

2021 Regular Session

HOUSE BILL NO. 37

BY REPRESENTATIVE BACALA

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

ADOPTION: Provides for uniform post-placement functions associated with agency adoptions and private adoptions

1 AN ACT

2 To amend and reenact Children's Code Articles 1213(A) and (B), 1233, and 1235 and to

3 enact Children's Code Articles 1213(D), 1217.1, and 1239.1, relative to adoptions;

4 to provide for post-placement functions for agency and private adoptions; to provide

5 for visits prior to finalization; to provide for assistance to the families and children;

6 to provide for reporting and statistical requirements; to provide relative to a final

7 decree of private adoption; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Articles 1213(A) and (B), 1233, and 1235 are hereby

10 amended and reenacted and Children's Code Articles 1213(D), 1217.1, and 1239.1 are

11 hereby enacted to read as follows:

12 Art. 1213. Continuing duties of the department; home study report

13 A. After an interlocutory decree has been entered, the department shall

14 maintain contact with the proposed adoptive home directly or through another

15 agency in accordance with Paragraph B D. ~~The number of visits to the home and the~~

16 ~~time for them shall be within the discretion of the department. However, no less than~~

17 ~~two visits shall be made to the home, one of which shall occur within thirty days~~

18 ~~before the final decree of agency adoption.~~

19 B. ~~The department may delegate the performance of this investigation to a~~

20 ~~licensed private adoption agency, but the department remains responsible for~~

1 ~~ensuring the accuracy and thoroughness of the resulting report and for~~ licensed
 2 private adoption placing agency, or the department for children in department
 3 custody, maintains responsibility for the safety and welfare of the child. The
 4 department is responsible for submission of a confidential court report that ensures
 5 the accuracy and thoroughness of the resulting reports. The department shall adopt,
 6 promulgate, and enforce such rules and regulations as are necessary and appropriate
 7 to implement this authorization in accordance with the Administrative Procedure
 8 Act.

9 * * *

10 D. Prior to the final decree of the adoption, the licensed private adoption
 11 placing agency, or the department, if the child is in custody of the department, shall
 12 ensure the following prerequisites are satisfied by a social worker in the employ of
 13 a licensed adoption agency, licensed social worker, licensed professional counselor,
 14 licensed psychologist, medical psychologist, licensed psychiatrist, or licensed
 15 marriage and family therapist; or, if the child is in the custody of the department, by
 16 a department employee or designee in accordance with this Article:

17 (1) Conduct an initial in-home, in-person visit with the child and one
 18 adoptive parent within seven calendar days of the child's placement. The next in-
 19 home, in-person visit shall occur within thirty days of the initial in-home, in-person
 20 visit.

21 (2) After the visits provided in Subparagraph (1) of this Paragraph, conduct
 22 an in-home visit with one adoptive parent at least once every other month. The child
 23 shall be observed in the home during the monthly visit.

24 (3) Conduct a private visit without the presence of the adoptive parents with
 25 each child age one year and above every other month with at least a segment of the
 26 visit occurring in the adoptive home.

27 (4) Conduct an in-home visit with both adoptive parents and child within
 28 thirty days prior to the final decree.

1 ensuring the accuracy and thoroughness of the ~~resulting~~ confidential court report ~~and~~
2 ~~for the safety and welfare of the child~~. The department shall adopt, promulgate, and
3 enforce such rules and regulations as are necessary and appropriate to implement this
4 authorization in accordance with the Administrative Procedure Act.

5 C. A second confidential report must be presented to the court preceding the
6 hearing on the final decree of ~~agency~~ private adoption. The findings of this report
7 shall be based upon the same considerations as prescribed in Article 1229 and shall
8 disclose any changed conditions and all new pertinent information.

9 D. Prior to the final decree of adoption, the attorney arranging the adoption
10 shall ensure that the following prerequisites be satisfied by a social worker in the
11 employment of a licensed adoption agency, licensed social worker, licensed
12 professional counselor, licensed psychologist, medical psychologist, licensed
13 psychiatrist, or licensed marriage and family therapist:

14 (1) Conduct an initial in-home, in-person visit with the child and one
15 adoptive parent within seven calendar days of the child's placement. The next in-
16 home, in-person visit shall occur within thirty days of the initial in-home, in-person
17 visit.

