

2022 Regular Session

HOUSE BILL NO. 727

BY REPRESENTATIVE BACALA AND SENATOR FOIL

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 agency, or the department, if the child is in custody of the department, shall ensure  
15 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 private adoption agency, licensed social worker, licensed professional counselor,  
19 licensed psychologist, medical psychologist, licensed psychiatrist, or licensed  
20 marriage and family therapist; or, if the child is in the custody of the department, by

1            a department employee or designee. All of the following prerequisites shall be  
2            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                         ~~B.~~ C. 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  
 29                         and regulations as are necessary and appropriate to implement this authorization in  
 30                         accordance with the Administrative Procedure Act.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.



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

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

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

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

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

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

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22          adoptive parent.

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29          other members of the household.

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 2                   recommendations for the finalization of the adoption. If problems are identified, the  
 3                   family shall be assisted directly and referred to a resource to address the concerns.

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 10                  Subparagraphs (1) through (9) of this Paragraph shall be presented to the department  
 11                  upon completion and to the court prior to the hearing on the final decree of agency  
 12                  adoption.

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

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

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

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 18                  petitioner's home.

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 23                  a licensed private adoption agency, but the department remains responsible for  
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 25                  welfare of the child. The department shall adopt, promulgate, and enforce such rules  
 26                  and regulations as are necessary and appropriate to implement this authorization in  
 27                  accordance with the Administrative Procedure Act.

28                  ~~C.~~ D. The department shall make every effort to locate any living parent  
 29                  whose consent is required under Article 1193 to determine the parent's attitude  
 30                  toward the proposed adoption. If a curator ad hoc has been appointed by the court

