

2017 Regular Session

HOUSE BILL NO. 280

BY REPRESENTATIVE MARINO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ADOPTION: Provides relative to birth certificates in certain cases of adoption

1 AN ACT

2 To amend and reenact R.S. 40:79(A)(2)(a), relative to adoptions; to provide relative to birth
3 certificates in certain cases of adoptions by step-parents; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:79(A)(2)(a) is hereby amended and reenacted to read as follows:

7 §79. Record of adoption decree

8 A.

9 * * *

10 (2)(a) If the child is adopted by a married couple, the names of both parties
11 shall be recorded as the parents, even if one of the petitioning parties dies prior to
12 entry of the final judgment of adoption. However, if the child is adopted by a step-
13 parent who was married to the legal parent of the child and the legal parent dies prior
14 to the filing of the petition for adoption, the names of both the deceased legal parent
15 and the step-parent shall be recorded on the child's birth certificate at the request of
16 the step-parent.

17 * * *

18 Section 2. The provisions of this Act amending R.S. 40:79(A)(2)(a) are declared to
19 be remedial and curative and shall be applied retroactively to June 1, 2016, as well as
20 prospectively.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 280 Original

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Marino

Abstract: Allows the name of a legal parent to remain on a child's birth certificate even when the legal parent dies before a step-parent files the petition for adoption of the child when the legal parent and adoptive step-parent are married.

Present law provides that when a married couple adopts a child, a petitioning party may be recorded on the child's birth certificate even if that petitioning party dies prior to the entry of the final judgment of adoption.

Present law requires that a legal parent's name be removed from a child's birth certificate if the legal parent dies prior to the step-parent filing for adoption of the child.

Proposed law permits a step-parent filing for adoption of a child to keep the legal parent's name on the child's birth certificate even if the legal parent dies prior to the step-parent filing for adoption of the child.

(Amends R.S. 40:79(A)(2)(a))