adoption professional will eventually be involved in every adoption, it is okay for an unlicensed intermediary to arrange the match and then refer the parties to an agency or attorney. But as most adoption agencies and attorneys will confirm,

when matches are made before the placing parents' medical history or social background is fully disclosed to the adoptive parents or before the birth father's legal rights are addressed, there is a high likelihood that the match will not ultimately result in adoption. Such recklessness by unlicensed adoption intermediaries can cause immense financial and emotional loss for all involved. For many prospective adoptive families, the losses suffered from working with an unlicensed intermediary are often irremediable and cause them to abandon their hopes of adoption altogether.

Risk #2: Loss of Support

When an expectant mother facing an unintended pregnancy reaches out for help with adoption, she is vulnerable – dealing not only with the physical symptoms of pregnancy but also with significant emotional and, quite often, financial stress. Adoptive parents considering adoption may not be in crisis, but many are also vulnerable. Many begin the adoption process after a long battle with infertility or other obstacles in building their families. When an unlicensed adoption intermediary is the first point of contact for those considering adoption, it is likely that they will not receive the vital education and support services needed to make a safe and secure adoption plan.

When considering adoption, the first thing an expectant mother needs is neutral, non-directive options counseling with a qualified therapist, with whom she can thoroughly explore her pregnancy options, including adoption. Unlicensed adoption intermediaries are not mental health professionals; they are not trained to provide counseling, nor do they represent nonprofit organizations motivated to help an expectant mother explore her pregnancy options or find available community-based support services.

Unlicensed adoption intermediaries are transaction-focused rather than support-focused. They earn big money by arranging children's adoptions, all without regulatory oversight.

Risk #3: Lack of Disclosure and Informed Consent

Every expectant mother has the right to be fully advised about the adoption process, her legal rights and responsibilities, the long-term potential impacts of adoption on her and her child, and the birth father's legal rights *before* making an adoption plan. Likewise, adoptive parents need to fully understand the implications of agreeing to a particular adoption match, including the child's social/medical background, the birth father's legal rights, the state laws that will govern the placement, the placing parents' expectations regarding post-adoption contact, and a complete overview of the reasonably anticipated costs for the adoption, including the expectant mother's living expenses and other professional fees.

When an expectant mother or adoptive parents turn to an unlicensed adoption intermediary rather than a licensed adoption professional for help with adoption, it is highly unlikely that either will receive sufficient or timely information about any of these aspects of the adoption process.

Risk # 4: Limited Recourse No License + No Oversight = No Protection

As noted above, unlicensed intermediaries do not have to meet any qualifications before charging significant fees to connect prospective adoptive parents with expectant parents. They do not need to obtain credentials, undergo training, or pass examinations to call themselves "adoption professionals." Therefore, anyone with a business license, a website, and a cell phone may start an

unlicensed adoption intermediary business overnight.

In stark contrast, every state in the country requires nail technicians to obtain a license before even offering a basic manicure to the public. Candidates applying for nail technician licensure must first complete a state-certified cosmetology or nail technician program and pass an exam before applying for a license. Moreover, a nail technician’s license is typically only valid for two to four years, and many states require nail techs to complete continuing education courses before they may renew their license.¹²

Professional licensure ensures competence and high standards of practice. Licensure provides a mechanism through which to hold licensees accountable for any misconduct. However, when it comes to unregulated adoption intermediaries who victimize prospective adoptive families and expectant mothers, there is no such mechanism available for imposing consequences other than costly and protracted civil litigation. Since there is no license at risk, there is little accountability or leverage available for victims.

Risks for Adoption Professionals

Licensed adoption professionals face their own risks when working with unlicensed adoption intermediaries. Since licensed adoption professionals are frequently called upon late in the process, their main purpose is often to try to salvage the mess created by an unlicensed intermediary’s negligence or fraud.

Risk #1: Threat to Social Work and Legal Counsel Mandates

Licensed ethical adoption agencies aim to support expectant parents, adoptive parents, and children at every stage of the adoption process by building trust, providing mental health support, and ensuring that the placing parents’ right to self-determination has been preserved. However, when an agency is brought in after the unlicensed intermediary has arranged the adoption, its ability to deliver on that mission is significantly impeded. Instead, the agencies’ social workers are often reduced to not much more than that of a notary public summoned at the last minute to finalize the necessary paperwork.

