

2024 Regular Session

SENATE BILL NO. 496

BY SENATOR EDMONDS

CHILDREN. Provides for licensure requirements in adoption services. (8/1/24)

1 AN ACT

2 To amend and reenact R.S. 46:1425 and to enact R.S. 46:1425(E), relative to children; to  
3 provide relative to adoption services; to provide for licensure requirements; to  
4 provide for agencies and facilities subject to regulation; to provide for restrictions;  
5 to provide relative to adoption facilitators; to provide for mandatory reporters; and  
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 46:1425 is hereby amended and reenacted and R.S. 46:1425(E) is  
9 hereby enacted to read as follows:

10 §1425. Adoption services; requirements for advertising; injunctive relief;  
11 exceptions; penalties; **license required**

12 **A. It shall be unlawful for an adoption facilitator or an entity not**  
13 **licensed in Louisiana to assist in the adoption of children. An individual or**  
14 **entity licensed in Louisiana to participate in the adoption process or assist in the**  
15 **adoption of children shall be considered a mandatory reporter for purposes of**  
16 **this Subsection.**

17 ~~**A**~~. It shall be unlawful for any person other than a licensed child-placing

1 agency or a Louisiana-based crisis pregnancy center to advertise through print or  
2 electronic media that it will adopt children or assist in the adoption of children.

3 BC. If any person advertises in violation of this Section, the attorney general,  
4 the Department of Children and Family Services, the appropriate district attorney,  
5 or any licensed child-placing agency or a Louisiana-based crisis pregnancy center  
6 may file suit in district court according to the general rules of venue to obtain  
7 injunctive relief to restrain the person from continuing the violation.

8 ED. Nothing in this Section shall apply to any individual licensed to practice  
9 law in this state while such individual is engaged in the practice of law or to any  
10 individual licensed to provide mental health counseling as provided in Children's  
11 Code Article 1120 and preplacement and home studies as provided in Children's  
12 Code Article 1173.

13 DE. Anyone who violates the provisions of this Section shall be liable for all  
14 costs of any proceeding brought to enjoin such violation, including reasonable  
15 attorney fees, which shall be set by the court.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Hanna Gettys.

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DIGEST

SB 496 Original

2024 Regular Session

Edmonds

Present law (R.S. 46:1425) provides that it shall be unlawful for any person other than a licensed child-placing agency or a La. based crisis pregnancy center to advertise through print or electronic media that it will adopt children or assist in the adoption of children.

Present law provides that if any person advertises in violation of present law, the attorney general, DCFS, the appropriate district attorney, or any licensed child-placing agency or a La. based crisis pregnancy center may file suit in district court according to the general rules of venue to obtain injunctive relief to restrain the person from continuing the violation.

Present law provides that nothing in present law shall apply to any individual licensed to practice law in this state while such individual is engaged in the practice of law or to any individual licensed to provide mental health counseling as provided in present law and preplacement and home studies as provided in present law.

Present law provides that anyone who violates the provisions of present law shall be liable for all costs of any proceeding brought to enjoin such violation, including reasonable attorney fees, which shall be set by the court.

Proposed law retains present law and provides that it shall be unlawful for an adoption facilitator or an entity not licensed in La. to assist in the adoption of children.

Proposed law provides that an individual or entity licensed in La. to participate in the adoption process or assist in the adoption of children shall be considered a mandatory reporter for purposes of proposed law.

Effective August 1, 2024.

(Amends R.S. 46:1425; adds R.S. 46:1425(E))