

Regular Session, 2013

ACT No. 222

HOUSE BILL NO. 219

BY REPRESENTATIVES JEFFERSON, ARMES, WESLEY BISHOP, BURRELL, COX,
DIXON, HUNTER, PIERRE, PRICE, ST. GERMAIN, ALFRED WILLIAMS, AND
PATRICK WILLIAMS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact Children's Code Articles 1178(E), 1208(B)(4) and (5), 1230(B)(4)
3 and (5), and 1253(B)(4) and (5) and to enact Children's Code Articles 1178(F),
4 1208(B)(6), 1230(B)(6), and 1253(B)(6), relative to adoptions; to provide for criteria
5 of prospective adoptive parents; to provide factors for the court to consider when a
6 prospective adoptive parent has a criminal record; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Articles 1178(E), 1208(B)(4) and (5), 1230(B)(4) and (5),
9 and 1253(B)(4) and (5) are hereby amended and reenacted and Children's Code Articles
10 1178(F), 1208(B)(6), 1230(B)(6), and 1253(B)(6) are hereby enacted to read as follows:

11 Art. 1178. Order and revocation

12 * * *

13 E. The court shall render a decision that is in the best interest of the child and
14 shall consider all relevant factors including those provided in Article 1177(B).

15 F.(1) The existence of a criminal record of a prospective adoptive parent
16 shall not be automatic grounds to disapprove placement of the child with the
17 prospective adoptive parents. The court shall consider all of the following:

18 (a) The nature of the offenses.

19 (b) The number of offenses committed.

20 (c) The length of time between offenses and between the last offense
21 committed and the application for court approval.

1 (2) Subsequent to the entry of an order approving an adoptive placement, if
 2 the result of a criminal records check or the results of abuse or neglect validated
 3 complaint records check indicate that the prospective adoptive parents failed to
 4 disclose such unfavorable information at the hearing, the court may issue an instanter
 5 order taking protective custody of the child, pursuant to Article 619, if this
 6 information, if known, together with other evidence presented at the hearing would
 7 have resulted in the court's disapproval of the adoptive placement.

8 * * *

9 Art. 1208. Hearing; petition for agency adoption

10 * * *

11 B. At this hearing the court shall consider:

12 * * *

13 (4) The report of any criminal records ~~or validated complaints of child abuse~~
 14 ~~or neglect~~ concerning the petitioner, including the nature of the offenses, the number
 15 of offenses, and the length of time between the offenses and between the last offense
 16 committed and the petition for agency adoption. The existence of a criminal record
 17 of the petitioner shall not be automatic grounds for the court to refuse to grant an
 18 agency adoption.

19 (5) The report of any validated complaints of child abuse or neglect
 20 concerning the petitioner.

21 ~~(5)~~ (6) The testimony of the parties.

22 * * *

23 Art. 1230. Hearing; petition for private adoption

24 * * *

25 B. At this hearing the court shall consider:

26 * * *

27 (4) The report of any criminal records ~~or validated complaints of child abuse~~
 28 ~~or neglect~~ concerning the petitioner, including the nature of the offenses, the number
 29 of offenses, and the length of time between the offenses and between the last offense
 30 committed and the petition for private adoption. The existence of a criminal record

1 of the petitioner shall not be automatic grounds for the court to refuse to grant a
2 private adoption.

3 (5) The report of any validated complaints of child abuse or neglect
4 concerning the petitioner.

5 ~~(5)~~ (6) The testimony of the parties.

6 * * *

7 Art. 1253. Hearing; petition for intrafamily adoption

8 * * *

9 B. At this hearing the court shall consider:

10 * * *

11 ~~(4) The report of any criminal records or validated complaints of child abuse~~
12 ~~or neglect concerning the petitioner-, including the nature of the offenses, the number~~
13 ~~of offenses, and the length of time between the offenses and between the last offense~~
14 ~~committed and the petition for intrafamily adoption. The existence of a criminal~~
15 ~~record of the petitioner shall not be automatic grounds for the court to refuse to grant~~
16 ~~an intrafamily adoption.~~

17 (5) The report of any validated complaints of child abuse or neglect
18 concerning the petitioner.

19 ~~(5)~~ (6) The testimony of the parties.

20 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____