Attorneys face similar challenges when an unlicensed adoption intermediary is involved

Understanding the Differences Between Types of Adoption Providers

	Licensed Child-Placing Agency	Licensed Attorney	Paid Intermediary	Advertiser / Marketer	Consultant or Coach
Corporate Structure	Registered corporation	Registered corporation	No requirements	No requirements	No requirements
Education Requirements	Yes	Yes	No	No	No
Credentials	Yes	Yes	No	No	No
Licensed	Yes	Yes	No	No	No
Oversight	Yes	Yes	No	No	No
Available Remedies	Complaint to licensing division	Complaint to State Bar	Civil litigation	Civil litigation	Civil litigation

12 Insureon. (2022, August 16). What to know about nail salon technician licenses and certifications. <https://www.insureon.com/blog/nail-salon-technician-licensing-requirements>

in an adoption. Lawyers are responsible for ensuring that their clients are fully informed about the legal aspects of adoption before moving forward and that their legal rights are enforced throughout the process. As noted above, when adoptive parents are matched with an expectant mother by an unlicensed intermediary to whom they have already paid a significant fee, their attorney may feel limited in the kind of advice they can offer their clients.

When representing the expectant mother, the attorney may feel similarly constrained. Rather than fulfilling his role as advisor and rendering candid advice¹³ to his client, the attorney may be reluctant to do or say anything that he suspects may disrupt the adoption plan that has been arranged under the direction of an unlicensed adoption intermediary.

Risk #2: Increased Liability & Reputational Damage

When a licensed adoption professional gets involved with an adoption that an unlicensed intermediary has arranged, they risk being held accountable for the aspect of the adoption that violates state law, including but not limited to:

- fraudulent representations about the expectant mother;
- illegal payments to expectant parents or third parties;
- fraudulent representations regarding the whereabouts or the known identity of the child's biological father;
- unlawful intermediary or other third-party fees;

- failure to comply with notices required by the Indian Child Welfare Act (ICWA).

It is quite common for adoptive parents working with an unlicensed intermediary to contact an attorney or agency *after* the intermediary has matched them with an expectant mother. Not surprisingly, when the adoption process has been managed by an unlicensed intermediary, there is a greater likelihood that the agency or attorney will later discover serious issues that ultimately disrupt the placement. When a licensed professional agrees to represent the parties in such matters, they risk being held responsible for negative consequences resulting from the unlicensed intermediary's failures. They also risk damage in terms of professional reputation by choosing to associate with an unlicensed intermediary who engages in less-than-ethical conduct and fails to follow applicable laws.

Pathways to Protection

Adoption professionals have a heightened responsibility to ensure that each adoption is handled with the utmost care, ethics, and transparency, and the child's best interest is paramount to every decision made on their behalf. What steps can we take to protect private domestic adoption from unlicensed adoption intermediaries who have become so prevalent in recent years? A comprehensive, four-pronged approach that includes education, scrupulous policies, law enforcement, and legislation is recommended.

¹³ American Bar Association. (n.d.). Model rules of professional conduct: Rule 2.1: Advisor. https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_2_1_advisor/

When a licensed adoption professional gets involved with an adoption that has been arranged by an unlicensed intermediary, they risk being held accountable for the aspect of the adoption that violates state law...

Education for Adoptive and Expectant Parents

Ensuring that adoptive and expectant parents have accurate information empowers them to find licensed, qualified, and trustworthy service providers to assist them on their adoption journey. Here are some helpful resources designed to assist adoptive and expectant parents when choosing an adoption provider:

- [Choosing an Adoption Professional: A Guide for Pre-Adoptive Parents](#)¹⁴
- [Expectant Parent's Guide to Choosing an Adoption Agency](#)¹⁵
- [5 Questions Adoptive Parents Should Ask Any Adoption Professional](#)¹⁶
- [5 Questions Expectant Parents Should Ask Any Adoption Professional](#)¹⁷

Proactive Policy Review

Below are some suggested steps that licensed

adoption providers can take to protect themselves from unlicensed adoption intermediaries.

Say “No.”

Protect your organization or firm by refusing to work on adoptions arranged or referred by unlicensed intermediaries. Understandably, some licensed providers are reluctant to turn down the opportunity to work on adoption matters despite the involvement of an unlicensed adoption intermediary. Even when it is apparent that the match will not likely end in adoption due to factors that were either ignored or undisclosed when the match took place, saying “no” to these cases means foregoing the opportunity to help.

As social workers and attorneys, we are wired to help. We can easily convince ourselves that we will be able to salvage the adoption by getting involved, regardless of warning signs that reveal a positive outcome is unlikely. Passing up cases referred by an unlicensed adoption intermediary also means less revenue for your agency or firm. Like any other profession, adoption agencies and attorneys must generate enough revenue to keep their lights on and their employees paid. While these concerns are valid, it must be understood that taking on cases referred by unlicensed adoption intermediaries will only enable these intermediaries and perpetuate existing problems.

Get “Intermediary Proof.”

