

2024 Regular Session

SENATE BILL NO. 496

BY SENATOR EDMONDS

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

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AN ACT

To amend and reenact R.S. 46:1425 and to enact R.S. 46:1425.1 and R.S. 51:1402(10)(c), relative to children; to provide relative to adoption facilitators; to provide for terms and conditions; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1425 is hereby amended and reenacted and R.S. 46:1425.1 is hereby enacted to read as follows:

§1425. Adoption services; requirements for advertising; injunctive relief; exceptions; penalties

**A. It shall be prohibited for an adoption facilitator, as is defined in R.S. 46:1425.1, to advertise for adoption services.**

~~AB.~~ It shall be unlawful for any person other than a licensed child-placing agency or a Louisiana-based crisis pregnancy center to advertise through print or electronic media that it will adopt children or assist in the adoption of children.

~~BC.~~ If any person advertises in violation of this Section, the attorney general, the Department of Children and Family Services, the appropriate district attorney, or any licensed child-placing agency or a Louisiana-based crisis pregnancy center

1 may file suit in district court according to the general rules of venue to obtain  
2 injunctive relief to restrain the person from continuing the violation.

3 ~~D~~. Nothing in this Section shall apply to any individual licensed to practice  
4 law in this state while such individual is engaged in the practice of law or to any  
5 individual licensed to provide mental health counseling as provided in Children's  
6 Code Article 1120 and preplacement and home studies as provided in Children's  
7 Code Article 1173.

8 ~~E~~. Anyone who violates the provisions of this Section shall be liable for all  
9 costs of any proceeding brought to enjoin such violation, including reasonable  
10 attorney fees, which shall be set by the court.

11 **§1425.1. Adoption facilitators; prohibited conduct**

12 **A. An adoption facilitator shall not engage in any of the following**  
13 **activities:**

14 **(1) Advertising for the purpose of soliciting parties to an adoption,**  
15 **locating children for an adoption, or acting as an intermediary between the**  
16 **parties to an adoption.**

17 **(2) Charging a fee or other valuable consideration for service rendered**  
18 **relating to an adoption, whether directly or indirectly, for locating children for**  
19 **adoption, or acting as an intermediary between the parties to an adoption.**

20 **B. As used in this Section, "adoption facilitator" means an individual or**  
21 **jurisdictional person that acts as intermediary or facilitator between adoptive**  
22 **parents and birth mothers. An "adoption facilitator" shall not include any of**  
23 **the following:**

24 **(1) A licensed adoption agency.**

25 **(2) An attorney licensed to practice law in Louisiana.**

26 **(3) Any individual licensed to provide mental health counseling as**  
27 **provided in Children's Code Article 1120, and preplacement and home studies**  
28 **as provided in Children's Code Article 1173.**

29 **(4) An individual who does not receive a fee or other valuable**

1           consideration for services rendered relating to an adoption, whether directly or  
 2           indirectly, for locating children for adoption, or acting as an intermediary  
 3           between the parties to an adoption.

4           C. A violation of this Section shall be an unfair trade practice as  
 5           provided in R.S. 51:1401, et seq.

6           Section 2. R.S. 51:1402(10)(c) is hereby enacted to read as follows:

7           §1402. Definitions

8           As used in this Chapter, the following words and phrases shall have the meanings  
 9           hereinafter ascribed to them:

10		*	*	*
11	(10)(a)	*	*	*
12		*	*	*

13           (c) "Trade" or "commerce" shall include the advertising or collecting  
 14           fees as an adoption facilitator in violation of R.S. 46:1425.1.

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

DIGEST

SB 496 Engrossed

2024 Regular Session

Edmonds

Present law (R.S. 46:1425) provides that it shall be prohibited for an adoption facilitator, as is defined in R.S. 46:1425.1, to advertise for adoption services.

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.

Proposed law (R.S. 46:1425.1) provides that an adoption facilitator shall not engage in any of the following activities:

- (1) Advertising for the purpose of soliciting parties to an adoption, locating children for an adoption, or acting as an intermediary between the parties to an adoption.
- (2) Charging a fee or other valuable consideration for service rendered relating to an adoption, whether directly or indirectly, for locating children for adoption, or acting as an intermediary between the parties to an adoption.

Proposed law provides that as used in proposed law, "adoption facilitator" means an individual or jurisdictional person that acts as intermediary or facilitator between adoptive parents and birth mothers.

Proposed law provides that an "adoption facilitator" shall not include any of the following:

- (1) A licensed adoption agency.
- (2) An attorney licensed to practice law in Louisiana.
- (3) Any individual licensed to provide mental health counseling and preplacement and home studies as provided in present law.
- (4) An individual who does not receive a fee or other valuable consideration for services rendered relating to an adoption, whether directly or indirectly, for locating children for adoption, or acting as an intermediary between the parties to an adoption.

Proposed law provides that a violation of proposed law shall be an unfair trade practice as provided in present law.

Proposed law (R.S. 51:1402(10)(c)) provides that "trade" or "commerce" shall include the advertising or collecting fees as an adoption facilitator in violation of proposed law.

Effective August 1, 2024.

(Amends R.S. 46:1425; adds R.S. 46:1425(E), R.S. 46:1425.1, and R.S. 51:1402(10)(c))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Makes technical amendments.
2. Provides prohibitions relative to adoption facilitators.