

2022 Regular Session

HOUSE BILL NO. 727

BY REPRESENTATIVE BACALA AND SENATOR FOIL

ADOPTION: Provides for uniform prerequisites for adoption finalization

1 AN ACT

2 To amend and reenact Children's Code Articles 1207, 1213(A) and (C), 1229, and 1235(A)  
3 and (B), and to repeal Children's Code Articles 1213(D) and 1235(C), relative to  
4 adoptions; to provide relative to agency and private adoptions; to provide relative to  
5 adoption finalization; to provide for prerequisites; to provide for reporting and in-  
6 home visitation; to provide for resources to families; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Articles 1207, 1213(A) and (C), 1229, and 1235(A) and  
10 (B) are hereby amended and reenacted to read as follows:

11 Art. 1207. Duties of the agency; duties of the department; home study; confidential  
12 report

13 A. Prior to the final decree of the adoption, the licensed private adoption  
14 placing agency, or the department, if the child is in custody of the department, shall  
15 ensure that all of the prerequisites for adoption that are listed in this Paragraph are  
16 completed. The licensed private adoption agency or the department shall complete  
17 the list of prerequisites by utilizing a social worker in the employ of a licensed  
18 adoption agency, licensed social worker, licensed professional counselor, licensed  
19 psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and

1 family therapist; or, if the child is in the custody of the department, by a department  
2 employee or designee. All of the following prerequisites shall be completed:

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

7 (2) Conduct an in-home visit with one adoptive parent at least once every  
8 month after the visits provided in Subparagraph (1) of this Paragraph are completed.  
9 The child shall be observed in the home during the monthly visit.

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

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

15 (5) Prepare a report that documents information obtained from the visits  
16 conducted pursuant to Subparagraphs (1) through (4) of this Paragraph which shall  
17 contain all of the following:

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

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

20 (c) The location of the visit.

21 (d) The duration of the visit.

22 (e) An assessment of adjustment of both the child and the adoptive parent.

23 (f) An assessment of the attachment and bonding between the child and the  
24 adoptive parent.

25 (g) An assessment of the child's health.

26 (h) A description of changes since last contact.

27 (i) A summary of the visit.

28 (j) The signature of a person conducting the visit or phone contact.

1           (6) Conduct at least three of the visits prior to adoption finalization including  
2           the visit prior to the final decree which shall include both adoptive parents and all  
3           other members of the household.

4           (7) Report observations made during the visits which shall be used in making  
5           recommendations for the finalization of the adoption. If problems are identified, the  
6           family shall be assisted directly and referred to a resource to address the concerns.

7           (8) The child and adoptive parent shall be provided assistance, consultation,  
8           and emotional support with situations and problems encountered in permanent  
9           placement through finalization.

10          (9) The adoptive family shall be provided with access to twenty-four hour  
11          crisis intervention services through finalization.

12          (10) A confidential report concerning requirements set forth in  
13          Subparagraphs (1) through (9) of this Paragraph shall be presented to the department  
14          upon completion and to the court prior to the hearing on the final decree of agency  
15          adoption.

16          B. The department shall investigate the proposed agency adoption and  
17          submit a confidential report of its findings to the court. The findings shall include:

18                 (1) The conditions with respect to the availability of the child for adoption.

19                 (2) The physical and mental condition of the child.

20                 (3) Other factors regarding the suitability of the child for adoption in  
21          petitioner's home.

22                 (4) The moral and financial fitness of the petitioner.

23                 (5) The conditions of the proposed adoptive home with respect to health,  
24          adjustment, and other advantages or disadvantages to the child.

25          BC. The department may delegate the performance of this investigation to  
26          a licensed private adoption agency, but the department remains responsible for  
27          ensuring the accuracy and thoroughness of the resulting report and for the safety and  
28          welfare of the child. The department shall adopt, promulgate, and enforce such rules

1 and regulations as are necessary and appropriate to implement this authorization in  
2 accordance with the Administrative Procedure Act.

