

2021 Regular Session

HOUSE BILL NO. 37

BY REPRESENTATIVES BACALA, ADAMS, AMEDEE, BAGLEY, BOURRIAQUE, BRYANT, CORMIER, COX, CREWS, DAVIS, DEVILLIER, DUPLESSIS, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FIRMENT, FONTENOT, FREIBERG, GADBERRY, GREEN, HILFERTY, HODGES, HORTON, HUGHES, ILLG, JAMES, MIKE JOHNSON, TRAVIS JOHNSON, MARCELLE, MCCORMICK, MCKNIGHT, GREGORY MILLER, MOORE, CHARLES OWEN, PRESSLY, ROMERO, SCHAMERHORN, STAGNI, THOMAS, THOMPSON, VILLIO, WHITE, AND WRIGHT AND SENATORS FOIL AND LAMBERT

1 AN ACT

2 To amend and reenact Children's Code Articles 1213(A) and (B), 1233, and 1235 and to
3 enact Children's Code Articles 1213(D), 1217.1, and 1239.1, relative to adoptions;
4 to provide for post-placement functions for agency and private adoptions; to provide
5 for visits prior to finalization; to provide for assistance to the families and children;
6 to provide for reporting and statistical requirements; to provide relative to a final
7 decree of private adoption; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Articles 1213(A) and (B), 1233, and 1235 are hereby
10 amended and reenacted and Children's Code Articles 1213(D), 1217.1, and 1239.1 are
11 hereby enacted to read as follows:

12 Art. 1213. Continuing duties of the department; home study report

13 A. After an interlocutory decree has been entered, the department shall
14 maintain contact with the proposed adoptive home directly or through another
15 agency in accordance with Paragraph B D of this Article. ~~The number of visits to~~
16 ~~the home and the time for them shall be within the discretion of the department.~~
17 ~~However, no less than two visits shall be made to the home, one of which shall occur~~
18 ~~within thirty days before the final decree of agency adoption.~~

19 B. ~~The department may delegate the performance of this investigation to a~~
20 ~~licensed private adoption agency, but the department remains responsible for~~

1 ~~ensuring the accuracy and thoroughness of the resulting report and for licensed~~
 2 ~~private adoption placing agency, or the department for children in department~~
 3 ~~custody, maintains responsibility for the safety and welfare of the child. The~~
 4 ~~department is responsible for submission of a confidential court report that ensures~~
 5 ~~the accuracy and thoroughness of the resulting reports.~~ The department shall adopt,
 6 promulgate, and enforce such rules and regulations as are necessary and appropriate
 7 to implement this authorization in accordance with the Administrative Procedure
 8 Act.

9 * * *

10 D. Prior to the final decree of the adoption, the licensed private adoption
 11 placing agency, or the department, if the child is in custody of the department, shall
 12 ensure that all of the prerequisites for adoption that are listed in this Paragraph are
 13 completed. The licensed private adoption agency or the department shall complete
 14 the list of prerequisites by utilizing a social worker in the employ of a licensed
 15 adoption agency, licensed social worker, licensed professional counselor, licensed
 16 psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and
 17 family therapist; or, if the child is in the custody of the department, by a department
 18 employee or designee. The prerequisites that must be completed are all of the
 19 following:

20 (1) Conduct an initial in-home, in-person visit with the child and one
 21 adoptive parent within seven calendar days of the child's placement. The next in-
 22 home, in-person visit shall occur within thirty days of the initial in-home, in-person
 23 visit.

24 (2) Conduct an in-home visit with one adoptive parent at least once every
 25 month after the visits provided for in Subparagraph (1) of this Paragraph are
 26 completed. The child shall be observed in the home during the monthly visit.

27 (3) Conduct a private visit without the presence of the adoptive parents with
 28 each child age one year and above every other month with at least a segment of the
 29 visit occurring in the adoptive home.

1 (4) Conduct an in-home visit with both adoptive parents and child within
2 thirty days prior to the final decree.

3 (5) Prepare a report that documents information obtained from the visits
4 conducted pursuant to Subparagraphs (1) through (4) of this Paragraph which shall
5 contain all of the following:

6 (a) The date and time of the visit.

7 (b) The individuals present at the time of the visit.

8 (c) The location of the visit.

9 (d) The duration of the visit.

10 (e) An assessment of adjustment of both the child and the adoptive parent.

11 (f) An assessment of the attachment and bonding between the child and the
12 adoptive parent.

13 (g) An assessment of the child's health.

14 (h) A description of changes since last contact.

15 (i) A summary of the visit.

16 (j) The signature of a person conducting the visit or phone contact.

17 (6) Conduct at least three of the visits prior to adoption finalization including
18 the visit prior to the final decree which shall include both adoptive parents and all
19 other members of the household.

20 (7) Report observations made during the visits which shall be used in making
21 recommendations for the finalization of the adoption. If problems are identified, the
22 family shall be assisted directly and referred to a resource to address the concerns.

23 (8) The child and adoptive parent shall be provided assistance, consultation,
24 and emotional support with situations and problems encountered in permanent
25 placement through finalization.

26 (9) The adoptive family shall be provided with access to twenty-four hour
27 crisis intervention services through finalization.

28 (10) A confidential report concerning requirements set forth in
29 Subparagraphs (1) through (9) of this Paragraph must be presented to the department

1 upon completion and to the court prior to the hearing on the final decree of agency
2 adoption.

3 * * *

4 Art. 1217.1. Reporting requirement; statistical availability

5 A. For each adopted child, the court shall ensure that the department receives
6 all of the following information:

7 (1) Whether either of the adopted parents are related to the child.