Take whatever measures are necessary to ensure your organization is not financially dependent on working with unlicensed

14 To access this article, please see: <https://adoptioncouncil.org/publications/adoption-advocate-no-140/>

15 To access this article, please see: <https://adoptioncouncil.org/education/expectant-parents/find-an-agency/>

16 To access this article, please see: <https://www.adoptmatch.com/hubfs/AdoptMatch-2022/Article%20Links/5%20Questions%20APs.pdf>

17 To access this article, please see: <https://www.adoptmatch.com/hubfs/AdoptMatch-2022/Article%20Links/5%20Questions%20EPs.pdf>

Protect your organization or firm by refusing to work on adoptions arranged or referred by unlicensed intermediaries.

intermediaries. First, do not rely only on service-based fees to meet your organization's monthly operating expenses. Instead, pursue grants and private funding to supplement the fees you receive from assisting with adoptive placements.

Second, resist the temptation to accept new families into your program if your number of adoptions over the past year does not support that trajectory. Third, please be honest with prospective adoptive parents about your placement numbers and how many expectant mothers you work with who ultimately place their children for adoption. Do not inflate your numbers, and exercise caution in expressing the likelihood that a particular family will be chosen by an expectant mother.

Follow Advertising Laws

If you utilize paid advertisements, take whatever steps are necessary to ensure that your advertisements appear only in states where you are licensed to provide adoption services. Whether you have hired a digital marketing company to place paid advertisements via Google Ads or Facebook on your behalf or are placing the advertisements yourself, ensure compliance with state laws by setting the advertising radius within the state where your agency or law firm is licensed.

Note: While organic search results (i.e., website content) are boundless, paid advertising differs. When purchasing online ad space, you must decide what your advertising says and where it

appears. If you specifically exclude a state, the advertisement will not appear in users' search results in that state. *It is incumbent on you as the advertiser, not Google, Facebook, etc., to ensure that the content and placement of advertisements comply with state laws.*

Collaborate

Establish an interstate referral network with trustworthy, licensed, and ethical adoption providers. When an expectant mother or adoptive parent contacts you from a state where you or your agency are not licensed, proactively connect them to an agency or attorney in their state rather than attempting to provide remote adoption services. Doing so does not mean the expectant mother will not eventually consider your waiting adoptive families, but it ensures that she will first receive local, in-person support services from qualified and reliable resources in her community.

Enforce Existing State Laws

Hold state government offices accountable for enforcing your state's laws on unlicensed intermediaries and adoption advertising. As referenced above, 28 states have laws prohibiting unlicensed adoption intermediaries from providing adoption services, and 33 states have laws restricting adoption advertising. Contact your state's Office of Attorney General (<https://www.naag.org/find-my-ag/>) and ask them to take action against adoption providers illegally operating and advertising in your state.

Hold state government offices accountable for enforcing your state's laws on unlicensed intermediaries and adoption advertising.

Fill Legislative Gaps: State and Federal

Advocate for new legislation and amendments to existing laws where needed.

State-Level Advocacy: Implement new laws and amend existing ones.

If you are in one of the 13 states with no laws on unlicensed adoption intermediaries or one of the 16 states with no laws on adoption advertising, urge your lawmakers to sponsor new legislation prohibiting unlicensed adoption intermediaries and restricting adoption advertising. If your state is one of the 22 with outdated or confusing laws regarding either unlicensed adoption intermediaries or adoption advertising, ask your lawmakers to sponsor legislation that amends and clarifies the existing laws.

Federal-Level Advocacy: Support narrowly tailored federal legislation.

Historically, private domestic adoptions have been almost exclusively governed by state law; however, given the fact that nearly half of all private adoptions are interstate, a federal law that prohibits unlicensed adoption intermediaries and limits adoption advertising in interstate placements is the most effective way to protect those impacted by domestic infant adoption. If passed, the [federally introduced ADOPT Act](#) would provide vital protection by prohibiting unlicensed paid adoption intermediaries from advertising or operating and ensuring that licensed professionals are only advertising and operating in states where they are licensed to provide adoption services.¹⁸

Conclusion

Both the surge in online adoption advertising and the proliferation of unlicensed adoption intermediaries in the past decade have created a troubling landscape for those impacted by private domestic adoption. Our collective failure to take effective action against these bad actors has allowed them to exploit expectant and adoptive parents for years without consequence and led to a severe lack of oversight in private infant adoptions. This is preventable. Licensed adoption professionals, policymakers, and child welfare advocates can work together to safeguard the well-being of all parties involved in private domestic adoption through education, law enforcement, and legislation.

Editor's Note:

If you believe you have been the victim of adoption fraud or scam, please contact the FBI at <https://www.fbi.gov/how-we-can-help-you/safety-resources/scams-and-safety/common-scams-and-crimes/adoption-fraud>

¹⁸ To access the bill text, please see <https://www.congress.gov/bill/118th-congress/house-bill/6220>

Stepping Out of Adoption's Shadow: Confronting the Problem of Unlicensed Adoption Intermediaries and Online Advertising in Private Domestic Adoption

BY CELESTE LIVERSIDGE, ESQ. AND KELSEY VANDER VLIET RANYARD

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