

Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: October 13, 2026

SUBJECT: Fiscal Impact Statement – Uniform Unregulated Child Custody Transfer Act of 2025

REFERENCE: Bill 26-71, Draft Committee Print as provided to the Office of Revenue Analysis on September 22, 2026

Conclusion

Funds are sufficient in the fiscal year 2027 through fiscal year 2030 budget and financial plan to implement the bill.

Background

An unregulated child custody transfer is a transfer by a parent or guardian of a child or an individual with whom a child has been placed for adoption that is performed without state agency or court oversight.¹ The bill prohibits² a parent, guardian, or custodian of a child or an individual with whom a child had been placed for adoption, from transferring custody of the child to another person's³ care outside of legally recognized processes with the intent to abandon the rights and responsibilities concerning the child. A parent, guardian, or custodian of a child can only relinquish their rights and responsibilities through adoption or guardianship arrangements, judicial award of custody, placements made through child-placing agencies, or through the District's Newborn Safe Haven law.⁴

¹ Uniform Law Commission. (2021). *Uniform Unregulated Child Custody Transfer Act: A summary*. <https://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=d8160906-285e-d1ed-8079-01414f4b1cbf&forceDialog=1>

² By amending Title 16 of the District of Columbia Official Code.

³ The prohibition does not apply to the transfer of custody to another parent, stepparent, an adult related by blood, marriage, or adoption, or an adult with a close relationship with a child.

⁴ The Newborn Safe Haven Amendment Act of 2010 (D.C. Law 18-158; D.C. Official Code § 4-1451.01 et seq.).

The Honorable Phil Mendelson

FIS: "Uniform Unregulated Child Custody Transfer Act of 2025," Bill 26-71, Draft Committee Print as provided to the Office of Revenue Analysis on September 22, 2026.

Individuals who receive custody of a child or act as an intermediary in the transfer of custody and reasonably know that the transfer violates the law must notify the Child and Family Services Agency (CFSA) or the Office of the Attorney General (OAG) of the District of Columbia as soon as practicable after a transfer to establish custody. Any violations of the law are considered a misdemeanor, punishable by imprisonment and a fine.

The bill gives CFSA the authority to investigate suspected illegal custody transfers through home visits and may take appropriate action to protect a child's welfare. If a case involves intercountry adoption, CFSA must prepare a report on the child's welfare and permanent placement and submit it to the United States Department of State. Additionally, the bill specifies that the Attorney General is authorized to investigate possible violations of the law and take the necessary enforcement action.

The bill also prohibits individuals from soliciting or advertising to arrange an illegal transfer of custody. Violations of the law are considered a misdemeanor, punishable by imprisonment and a fine.

Financial Plan Impact

Funds are sufficient in the fiscal year 2027 through fiscal year 2030 budget and financial plan to implement the bill.

CFSA will use existing resources to develop training programs for social workers. CFSA's Child Welfare Training Academy will incorporate the bill's requirements into its existing training materials. CFSA will also develop policies and procedures for the unregulated transfer of custody with existing staff.

The bill authorizes, but does not require, the OAG to investigate possible violations of the law and take necessary enforcement action. Currently, the OAG does not have workload capacity in its Public Safety Division (PSD) to investigate illegal custody transfers. In order to exercise the authority provided by the bill, OAG would need to hire an additional attorney to conduct investigations.