

ACT No. 169

Regular Session, 2014

HOUSE BILL NO. 445

BY REPRESENTATIVE NANCY LANDRY

(On Recommendation of the Louisiana State Law Institute)

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

Art. 1243. Persons who may petition for intrafamily adoption

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

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

* * *

Comment - 2014

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

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 Children's Code Article 1243(C) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____