

2024 Regular Session

SENATE BILL NO. 312

BY SENATOR EDMONDS

CHILDREN. Provides for the Adoption Awareness Act. (8/1/24)

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AN ACT

To enact Chapter 14-E of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:1445.1 through 1445.13, relative to assistance programs of the Department of Children and Family Services; to establish within the department an assistance program for certain pregnant women and parents; to provide for services to be delivered through the program; to require reporting to certain legislative committees concerning the program; to require administrative rulemaking; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 14-E of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:1445.1 through 1445.13, is hereby enacted to read as follows:

**CHAPTER 14-E. ADOPTION AWARENESS ACT**

**§1445.1. Short title**

**This Act may be cited as the Adoption Awareness Act.**

**§1445.2. Purposes**

**The purposes of the Adoption Awareness Act are all of the following:**

**(1) To encourage the formation and maintenance of two-parent families.**

1                   **(2) To provide awareness of contemporary adoption practices.**

2                   **(3) To ensure availability of accurate information on adoption.**

3                   **§1445.3. Definitions**

4                   **As used in this Chapter, unless otherwise indicated, the terms have the**  
5                   **meaning ascribed to them in this Section as follows:**

6                   **(1) "Agency adoption" means the agencies that are licensed by the**  
7                   **Department of Children and Family Services pursuant to Children's Code**  
8                   **Article 1198 et seq.**

9                   **(2) "Birth parent" means a person who has placed his or her child for**  
10                   **adoption.**

11                   **(3) "Department" means the Department of Children and Family**  
12                   **Services.**

13                   **(4) "Expectant parent" means a woman who is pregnant or the biological**  
14                   **father of the unborn child of a pregnant woman.**

15                   **(5) "Home study" means the a preplacement analysis of a prospective**  
16                   **adoptive parent as is provided in Children's Code Article 1173.**

17                   **§1445.4. Adoption Awareness Program created**

18                   **The Adoption Awareness Program is hereby created in the Department**  
19                   **of Children and Family Services and the department shall contract with an**  
20                   **eligible vendor or organization to provide the supportive services as described**  
21                   **in R.S. 46:1445.5.**

22                   **§1445.5. Required services**

23                   **A. A vendor chosen by the department shall provide resources or**  
24                   **services as follows:**

25                   **(1) Marketing designed to provide awareness of adoption and specific**  
26                   **adoption resources available in the state, including the creation of a website**  
27                   **providing information on adoption and the name and contact information for**  
28                   **one or more licensed adoption agencies to assist with an agency adoption.**

29                   **(2) A telephone or video hotline that provides information and**

1 educational information for resources to encourage adoption. The educational  
2 information shall include all of the following:

3 (a) The adoption process.

4 (b) Practical aspects of adoption pertinent to an expectant parent.

5 (c) Resources and support that is available for expectant parents, birth  
6 parents, or adopted children.

7 (d) A biological parent's rights and legal protections.

8 (e) Available adoption agencies in the state.

9 (3) Adoption educational and training resources for doctors, nurses,  
10 hospitals, medical clinics, birthing centers, and pregnancy resource centers that  
11 provides helpful information as follows:

12 (a) A list of other professionals and organizations that serve pregnant  
13 women and provide support for women considering placing their children for  
14 adoption.

15 (b) The location of adoption agencies who can assist in the placement of  
16 children for adoption.

17 (c) How to discuss the adoption process and the resources and support  
18 available for women placing their child for adoption.

19 B. The vendor selected by the department may contract with another  
20 entity to provide the services required in this Section.

21 §1445.6. Vendor and subcontractor eligibility; staffing

22 A nonprofit corporation or other entity is eligible to contract with the  
23 department as a vendor to provide services pursuant to this Chapter and the  
24 vendor selected by the department is eligible to contract with a subcontractor  
25 if the nonprofit or other entity and any subcontractor meets all of the following  
26 requirements:

27 (1) Is in good standing with the Secretary of State and registered to do  
28 business in the state.

29 (2) Capable of providing, directly or through contract, the services in this

1 section.

