
DIGEST

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Landry

HB No. 1146

Abstract: Repeals the provisions regarding the appointment of an attorney in intrafamily adoptions.

Present law provides that if the adoption petition seeks to terminate parental rights of a parent whose consent to the adoption is required and the parent notifies the court of his intent to oppose the adoption, the child and the parent shall each have the right to be represented by separate counsel in the adoption proceeding.

Present law further provides that upon receipt of a notice of opposition, the court shall appoint a qualified, independent attorney to represent the child in such a proceeding. Neither the child nor anyone purporting to act on his behalf may be permitted to waive the child's right to counsel. The costs of the child's representation shall be taxed as costs of court.

Present law also provides that if the court determines that the parent is indigent and unable to employ counsel solely for that reason, an attorney shall be appointed to represent the parent. The costs of the indigent parent's representation may be taxed as court costs.

Proposed law repeals present law.

Present law provides that notice of an intrafamily adoption shall be issued to every parent whose consent to the adoption is required and shall state, in part, that parents have the right to hire an attorney and if they cannot afford one or free legal aid is not available, the court will appoint an attorney for them.

Proposed law deletes present law regarding the appointment of an attorney.

(Amends Ch.C. Art. 1247(B); Repeals Ch.C. Art. 1245.1)