3 €D. The department shall make every effort to locate any living parent  
4 whose consent is required under Article 1193 to determine the parent's attitude  
5 toward the proposed adoption. If a curator ad hoc has been appointed by the court  
6 pursuant to Article 1205, the department shall supply him with all information  
7 pertinent to the location of an absentee parent within fifteen days of its receipt of a  
8 copy of the order appointing the curator ad hoc.

9 \* \* \*

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

11 A. After an interlocutory decree has been entered, the department shall  
12 maintain contact with the proposed adoptive home directly or through another  
13 agency in accordance with ~~Paragraph D of this Article~~ Article 1207.

14 \* \* \*

15 C. ~~A~~ If an interlocutory decree has been entered, a second confidential report  
16 ~~must~~ shall be presented to the court preceding the hearing on the final decree of  
17 agency adoption. The findings of this report shall be based upon the same  
18 considerations as prescribed in Article 1207 and shall disclose any changed  
19 conditions and all new pertinent information.

20 \* \* \*

21 Art. 1229. Duties of attorney arranging the adoption; duties of department; home  
22 study; confidential report

23 A. Prior to the final decree of the adoption, the attorney arranging the private  
24 adoption shall ensure that all of the prerequisites for adoption that are listed in this  
25 Paragraph are completed. The attorney arranging the private adoption shall complete  
26 the list of prerequisites by utilizing a social worker in the employ of a licensed  
27 adoption agency, licensed social worker, licensed professional counselor, licensed  
28 psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and

1 family therapist; or, if the child is in the custody of the department, by a department  
2 employee or designee. All of the following prerequisites shall be completed:

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

7 (2) Conduct an in-home visit with one adoptive parent at least once every  
8 month after the visits provided in Subparagraph (1) of this Paragraph are completed.  
9 The child shall be observed in the home during the monthly visit.

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

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

15 (5) Prepare a report that documents information obtained from the visits  
16 conducted pursuant to Subparagraphs (1) through (4) of this Paragraph which shall  
17 contain all of the following:

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

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

20 (c) The location of the visit.

21 (d) The duration of the visit.

22 (e) An assessment of adjustment of both the child and the adoptive parent.

23 (f) An assessment of the attachment and bonding between the child and the  
24 adoptive parent.

25 (g) An assessment of the child's health.

26 (h) A description of changes since last contact.

27 (i) A summary of the visit.

28 (j) The signature of a person conducting the visit or phone contact.

1           (6) Conduct at least three of the visits prior to adoption finalization including  
2           the visit prior to the final decree which shall include both adoptive parents and all  
3           other members of the household.

4           (7) Report observations made during the visits which shall be used in making  
5           recommendations for the finalization of the adoption. If problems are identified, the  
6           family shall be assisted directly and referred to a resource to address the concerns.

7           (8) The child and adoptive parent shall be provided assistance, consultation,  
8           and emotional support with situations and problems encountered in permanent  
9           placement through finalization.

10          (9) The adoptive family shall be provided with access to twenty-four hour  
11          crisis intervention services through finalization.

12          (10) A confidential report concerning requirements set forth in  
13          Subparagraphs (1) through (9) of this Paragraph shall be presented to the department  
14          upon completion and to the court prior to the hearing on the final decree of agency  
15          adoption.

16          B. The department shall investigate the proposed private adoption and  
17          submit a confidential report of its findings to the court. The findings shall include:

18                 (1) The conditions with respect to the availability of the child for adoption.

19                 (2) The physical and mental condition of the child.

20                 (3) Other factors regarding the suitability of the child for adoption in  
21          petitioner's home.

22                 (4) The moral and financial fitness of the petitioner.

23                 (5) The conditions of the proposed adoptive home with respect to health,  
24          adjustment, and other advantages or disadvantages to the child.

25          BC. The department may delegate the performance of this investigation to  
26          a licensed private adoption agency, but the department remains responsible for  
27          ensuring the accuracy and thoroughness of the resulting report and for the safety and  
28          welfare of the child. The department shall adopt, promulgate, and enforce such rules

1 and regulations as are necessary and appropriate to implement this authorization in  
2 accordance with the Administrative Procedure Act.

