

2016 Regular Session

SENATE BILL NO. 368

BY SENATOR MORRISH

CHILDREN. Provides relative to intrafamily adoptions. (gov sig)

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AN ACT

To amend and reenact Children's Code Art. 1243(B), relative to intrafamily adoptions; to provide for the adoption of a child by a married blood relative grandparent as a sole petitioner in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

Art. 1243. Persons who may petition for intrafamily adoption

* * *

B.(1) When the spouse of the stepparent or one joint petitioner dies after the petition has been filed, the adoption proceedings may continue as though the survivor was a single original petitioner.

(2) When a petitioner is the grandparent of a child and the petitioner's spouse is the stepgrandparent of the child and that spouse files an authentic act requesting that the blood relative grandparent petitioner be allowed to file or complete the adoption proceedings as the sole petitioner, then any court of competent jurisdiction may grant the adoption in the same manner as if the

1 **grandparent was a single petitioner. Any petitioner and stepgrandparent filing**
 2 **a petition pursuant to this Paragraph shall be required to undergo the**
 3 **background check provided for in Article 1243.2.**

4 * * *

5 Section 2. This Act shall become effective upon signature by the governor or, if not
 6 signed by the governor, upon expiration of the time for bills to become law without signature
 7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 9 effective on the day following such approval.

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

DIGEST

SB 368 Engrossed

2016 Regular Session

Morrish

Present law permits a grandparent or stepgrandparent to adopt a child when certain other requirements are met, and the petitioner is a single person over the age of eighteen or a married person whose spouse is a joint petitioner.

Proposed law provides that, when a petitioner is the grandparent of a child and the petitioner's spouse is the stepgrandparent of the child and that spouse files an authentic act requesting that the blood relative grandparent petitioner be allowed to file or complete the adoption proceedings as the sole petitioner, then any court of competent jurisdiction may grant the adoption in the same manner as if the grandparent was a single petitioner.

Proposed law requires any petitioner and stepgrandparent filing a petition under Ch.C. Art. 1243(B) to undergo the background check provided for in Article 1243.2.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends Ch.C. Art. 1243(B))

Summary of Amendments Adopted by Senate

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

1. Makes technical changes.
2. Adds a provision requiring any petitioner and stepgrandparent filing a petition under Ch.C. Art. 1243(B) to undergo the background check provided for in Article 1243.2.
3. Changes effective date from August 1, 2016, to upon signature of the governor or lapse of time for gubernatorial action.