18 (2) After the visits provided in Subparagraph (1) of this Paragraph, conduct
19 an in-home visit with one adoptive parent at least once every other month. The child
20 shall be observed in the home during the monthly visit.

21 (3) Conduct a private visit without the presence of the adoptive parents with
22 each child age one year and above every other month with at least a segment of the
23 visit occurring in the adoptive home.

24 (4) Conduct an in-home visit with both adoptive parents and child within
25 thirty days prior to the final decree.

26 (5) Document the following information for visits conducted in
27 Subparagraphs (1) through (4) of this Paragraph:

28 (a) The date and time of the visit.

29 (b) The individuals present at the time of the visit.

- 1 (c) The location of the visit.
- 2 (d) The duration of the visit.
- 3 (e) An assessment of adjustment of both the child and the adoptive parent.
- 4 (f) An assessment of the attachment and bonding between the child and the
5 adoptive parent.
- 6 (g) An assessment of the child's health.
- 7 (h) A description of changes since last contact.
- 8 (i) A summary of the visit.
- 9 (j) The signature of a person conducting the visit or phone contact.
- 10 (6) At least three of the visits prior to adoption finalization and including the
11 visit prior to the final decree shall include both adoptive parents and all other
12 members of the household.
- 13 (7) Observations made during the visits shall be used in making
14 recommendations for the finalization of the adoption. If problems are identified, the
15 family shall be assisted directly and referred to a resource to address the concerns.
- 16 (8) The child and adoptive parent shall be provided assistance, consultation,
17 and emotional support with situations and problems encountered in permanent
18 placement through finalization.
- 19 (9) The adoptive family shall be provided with access to twenty-four hour
20 crisis intervention services through finalization.
- 21 (10) A confidential report concerning the requirements set forth in
22 Subparagraphs (1) through (9) of this Paragraph must be presented to the department
23 upon completion and to the court prior to the hearing on the final decree of agency
24 adoption.

* * *

Art. 1239.1. Reporting requirement, statistical availability

A. The court shall ensure the department receives the following information
for each adopted child:

- 29 (1) The age of the child at the time of finalization.

- 1 (2) The gender of the child.
- 2 (3) The race of the child.
- 3 (4) The location of placement.
- 4 (5) Other non-identifying information the department requests in order to
5 maintain statistical records of adoption finalizations.
- 6 B. The department shall release yearly statistics on the adoptions of children
7 in Louisiana and placement of those children. These statistics shall be made
8 available to the public.

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 37 Engrossed

2021 Regular Session

Bacala

Abstract: Requires visits from the Dept. of Children and Family Services (DCFS) or its designee in agency adoptions and private adoptions; requires non-identifying statistical information be reported to DCFS; requires DCFS to report statistics on adoptions in-state and out-of-state; and shortens the length of time for the final decree at first hearing for private adoptions.

Proposed law requires multiple visits by a social worker, counselor, psychologist, psychiatrist, or therapist, who is required to document each visit, prior to the final agency adoption decree. The observations made during the visits shall be used in making recommendations for finalizations of agency adoptions.

Proposed law requires the families and children be provided assistance, consultation, and twenty-four hour crisis intervention through finalization.

Proposed law requires courts to report adoptions and statistical, non-identifying information to DCFS.

Proposed law requires DCFS to release a yearly report of adoption statistics within the state and adoptions that place the child out-of-state.

Present law provides that courts may render a final decree at first hearings for private adoptions if the child has lived in the petitioner's home for one year.

Proposed law shortens the length of time a child has lived in the petitioner's home to six months.

Proposed law requires multiple visits by a social worker, counselor, psychologist, psychiatrist, or therapist, who is required to document each visit, prior to the final private adoption decree. The observations made during the visits shall be used in making recommendations for finalizations of private adoptions.

(Amends Ch.C. Arts. 1213(A) and (B), 1233, and 1235; Adds Ch.C. Arts. 1213(D), 1217.1, and 1239.1)

Summary of Amendments Adopted by House

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

1. Remove references to "supervisory visits".
2. Specify that private visits with each child shall be without the presence of the adoptive parents.
3. Change the yearly adoptive statistical requirement to include all children, not just children born in La.
4. Make technical changes.