3 €D. The department shall make every effort to locate any living parent  
4 whose consent is required under Article 1193 to determine the parent's attitude  
5 toward the proposed adoption. If a curator ad hoc has been appointed by the court  
6 pursuant to Article 1227, the department shall supply him with all information  
7 pertinent to the location of an absentee parent within fifteen days of its receipt of a  
8 copy of the order appointing the curator ad hoc.

9 \* \* \*

10 Art. 1235. Continuing duties; home study report

11 A. After an interlocutory decree has been entered, if ordered by the court, the  
12 attorney arranging the private adoption shall ensure that a licensed professional  
13 tasked with ensuring the safety and health of the child in the adoptive placement  
14 shall maintain contact with the proposed adoptive home directly or through another  
15 agency in accordance with ~~Paragraph C of this Article~~ Article 1229.

16 B. ~~A~~ If an interlocutory decree has been entered, a second confidential report  
17 shall be presented to the court preceding the hearing on the final decree of private  
18 adoption. The findings of this report shall be based upon the same considerations as  
19 prescribed in Article 1229 and shall disclose any changed conditions and all new  
20 pertinent information.

21 \* \* \*

22 Section 2. Children's Code Articles 1213(D) and 1235(C) are hereby repealed in  
23 their entirety.

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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)]

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HB 727 Original

2022 Regular Session

Bacala

**Abstract:** Provides for the reporting duties of the arranging agency or attorney for adoptions prior to adoption finalization.

Present law (Ch.C. Art. 1207) provides for the duties of the department, home study, and the confidential report of the department's investigation of the proposed agency adoption.

Proposed law retains present law but provides for duties of the adoption agency. Prior to the final decree of the adoption, the private adoption placing agency shall ensure certain prerequisites are completed by certain professionals.

Proposed law provides that the licensed private adoption agency or department, if the child is in custody of the department, shall utilize a social worker in the employ of a licensed adoption agency, licensed social worker, licensed professional counselor, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and family therapist, or, if the child is in custody of the department, by a department employee or designee.

Proposed law provides that the prerequisites include certain in-home visits and preparing a report of information obtained from the visits. Proposed law provides that the family shall be provided access to resources.

Present law (Ch.C. Art. 1213) provides that prior to the final decree of the adoption, the licensed adoption agency or department, if the child is in the custody of the department, shall ensure all prerequisites are completed including in-home visits and a report. If an interlocutory decree has been entered, a second confidential report must be presented to the court.

Proposed law moves the prerequisites for the final decree of adoption from present law (Ch.C. Art. 1213) to proposed law (Ch.C. Art. 1207) and repeals them from present law (Ch.C. Art. 1213). Proposed law clarifies present law to provide that if an interlocutory decree has been entered, a second confidential report shall be presented to the court.

Present law (Ch.C. Art. 1229) provides for the duties of the department, home study, and the confidential report of the department's investigation of the proposed agency adoption.

Proposed law retains present law but provides for duties of the attorney arranging the private adoption. Prior to the final decree of the adoption, the attorney arranging the adoption shall ensure certain prerequisites are completed by certain professionals.

Proposed law provides that the attorney arranging the adoption shall utilize a social worker in the employ of a licensed adoption agency, licensed social worker, licensed professional counselor, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and family therapist, or, if the child is in custody of the department, by a department employee or designee.

Proposed law provides that the prerequisites include certain in-home visits and preparing a report of information obtained from the visits. Proposed law provides that the family shall be provided access to resources.

Present law (Ch.C. Art. 1235) provides that prior to the final decree of the adoption, the attorney arranging the private adoption shall ensure all prerequisites are completed including in-home visits and a report. If an interlocutory decree has been entered, a second confidential report shall be presented to the court.

Proposed law moves the prerequisites for the final decree of adoption from present law (Ch.C. Art. 1235) to proposed law (Ch.C. Art. 1229) and repeals them from present law (Ch.C. Art. 1235). Proposed law clarifies present law to provide that if an interlocutory decree has been entered, a second confidential report shall be presented to the court.

(Amends Ch.C. Arts. 1207, 1213(A) and (C), 1229, and 1235(A); Repeals Ch.C. Arts. 1213(D) and 1235(C))