

2020 Regular Session

HOUSE BILL NO. 215

BY REPRESENTATIVE BACALA

ADOPTION: Provides for uniform post-placement functions associated with agency adoptions and private adoptions

1 AN ACT

2 To amend and reenact Children's Code Article 1233 and to enact Children's Code Articles

3 1213(D), 1217.1, 1235(D), and 1239.1, relative to adoptions; to provide for

4 supervisory visits by the Department of Children and Family Services prior to

5 finalization; to provide for reporting requirements to the Department of Children and

6 Family Services; to provide for the availability of certain statistics to the public; to

7 provide the duration of final decree at first hearings for private adoptions; and to

8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Children's Code Article 1233 is hereby amended and reenacted and

11 Children's Code Articles 1213(D), 1217.1, 1235(D), and 1239.1 are hereby enacted to read

12 as follows:

13 Art. 1213. Continuing duties of the department; home study report

14 * * *

15 D. The following qualifications shall be satisfied prior to final decree of the

16 adoption:

17 (1) The department shall conduct an initial in home face-to-face supervisory

18 visit with the child and one adoptive parent within seven calendar days of the child's

1 placement. The next home face-to-face supervisory visit shall occur the following
2 month.

3 (2) After the visits provided in Subparagraph (1) of this Paragraph, the
4 department shall conduct an in-home supervisory visit with one adoptive parent at
5 least once every other month. The department shall observe the child in the home
6 during the monthly visit.

7 (3) The department shall conduct a private supervisory visit with each child
8 age one year and above every other month with at least a segment of the visit
9 occurring in the adoptive home.

10 (4) The department shall conduct an in-home supervisory visit with both
11 adoptive parents and child within thirty days prior to the final decree.

12 (5) The department shall document the following information for visits
13 conducted in Subparagraphs (1) through (4) of this Paragraph:

14 (a) The date and time of the visit.

15 (b) The individuals present at the time of the visit.

16 (c) The location of the visit.

17 (d) The duration of the visit.

18 (e) An assessment of adjustment of both the child and the parent.

19 (f) An assessment of the attachment and bonding between the child and the
20 parent.

21 (g) An assessment of the child's health.

22 (h) A description of changes since last contact.

23 (i) A summary of the visit.

24 (j) The signature of a person conducting the supervisory visit or phone
25 contact.

26 (6) At least three of the supervisory visits prior to adoption finalization and
27 including the visit prior to the final decree shall include both adoptive parents and
28 all other members of the household.

1 (7) Observations made during the supervisory visits shall be used in making
2 recommendations for the finalization of the adoption. If problems are identified, the
3 department shall assist the family directly and refer the family to a resource to
4 address the concerns.

5 (8) The department shall be available to provide the child and adoptive
6 parent assistance, consultation, and emotional support with situations and problems
7 encountered in permanent placement through finalization.

8 (9) The department shall provide a twenty-four hour crisis intervention to the
9 adoptive family through finalization.

10 * * *

11 Art. 1217.1. Reporting requirement; statistical availability

12 A. Once a final decree is rendered, the court shall notify the Department of
13 Children and Family Services of the following information:

14 (1) The age of the child at the time of finalization.

15 (2) The gender of the child.

16 (3) The race of the child.

17 (4) The location of placement.

18 (5) Other non-identifying information the Department of Children and
19 Family Services requests in order to maintain statistical records of adoption
20 finalizations.

21 B. The Department of Children and Family Services shall release yearly
22 statistics on adoptions of children born in Louisiana and placement of those children,
23 regardless of the state where the adoption is finalized. These statistics shall be made
24 available to the public.

25 * * *

26 Art. 1233. Final decree at first hearing

27 Notwithstanding Article 1238, upon due consideration of the factors
28 enumerated in Article 1230(B), the court may render a final decree of private
29 adoption at the first hearing, without the necessity of first entering an interlocutory

1 decree, only if the rights of the child's parents have been terminated pursuant to Title
2 X or XI and the child has lived in the petitioner's home for ~~one year~~ six months.

3 * * *

4 Art. 1235. Continuing duties of the department; home study report

5 * * *

6 D. The following qualifications shall be satisfied prior to final decree of the
7 adoption:

8 (1) The department shall conduct an initial in home face-to-face supervisory
9 visit with the child and one adoptive parent within seven calendar days of the child's
10 placement. The next home face-to-face supervisory visit shall occur the following
11 month.

12 (2) After the visits provided in Subparagraph (1) of this Paragraph, the
13 department shall conduct an in-home supervisory visit with one adoptive parent at
14 least once every other month. The department shall observe the child in the home
15 during the monthly visit.

16 (3) The department shall conduct a private supervisory visit with each child
17 age one year and above every other month with at least a segment of the visit
18 occurring in the adoptive home.

19 (4) The department shall conduct an in-home supervisory visit with both
20 adoptive parents and child within thirty days prior to the final decree.

21 (5) The department shall document the following information for visits
22 conducted in Subparagraphs (1) through (4) of this Paragraph:

23 (a) The date and time of the visit.

24 (b) The individuals present at the time of the visit.

25 (c) The location of the visit.

26 (d) The duration of the visit.

27 (e) An assessment of adjustment of both the child and the parent.

28 (f) An assessment of the attachment and bonding between the child and the
29 parent.

1 B. The Department of Children and Family Services shall release yearly
2 statistics on adoptions of children born in Louisiana and placement of those children,
3 regardless of the state where the adoption is finalized. These statistics shall be made
4 available to the public.

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)]

HB 215 Original

2020 Regular Session

Bacala

Abstract: Requires supervisory visits from the Dept. of Children and Family Services (DCFS) or its designee in agency adoptions and private adoptions; requires non-identifying statistical information be reported to DCFS; requires DCFS to report statistics on adoptions in-state and out-of-state; and shortens the length of time for the final decree at first hearing for private adoptions.

Proposed law requires multiple supervisory visits from DCFS or its designee prior to the final adoption decree. DCFS or its designee is required to document each visit, and the observations made during the supervisory visits shall be used in making recommendations for finalizations of agency adoptions.

Proposed law requires DCFS or its designee to refer the family to resources if problems arise.

Proposed law requires courts to report adoptions and statistical, non-identifying information to DCFS.

Proposed law requires DCFS to release a yearly report of adoption statistics within the state and adoptions that place the child out-of-state.

Present law provides that courts may render a final decree at first hearings for private adoptions if the child has lived in the petitioner's home for one year.

Proposed law shortens the length of time a child has lived in the petitioner's home to six months.

Proposed law requires multiple supervisory visits from DCFS or its designee prior to the final adoption decree. DCFS or its designee is required to document each visit, and the observations made during the supervisory visits shall be used in making recommendations for finalizations for private adoptions.

(Amends Ch.C. Art. 1233; Adds Ch.C. Arts. 1213(D), 1217.1, 1235(D), and 1239.1)