2 (3) Not an abortion provider or an entity that promotes, refers for, or  
3 assists women in obtaining an abortion.

4 §1445.7. Eligibility for services

5 To be eligible to begin participation in the Adoption Awareness  
6 Program, a birth parent or expectant parent must be a person who meets at  
7 least one of the following requirements:

8 (1) A resident of this state who is the biological parent of an unborn  
9 child.

10 (2) A parent of a child under two years of age.

11 (3) A parent of a child in the custody of the department.

12 (4) A parent of a minor who is the biological parent of an unborn child.

13 §1445.8. Program reporting

14 A. The vendor chosen by the department pursuant to R.S. 46:1445.4 shall  
15 record and report monthly to the department related to the adoption program  
16 services provided pursuant to this Chapter and the report shall include all of the  
17 following information:

18 (1) The number of participants who obtained a service pursuant to R.S.  
19 46:1445.5.

20 (2) The number and type of services provided.

21 (3) The number and type of referrals made.

22 B. The department shall annually report to the House and Senate  
23 Committees on Health and Welfare all of the information reported pursuant to  
24 this Section after redacting any private medical information and any other  
25 privileged information associated with the birth mothers, expectant parents,  
26 unborn children, and other children served by this program.

27 §1445.9. Funding and eligible expenses

28 A. The department shall apply funds received from the TANF Block  
29 Grant to fund the adoption awareness program services and the requirements

1 of this Chapter to the extent feasible.

2 (a) The vendor of the Adoption Awareness Program may use  
3 appropriated funds in one or more of the following ways:

4 (1) Expenses necessary to provide services identified in R.S. 46:1445.5.

5 (2) Funding a marketing campaign within the state to promote adoption.

6 (3) Administrative overhead and other indirect costs associated with the  
7 program.

8 (4) Administrative expenses related to administrative overhead and other  
9 indirect costs that are approved by the department, so long as the aggregate  
10 amount of administrative expenses does not exceed fifteen percent.

11 (d) The Department shall fund anticipated program expenses in advance  
12 on a quarterly basis, with advanced funding to be reconciled with actual  
13 expenses following each quarter and offset against future payments.

14 §1445.10. Vendor protections

15 A. The department shall not require, as any condition of participation  
16 in the Adoption Awareness Program, the vendor or its employees to violate the  
17 freedom of religion, freedom of speech, or freedom of association that is  
18 guaranteed by the First Amendment to the Constitution of the United States  
19 and made applicable to the state by the Constitution of Louisiana.

20 B. The department shall not require, as any condition of participation in  
21 the Adoption Awareness Program, the vendor or its employees to participate in  
22 or facilitate any action to which the vendor or its employee has a conscience  
23 objection.

24 C. Notwithstanding its participation in the Adoption Awareness  
25 Program, the vendor may offer other religious or sectarian services or  
26 programs utilizing funds from other sources.

27 §1445.11. Legal representation in adoption proceedings

28 Nothing herein shall be interpreted to violate the rights and protections  
29 afforded to a birth parent or an expectant parent that are enacted in the

1 Children's Code, the Civil Code, or in any other provision of law.

2 §1445.12. Cost reimbursement

3 A. The department shall establish a process for approving any of the  
4 following expenses:

5 (1) Reimbursement for those prospective adoptive parents who are  
6 seeking to adopt a child, to qualify as a foster parent, or to qualify as a respite  
7 care provider for an adopted a child.

8 (2) An appropriate home study required to carry out the adoption or  
9 qualify as a foster parent or respite care provider; and

10 (3) Out-of-pocket expenses for counseling required by law for the a birth  
11 parent or expectant parent as required by law in order for an adoption to be  
12 approved by the court.

13 B. The department shall issue any rules necessary for carrying out the  
14 requirements of this Section.

15 §1445.13. Required disclosures.

16 A. The vendor shall prepare an overview of the Adoption Awareness  
17 Program on a brochure or other written media that describes for the vendor the  
18 website created pursuant to R.S. 46:1445.5 and any other pertinent contact  
19 information related to the program or that is required by the department.

