

Regular Session, 2014

HOUSE BILL NO. 445

BY REPRESENTATIVE NANCY LANDRY

(On Recommendation of the Louisiana State Law Institute)

CHILDRENS CODE: Provides for the petition for intrafamily adoptions

1 AN ACT

2 To amend and reenact Children's Code Article 1243(A)(1) and to repeal Children's Code
3 Article 1243(C), relative to adoptions; to provide for who may petition for an
4 intrafamily adoption; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Children's Code Article 1243(A)(1) is hereby amended and reenacted to
7 read as follows:

8 Art. 1243. Persons who may petition for intrafamily adoption

9 A. A stepparent, stepgrandparent, great-grandparent, grandparent, or
10 collaterals within the twelfth degree may petition to adopt a child if all of the
11 following elements are met:

12 (1) The petitioner is related to the child by blood, adoption, or affinity
13 through a ~~parent recognized as having parental rights~~ the mother of the child or
14 through a father who is filiated to the child in accordance with the Civil Code.

15 * * *

16 Comment - 2014

17 The Civil Code provides that a man may be filiated to a child when the child
18 is born during his marriage to the mother or within three hundred days from the date
19 of termination of the marriage (C.C. Art. 185), when he marries the mother of the
20 child and acknowledges the child by authentic act or by signing the birth certificate
21 (C.C. Art. 195), when he acknowledges the child by authentic act or by signing the
22 birth certificate (C.C. Art. 196), by judgment of paternity (C.C. Art. 198), or by
23 adoption (C.C. Art. 199). Proof of a father's filiation in accordance with the Civil
24 Code, as provided in the 2014 revision to this Article, permits the filiated father's
25 relative to petition for intrafamily adoption but does not necessitate the father's
26 consent to adoption unless his consent is specifically required under Ch.C. Art. 1193.

27 Section 2. Children's Code Article 1243(C) is hereby repealed in its entirety.

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)]

Nancy Landry

HB No. 445

Abstract: Provides for who may petition for an intrafamily adoption.

Present law (Ch.C. Art. 1243) specifies who may petition for an intrafamily adoption to include several categories of family relationships and the requirements thereunder, provides that if one joint petitioner dies the adoption proceedings may continue in the name of the survivor, and defines a parent recognized as having parental rights.

Proposed law retains much of present law but changes the requirement that the petitioner be related through a child's parent having parental rights to the requirement that the petitioner be related to the child's mother or father who is filiated to the child.

Proposed law repeals the definition of a "parent recognized as having parental rights".

(Amends Ch.C. Arts. 1243(A)(1); Repeals Ch.C. Art. 1243(C))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Deleted all provisions relative to conducting a background check as part of the adoption process.