



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

March 14, 1939

Mrs. Violet S. Greenhill
Chief, Division of Child Welfare
Board of Control
Austin, Texas

Dear Mrs. Greenhill:

Opinion No. O-465
Re: Violation of Article
442a, Sec. 6a, R. C. S.
1925, as amended

Your letter of March 8, 1939, requesting an opinion has been received by this department. The pertinent portion of your letter being as follows. Does the following circular and letter by a child-placing agency violate and contemplate the violation of Article 442a, Sec. 6a, R. C. S. 1925 as amended?

Circular

"COST OF ADOPTION: Our agency has an adoption fee in the amount of \$10 to cover cost of home call and investigation, supervision till final adoption, notarization of release, etc., this amount is not paid until and unless a baby is actually taken from the home.

"DEPOSIT TO COVER LEGAL EXPENSE OF FINAL ADOPTION: When baby is removed from nursery a deposit in the amount of Thirty Dollars must be made to cover attorney fees, filing of papers, securing of birth certificates, etc. This money will be held in trust by our society but will be refunded where baby is returned and legal adoption not consummated."

Letter

"We understand through our representative, Mrs. Blank, that you are interested in adopting a baby

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from our agency. We are enclosing application forms and information covering adoption procedure in this agency and ask that you fill the former out and return them to us together with one dollar in postage stamps or money to cover cost of contacting references.

"We appreciate your interest in our work, and upon receipt of your application, we shall give it our immediate attention."

It is the opinion of this department that the circular and letter quoted from above constitutes a violation of such statute, as an attempt to charge or receive compensation for the placement of a child, and that the carrying out of the proposal set out in such circular and letter would constitute a violation of such statute in that it would be a charge for and the receiving of compensation for placement of a child, prohibited by said statute.

With respect to your question as to whether or not it would be questionable ethics for an attorney to handle such adoption through such an agency without giving the adopting parents the right to exercise their own free will to select their own attorney, our answer is, "yes".

Very truly yours

ATTORNEY GENERAL OF TEXAS

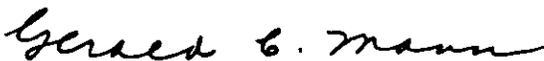
By



D. D. Mahon
Assistant

LDW:MK

APPROVED:


ATTORNEY GENERAL OF TEXAS