

SENATE BILL NO. 312

BY SENATOR EDMONDS AND REPRESENTATIVES AMEDEE, BAYHAM, BERAULT, BILLINGS, CARRIER, CARVER, CHENEVERT, DICKERSON, JACKSON, LAFLEUR, OWEN AND TAYLOR

1 AN ACT

2 To enact Chapter 14-E of Title 46 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 46:1445.1 through 1445.14, relative to assistance programs of the
4 Department of Children and Family Services; to establish within the Department of
5 Children and Family Services an assistance program for pregnant women and certain
6 parents; to provide for services to be delivered through the program; to require
7 reporting to certain legislative committees concerning the program; to provide for
8 administrative rule making; to provide for funding of the program; to provide for
9 legal representation; to require the Department of Children and Family Services to
10 include certain information on its website; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Chapter 14-E of Title 46 of the Louisiana Revised Statutes of 1950,
13 comprised of R.S. 46:1445.1 through 1445.14, is hereby enacted to read as follows:

14 **CHAPTER 14-E. ADOPTION AWARENESS ACT**

15 **§1445.1. Short title**

16 **This Act may be cited as the Adoption Awareness Act.**

17 **§1445.2. Purposes**

18 **The purposes of the Adoption Awareness Act are all of the following:**

1 **(1) To encourage the formation and maintenance of two-parent families.**

2 **(2) To provide awareness of contemporary adoption practices.**

3 **(3) To ensure availability of accurate information on adoption.**

4 **§1445.3. Definitions**

5 **As used in this Chapter, unless otherwise indicated, the terms have the**
 6 **meaning ascribed to them in this Section as follows:**

7 **(1) "Agency adoption" means the agencies that are licensed by the**
 8 **Department of Children and Family Services pursuant to Children's Code**
 9 **Article 1198 et seq.**

10 **(2) "Birth parent" means a person who has placed his or her child for**
 11 **adoption.**

12 **(3) "Department" means the Department of Children and Family**
 13 **Services.**

14 **(4) "Expectant parent" means a woman who is pregnant or the biological**
 15 **father of the unborn child of a pregnant woman.**

16 **(5) "Home study" means a preplacement analysis of a prospective**
 17 **adoptive parent as is provided in Children's Code Article 1173.**

18 **§1445.4. Adoption Awareness Program created**

19 **The Adoption Awareness Program is hereby created in the Department**
 20 **of Children and Family Services and the department shall contract with eligible**
 21 **vendors or organizations to provide the supportive services as described in R.S.**
 22 **46:1445.5.**

23 **§1445.5. Required services**

24 **A. Any vendor chosen by the department shall provide resources or**
 25 **services as follows:**

26 **(1) Marketing designed to provide awareness of adoption and specific**
 27 **adoption resources available in this state, including the creation of a website**
 28 **providing information on adoption and the name and contact information for**
 29 **one or more licensed adoption agencies to assist with an agency adoption.**

30 **(2) A telephone or video hotline that provides information and**

1 educational information for resources to encourage adoption. The educational
2 information shall include all of the following:

3 (a) The adoption process.

4 (b) Practical aspects of adoption pertinent to an expectant parent.

5 (c) Resources and support that are available for expectant parents, birth
6 parents, or adopted children.

7 (d) A biological parent's rights and legal protections.

8 (e) Available adoption agencies in this state.

9 (3) Adoption educational and training resources for doctors, nurses,
10 hospitals, medical clinics, birthing centers, and pregnancy resource centers that
11 provide helpful information as follows:

12 (a) A list of other professionals and organizations that serve pregnant
13 women and provide support for women considering placing their children for
14 adoption.

15 (b) The location of adoption agencies that can assist in the placement of
16 children for adoption.

17 (c) How to discuss the adoption process and the resources and support
18 available to women placing their child for adoption.

19 B. The vendor selected by the department may contract with another
20 entity to provide the services required in this Section.

21 §1445.6. Vendor and subcontractor eligibility; staffing

22 A nonprofit corporation or other entity is eligible to contract with the
23 department as a vendor to provide services pursuant to this Chapter and any
24 vendor selected by the department is eligible to contract with a subcontractor
25 if the nonprofit or other entity and any subcontractor meets all of the following
26 requirements:

27 (1) Is in good standing with the secretary of state and registered to do
28 business in this state.

29 (2) Is capable of providing, directly or through contract, the services in
30 this Section.

1 (3) Is not an abortion provider or an entity that promotes, refers for, or
2 assists women in obtaining an abortion.

3 §1445.7. Eligibility for services

4 To be eligible to begin participation in the Adoption Awareness
5 Program, a birth parent or expectant parent shall be a person who meets at
6 least one of the following requirements:

7 (1) A resident of this state who is the biological parent of an unborn
8 child.

9 (2) Is a parent of a child under two years of age.