20 B. The department shall provide a copy or copies of the document  
21 prepared pursuant to R.S. 46:1445.14 and shall make the documents available  
22 to any one of the following:

23 (1) Any public health office.

24 (2) Any high school or middle school.

25 (3) Any charitable clinic at which a diagnosis of pregnancy may be made.

26 (4) To any person obtaining testing through a public health office for a  
27 sexually transmitted infection.

28 (5) Any pregnant woman applying to receive Medicaid.

29 C. The Department of Children and Family Services shall provide a copy

1 of the document prepared pursuant to R.S. 46:1445.14(a) to the parent of any  
2 child taken into the custody of that department.

3 Section 2. If any provision or item of this Act, or the application thereof, is held  
4 invalid, such invalidity shall not affect other provisions, items, or applications of the Act  
5 which can be given effect without the invalid provision, item, or application and to this end  
6 the provisions of this Act are hereby declared severable.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Carla S. Roberts.

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	DIGEST	
SB 312 Original	2024 Regular Session	Edmonds

Proposed law creates within the Dept. of Children and Family Services (DCFS) an adoption awareness program and provides that the purpose of the program is to encourage two-parent families; provide awareness of current adoption options; and ensure access to correct information on adoption.

Proposed law defines "agency adoption", "birth parent", "expectant parent", "department", and "home study".

Proposed law directs the Dept. of Children and Family Services to contract with an eligible vendor who will be responsible for providing supportive services.

Proposed law requires the contract vendor to provide the following services:

- (1) Marketing of adoption information and resources.
- (2) Provide for a telephone hotline providing information about the adoption process; how the adoption process works for expectant parents, resources and support for expectant parents, birth parents, and adopted children, a biological parents' rights and legal protections; and adoption agencies in Louisiana.
- (3) Education and training about adoption for providers serving pregnant women.

Proposed law allows the vendor to contract with another entity to provide services.

Proposed law provides the eligibility requirements for participation in the Adoption Awareness Program. A participant must be:

- (1) A Louisiana resident who is the biological parent of an unborn child;
- (2) A parent of a child under two years of age;
- (3) A parent of a child in the custody of the Dept. of Children and Family services; or
- (4) A parent of a minor who is the biological parent of an unborn child.

Proposed law requires the contracted vendor to submit a monthly report on the status and operation of the Adoption Awareness Program and provides requirements for the content of such reports.

Proposed law requires that the Dept. of Children and Family Services finance the Adoption Awareness Program with TANF funds to the extent feasible.

Proposed law allows the contracted vendor to use the appropriated funds to provide required services, market the program with the state, and cover administrative and other associated costs so long as the administrative costs does not exceed 15%.

Proposed law provides protection for the contracted vendor and its employees such that giving up religious freedom, freedom of speech and freedom of assembly protected by the First Amendment of the U.S. Constitutions and the La. Constitution.

Proposed law requires that nothing in proposed law is intended to alter the requirements for adoption in present law.

Proposed law directs the Dept. of Children and Family Services to establish the Adoption Support Program.

Proposed law provides that the Adoption Support Program may reimburse La. residents who have adopted a child or those seeking to adopt a child, who qualify as a foster parent, or qualify as a respite care provider for certain qualification and out-of-pocket expenses.

Proposed law directs the Dept. of Children and Family Services to issue rules necessary for carrying out disclosure requirements.

Proposed law directs the contracted vendor to prepare a brochure or other media describing the program and pertinent contact information, including the website.

Proposed law requires the Dept. of Children and Family Services to distribute the information brochure to public health offices, including those in high schools and middle schools, charitable pregnancy clinics, any person tested for sexually transmitted diseases through a public health office, and any pregnant woman applying for Medicaid.

Proposed law requires the Dept. of Children and Family Services to provide the informational brochure to the parent of any child taken into DCFS custody.

Proposed law provides for severability of any provision held to be invalid.

Effective August 1, 2024.

(Adds R.S. 46:1445.1-1445.13)