

RÉSUMÉ DIGEST

ACT 362 (SB 496)

2024 Regular Session

Edmonds

Existing law (R.S. 46:1425) provides that it shall be prohibited for an adoption facilitator, as is defined in R.S. 46:1425.1, to advertise for adoption services.

Existing law provides that if any person advertises in violation of existing law, the attorney general, DCFS, the appropriate district attorney, or any licensed child-placing agency or a La. based crisis pregnancy or resource center may file suit in district court according to the general rules of venue to obtain injunctive relief to restrain the person from continuing the violation.

Existing law provides that nothing in existing law shall apply to any individual licensed to practice law in this state while such individual is engaged in the practice of law or to any individual licensed to provide mental health counseling as provided in existing law and preplacement and home studies as provided in existing law.

Existing law provides that anyone who violates the provisions of existing law shall be liable for all costs of any proceeding brought to enjoin such violation, including reasonable attorney fees, which shall be set by the court.

New law retains existing law and provides that it shall be unlawful for an adoption facilitator or an entity not licensed in La. to assist in the adoption of children.

New law provides that an individual or entity licensed in La. to participate in the adoption process or assist in the adoption of children shall be considered a mandatory reporter for purposes of new law.

New law (R.S. 46:1425.1) provides that an adoption facilitator shall not engage in any of the following activities:

- (1) Advertising for the purpose of soliciting parties to an adoption, locating children for an adoption, or acting as an intermediary between the parties to an adoption.
- (2) Charging a fee or other valuable consideration for service rendered relating to an adoption, whether directly or indirectly, for locating children for adoption, or acting as an intermediary between the parties to an adoption.

New law provides that as used in new law, "adoption facilitator" means an individual or juridical person that acts as intermediary or facilitator between adoptive parents and birth mothers.

New law provides that an "adoption facilitator" shall not include any of the following:

- (1) A licensed adoption agency.
- (2) An attorney licensed to practice law in La.
- (3) Any individual licensed to provide mental health counseling and preplacement and home studies as provided in existing law.
- (4) A La.-based crisis pregnancy center or La.-based pregnancy resource center.
- (5) An individual who does not receive a fee or other valuable consideration for services rendered relating to an adoption, whether directly or indirectly, for locating children for adoption, or acting as an intermediary between the parties to an adoption.

New law provides that a violation of new law shall be an unfair trade practice as provided in new law.

New law (R.S. 51:1402(10)(c)) provides that "trade" or "commerce" shall include the advertising or collecting fees as an adoption facilitator in violation of new law.

Effective August 1, 2024.

(Amends R.S. 46:1425; adds R.S. 46:1425(E), R.S. 46:1425.1, and R.S. 51:1402(10)(c))