

Regular Session, 2010
HOUSE BILL NO. 1146
BY REPRESENTATIVE LANDRY

ACT No. 738

1 AN ACT

2 To amend and reenact Children's Code Articles 1244(A), 1245(A), 1247(B), and 1253(A),
3 to enact Children's Code Article 1244.1, and to repeal Children's Code Articles
4 1245.1 and 1258, relative to intrafamily adoptions; to provide for the filing of an
5 opposition; to provide for notice; to provide for a determination regarding the
6 appointment of an attorney by the court; to provide for time periods; to provide for
7 the refusal of a decree; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Articles 1244(A), 1245(A), 1247(B), and 1253(A) are
10 hereby amended and reenacted and Children's Code Article 1244.1 is hereby enacted to read
11 as follows:

12 Art. 1244. Consent of parent

13 A. Except as otherwise provided herein, any parent may execute an authentic
14 act consenting to the adoption of his child in an intrafamily adoption, including a
15 waiver of service or notice for any subsequent proceeding.

16 * * *

17 Art. 1244.1. Opposition to intrafamily adoption; time limitations; appointment of
18 counsel; attorney fees

19 A. A parent, whose rights have not been terminated in accordance with Title
20 X or XI or who has not previously consented to the adoption in accordance with
21 Article 1244, may oppose the adoption of his child by filing a clear and written
22 answer and opposition to the adoption. The answer and opposition shall be filed
23 with the court within fifteen days from the time of service of the filing of an
24 intrafamily adoption petition.

1 department that it has been impossible to gather the necessary data within the time
 2 prescribed. The court may reduce the time to a minimum of fifteen days with written
 3 approval of the department and the petitioner. ~~If an extension of time is granted, the~~
 4 ~~court shall set a new hearing date and shall require the petitioner to report to the~~
 5 ~~court, either at that hearing, or before, in detail concerning the progress of the child's~~
 6 ~~adoptive placement.~~

7 * * *

8 Section 2. Children's Code Articles 1245.1 and 1258 are hereby repealed in their
 9 entirety.

10 Section 3. The Louisiana State Law Institute is hereby directed to prepare comments
 11 to the provisions of this Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____