8 (2) The age of the child at placement.

9 (3) The age of the child at the time of finalization.

10 (4) The gender of the child.

11 (5) The race of the child.

12 (6) The location of placement.

13 (7) Other non-identifying information the department requests in order to
14 maintain statistical records of adoption finalizations.

15 B. The department shall release yearly statistics on adoptions and placements
16 of children in Louisiana. These statistics shall be made available to the public.

17 * * *

18 Art. 1233. Final decree at first hearing

19 Notwithstanding Article 1238, upon due consideration of the factors
20 enumerated in Article 1230(B), the court may render a final decree of private
21 adoption at the first hearing, without the necessity of first entering an interlocutory
22 decree, only if the rights of the child's parents have been terminated pursuant to Title
23 X or XI and the child has lived in the petitioner's home for ~~one year~~ six months.

24 * * *

25 Art. 1235. Continuing duties of the department; home study report

26 A. After an interlocutory decree has been entered, ~~the department shall if~~
27 ordered by the court, the attorney arranging the private adoption shall ensure that a
28 licensed professional tasked with ensuring the safety and health of the child in the
29 adoptive placement shall maintain contact with the proposed adoptive home directly
30 or through another agency in accordance with Paragraph ~~B~~ C of this Article. ~~The~~

1 number of visits to the home and the time for them shall be within the discretion of
2 the department. However, no less than two visits shall be made to the home, one of
3 which shall occur within thirty days before the final decree of agency adoption.

4 ~~B. The department may delegate the performance of this investigation to a~~
5 ~~licensed private adoption agency, but the department remains responsible for~~
6 ~~ensuring the accuracy and thoroughness of the resulting report and for the safety and~~
7 ~~welfare of the child. The department shall adopt, promulgate, and enforce such rules~~
8 ~~and regulations as are necessary and appropriate to implement this authorization in~~
9 ~~accordance with the Administrative Procedure Act.~~

10 ~~C. B.~~ A second confidential report ~~must~~ shall be presented to the court
11 preceding the hearing on the final decree of ~~agency~~ private adoption. The findings
12 of this report shall be based upon the same considerations as prescribed in Article
13 1229 and shall disclose any changed conditions and all new pertinent information.

14 C. Prior to the final decree of adoption, the attorney arranging the adoption
15 shall ensure that all of the prerequisites for adoption listed in this Paragraph are
16 completed. The list shall be completed by utilizing a social worker in the
17 employment of a licensed adoption agency, licensed social worker, licensed
18 professional counselor, licensed psychologist, medical psychologist, licensed
19 psychiatrist, or licensed marriage and family therapist. The prerequisites that must
20 be completed are all of the following:

21 (1) Conduct an initial in-home, in-person visit with the child and one
22 adoptive parent within seven calendar days of the child's placement. The next in-
23 home, in-person visit shall occur within thirty days of the initial in-home, in-person
24 visit.

25 (2) Conduct an in-home visit with one adoptive parent at least once every
26 month after the visits provided for in Subparagraph (1) of this Paragraph are
27 completed. The child shall be observed in the home during the monthly visit.

28 (3) Conduct a private visit without the presence of the adoptive parents with
29 each child age one year and above every other month with at least a segment of the
30 visit occurring in the adoptive home.

1 (4) Conduct an in-home visit with both adoptive parents and child within
2 thirty days prior to the final decree.

3 (5) Prepare a report that documents information obtained from the visits
4 conducted pursuant to Subparagraphs (1) through (4) of this Paragraph which shall
5 contain all of the following:

6 (a) The date and time of the visit.

7 (b) The individuals present at the time of the visit.

8 (c) The location of the visit.

9 (d) The duration of the visit.

10 (e) An assessment of adjustment of both the child and the adoptive parent.

11 (f) An assessment of the attachment and bonding between the child and the
12 adoptive parent.

13 (g) An assessment of the child's health.

14 (h) A description of changes since last contact.

15 (i) A summary of the visit.

16 (j) The signature of a person conducting the visit or phone contact.

17 (6) Conduct at least three of the visits prior to adoption finalization including
18 the visit prior to the final decree which shall include both adoptive parents and all
19 other members of the household.

20 (7) Report observations made during the visits which shall be used in making
21 recommendations for the finalization of the adoption. If problems are identified, the
22 family shall be assisted directly and referred to a resource to address the concerns.

23 (8) Ensure that the child and adoptive parent shall be provided assistance,
24 consultation, and emotional support with situations and problems encountered in
25 permanent placement through finalization.

26 (9) Ensure that the adoptive family shall be provided with access to twenty-
27 four hour crisis intervention services through finalization.

28 (10) Prepare a confidential report concerning the requirements set forth in
29 Subparagraphs (1) through (9) of this Paragraph and present the report to the

1 department upon completion and to the court prior to the hearing on the final decree
2 of agency adoption.

3 * * *

4 Art. 1239.1. Reporting requirement, statistical availability

5 A. For each adopted child, the court shall ensure that the department receives
6 all of the following information:

7 (1) Whether either of the adopted parents are related to the child.

8 (2) The age of the child at placement.

9 (3) The age of the child at the time of finalization.

10 (4) The gender of the child.

11 (5) The race of the child.

12 (6) The location of placement.

13 (7) Other non-identifying information the department requests in order to
14 maintain statistical records of adoption finalizations.

15 B. The department shall release yearly statistics on the adoptions of children
16 in Louisiana and placement of those children. These statistics shall be made
17 available to the public.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____