
DIGEST

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Jefferson

HB No. 219

Abstract: Provides factors for the court to consider when a prospective adoptive parent has a criminal record.

Present law (Ch.C. Art. 1178) requires the court to render a decision approving or disapproving placement of a child with the prospective adoptive parents after a hearing on the matter and requires the court to include specific reasons when disapproving placement. Further authorizes the court to place a child into protective custody after having rendered an order approving placement of the child with the prospective adoptive parents if the prospective adoptive parent failed to disclose information contained in the criminal record check that would have resulted in the court's disapproval of the placement.

Present law also requires the court to consider the following with respect to preplacement approval of adoptive homes in private adoptions:

- (1) The moral fitness, including a prior criminal record, of the prospective adoptive parent.
- (2) The mental and physical health of the prospective adoptive parent.
- (3) The financial capacity of the prospective adoptive parent to provide for the child.
- (4) The capacity of the prospective adoptive parent to provide love, affection, and guidance to the child.
- (5) The environment of the home and neighborhood of the prospective adoptive parent for placement of the child.
- (6) The names and ages of other family members in the prospective adoptive home and their attitudes toward the proposed adoption.
- (7) The stability and permanence of the prospective adoptive home.

Proposed law retains present law and requires the court to render a decision that is in the best interest of the child considering those factors established in present law.

Proposed law further prohibits the court from disapproving the placement of a child with the prospective adoptive parent solely based on the existence of the prospective adoptive parent's

criminal record. Requires the court to consider all of the following:

- (1) The nature of the offenses.
- (2) The number of offenses committed.
- (3) The length of time between offenses and between the last offense committed and the application for court approval of adoptive placement.

Present law (Ch. C. Arts. 1208, 1230, and 1253) provides the procedure for the court in setting a hearing on a petition for agency, private, and intrafamily adoptions. Further provides at a hearing, the court shall consider:

- (1) Any motion to intervene.
- (2) Any other issues in dispute.
- (3) The confidential report of the Dept. of Children and Family Services.
- (4) Any criminal record or report of abuse concerning the petitioner.
- (5) The testimony of the parties.

Proposed law retains present law and requires the court, in conjunction with considering the petitioner's criminal record, to consider all of the following:

- (1) The nature of the offenses.
- (2) The number of offenses committed.
- (3) The length of time between offenses and between the last offense committed and the application for court approval of adoptive placement.

Proposed law further provides that the existence of a petitioner's criminal record does not, by itself, serve as a bar to the petitioner adopting.

(Amends Ch.C. Arts. 1178(E), 1208(B)(4) and (5), 1230(B)(4) and (5), and 1253(B)(4) and (5); Adds Ch.C. Arts. 1178(F), 1208(B)(6), 1230(B)(6), and 1253(B)(6))

Summary of Amendments Adopted by House

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

1. Added provisions clarifying that the requirement of the court to consider the nature of offenses, number of offenses committed, and length of time between offenses and between the last offense committed and the application for court approval pertains, to offenses on the prospective adoptive parents' criminal record and not to reports of child abuse.