

RÉSUMÉ DIGEST

ACT 562 (HB 643)

2018 Regular Session

Edmonds

Existing law 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. New law additionally requires the filing of a preliminary estimate and accounting of fees and charges related to the adoption.

Prior law provided for the allowable expenses to be paid by or on behalf of the prospective adoptive parents. New law repeals prior law and requires the payment of expenses to be made through an adoption agency or an adoption attorney or provided as a service by the Department of Children and Family Service (DCFS) and narrows the allowable expenses from reasonable to actual expenses.

New 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. New 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 total and cumulative allowable living expenses paid by all sources to \$7,500. New law authorizes the court to approve additional expenses upon a finding that the expense is reasonable and necessary.

New 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.

Existing law requires the filing of an adoption disclosure affidavit of all fees and charges paid. New law requires the inclusion of receipts or other documentation, the name and address of each recipient, the purpose of the payment, disclosure of other expenses paid by another agency or attorney, and the amount and date all payments were made. New law also specifically lists utilities, which are allowable living expenses.

New 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, imprisonment with or without hard labor for not more than 10 years, or both.

Existing law 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. Prior law included a list of allowable expenses.

New 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. New law repeals the prior law list of allowable expenses relative to the unlawful sale of a child and instead references the list provided in new law.

Effective August 1, 2018.

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