10 (3) Is a parent of a child in the custody of the department.

11 (4) Is a parent of a minor who is the biological parent of an unborn child.

12 §1445.8. Program reporting

13 A. A vendor chosen by the department pursuant to R.S. 46:1445.4 shall
14 record and report monthly to the department related to the adoption program
15 services provided pursuant to this Chapter and the report shall include all of the
16 following information:

17 (1) The number of participants who obtained a service pursuant to R.S.
18 46:1445.5.

19 (2) The number and type of services provided.

20 (3) The number and type of referrals made.

21 B. The department shall annually report to the House and Senate
22 committees on health and welfare all of the information reported pursuant to
23 this Section after redacting any private medical information and any other
24 privileged information associated with the birth mothers, expectant parents,
25 unborn children, and other children served by this program.

26 §1445.9. Funding and eligible expenses

27 A. The department shall apply funds received from the Temporary
28 Assistance to Needy Families (TANF) Block Grant to fund the adoption
29 awareness program services and the requirements of this Chapter to the extent
30 feasible.

1 **(1) A vendor of the Adoption Awareness Program may use appropriated**
2 **funds in one or more of the following ways:**

3 **(a) Expenses necessary to provide services identified in R.S. 46:1445.5.**

4 **(b) Funding a marketing campaign within the state to promote adoption.**

5 **(c) Administrative expenses related to administrative overhead and other**
6 **indirect costs that are approved by the department, if the aggregate amount of**
7 **administrative expenses does not exceed fifteen percent.**

8 **B. The department shall fund anticipated program expenses in advance**
9 **on a quarterly basis, with advanced funding to be reconciled with actual**
10 **expenses following each quarter and offset against future payments.**

11 **§1445.10. Vendor protections**

12 **A. The department shall not require, as a condition of participation in**
13 **the Adoption Awareness Program, a vendor or its employees to violate the**
14 **freedom of religion, freedom of speech, or freedom of association that is**
15 **guaranteed by the First Amendment to the Constitution of the United States**
16 **and made applicable to the state by the Constitution of Louisiana.**

17 **B. The department shall not require, as any condition of participation in**
18 **the Adoption Awareness Program, the vendor or its employees to participate in**
19 **or facilitate any action to which the vendor or its employee has a conscience**
20 **objection.**

21 **C. Notwithstanding its participation in the Adoption Awareness**
22 **Program, a vendor may offer other religious or sectarian services or programs**
23 **utilizing funds from other sources.**

24 **§1445.11. Legal representation in adoption proceedings**

25 **Nothing in this Chapter shall be interpreted to violate the rights and**
26 **protections afforded to a birth parent or an expectant parent that are enacted**
27 **in the Children's Code, the Civil Code, or in any other provision of law.**

28 **§1445.12. Required disclosures; rulemaking and reporting.**

29 **A. A vendor shall prepare an overview of the Adoption Awareness**
30 **Program on a brochure or other written media that describes the website**

1 created pursuant to R.S. 46:1445.5 and any other pertinent contact information
2 related to the program or that is required by the department.

3 B. The department shall provide a copy or copies of the document
4 prepared pursuant to this Section and shall make the documents available to
5 any one of the following:

6 (1) Any public health office.

7 (2) Any high school or middle school.

8 (3) Any charitable clinic at which a diagnosis of pregnancy may be made.

9 (4) Any person obtaining testing through a public health office for a
10 sexually transmitted infection.

11 (5) Any pregnant woman applying to receive Medicaid.

12 C. The department shall provide a copy of the document prepared
13 pursuant to this Section to the parent of any child taken into the custody by the
14 department.

15 D. The department shall promulgate all rules and regulations necessary
16 to implement the provisions of this Chapter. The rules shall include but not be
17 limited to appropriate oversight provisions and penalties for failure to achieve
18 program objectives as provided for in this Chapter, measures to ensure the
19 clinical efficacy and financial viability of the program, and benchmarks to
20 achieve best practice outcomes. The department shall report annually to the
21 legislature on the status of the program.

22 §1445.13. Adoption awareness; Department of Children and Family Services

23 A link to the AdoptionOption.La.Gov website as provided for in R.S.
24 40:1061.17, or any successor state agency administered website that promotes
25 adoption awareness and makes adoption resource information available to the
26 public, shall be made available and placed in a prominent location on the
27 websites administered by the Louisiana Department of Health and the
28 Department of Children and Family Services. Any other state agency that
29 administers a website may also provide a link to the AdoptionOption.La.Gov
30 website.

1 §1445.14. Funding

2 This Chapter shall not be implemented or operational until monies are
3 secured from the Temporary Assistance for Needy Families (TANF) sufficient
4 to fund the provisions of this Chapter.

5 Section 2. This Act shall become effective on January 1, 2025.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____