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## DIGEST

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HB 643 Engrossed

2018 Regular Session

Edmonds

**Abstract:** Provides for the regulation of adoption expenses.

Present law (Ch.C. Art. 1131) provides that following the surrender of a child for adoption, the adoptive parents are required to file the authentic act of surrender and a certification or court order for adoption.

Proposed law retains present law and additionally requires the filing of a preliminary estimate and accounting of fees and charges related to the adoption.

Present law (Ch.C. Arts. 1200 and 1223) provides for the allowable expenses to be paid by the prospective adoptive parents.

Proposed law requires the payment of expenses to be through DCFS, an adoption agency, or an adoption attorney and narrows the allowable expenses from reasonable to actual expenses.

Proposed law limits living expenses to the amount needed to maintain an adequate standard of living and includes an illustrative list of the types of living expenses.

Proposed law provides that allowable living expenses shall not include vehicles, salary or wages, recreation or leisure activities, permanent housing, gifts, or other payments for the monetary gain of the mother and limits the allowable living expenses to \$7,500.

Proposed law authorizes the court to approve additional expenses upon a finding that the expense is reasonable and necessary.

Proposed law provides that prospective adoptive parents may seek reimbursement of expenses paid to a mother in anticipation of an adoption if the mother is not pregnant or if she is accepting payments from more than one prospective adoptive parent.

Present law (Ch.C. Arts. 1201 and 1223.1) requires the filing of an adoption disclosure affidavit of all fees and charges paid.

Proposed law retains present law but requires the inclusion of receipts, the name and address of each recipient, the purpose of the payment, and the amount and date it was made. Proposed law also specifically lists utilities, which are allowable living expenses.

Proposed law requires the affiant to certify that they understand that in accordance with R.S. 14:286,

making a false statement in any adoption disclosure affidavit with the intent to deceive and with knowledge that the statement is false is punishable by a fine of up to \$50,000 or imprisonment with or without hard labor for not more than 10 years, or both.

Present law (R.S. 14:286) provides that it is unlawful to sell a child, receive anything of value for the procurement of a child, or make certain unapproved disbursements in connection with an adoption. Present law also includes a list of allowable expenses.

Proposed law clarifies the elements of the crime of the sale of minor children and adds that it shall also be unlawful to make false statements on an adoption disclosure affidavit.

Proposed law deletes the list of allowable expenses with a reference to the same list provided in the Children's Code.

(Amends Ch.C. Arts. 1131(A), 1200, 1201, 1223, and 1223.1 and R.S. 14:286)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Delete "adjustment" from reference to "adjustment counseling and training services" as they relate to agency adoptions.
2. Remove reference to "the office of children and family services" and "the office of adoption services" as they relate to the Dept. of Children and Family Services.
3. Add gifts to list of exemptions to calculation of actual living expenses as they relate to private adoptions.
4. Make technical changes.