Regular Session, 2013

HOUSE BILL NO. 578

BY REPRESENTATIVE NANCY LANDRY

(On Recommendation of the Louisiana State Law Institute)

ENROLLED

ACT No. 86

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 1281.3(1), (2), (3), and (5), 1281.4(A)(1)
3	and (2), 1281.5, 1281.6(A)(introductory paragraph), 1281.7, 1281.9, the heading of
4	Chapter 2 and 1282.1(A)(introductory paragraph) and (B), 1282.2(3), 1282.5, the
5	heading of Chapter 3 and 1283.1(A)(introductory paragraph) and (B), 1283.2(B)(1),
6	1283.4, 1283.10(C), the heading of Article 1283.13, 1283.15, and 1283.16 and to
7	enact Children's Code Articles 1281.3(6), Chapter 4 of Title XII-A of the Children's
8	Code, to be comprised of Articles 1284.1 through 1284.5, and Chapter 5 of Title
9	XII-A of the Children's Code, to be comprised of Articles 1285.1 through 1285.17,
10	relative to intercountry adoptions; to provide for intercountry adoption definitions;
11	to provide for types of intercountry adoptions; to provide for procedures for
12	recognition of foreign adoption decrees; to provide for procedures for adoption of
13	foreign orphans and Hague Convention adoptees; to provide for name changes and
14	issuance of a new birth certificate; and to provide for related matters.
15	Be it enacted by the Legislature of Louisiana:
16	Section 1. Children's Code Articles 1281.3(1), (2), (3), and (5), 1281.4(A)(1) and
17	(2), 1281.5, 1281.6(A)(introductory paragraph), 1281.7, 1281.9, the heading of Chapter 2
18	and 1282.1(A)(introductory paragraph) and (B), 1282.2(3), 1282.5, the heading of Chapter
19	3 and 1283.1(A)(introductory paragraph) and (B), 1283.2(B)(1), 1283.4, 1283.10(C), the
20	heading of Article 1283.13, 1283.15, and 1283.16 are hereby amended and reenacted and
21	Children's Code Articles 1281.3(6), Chapter 4 of Title XII-A of the Children's Code,
22	comprised of Articles 1284.1 through 1284.5, and Chapter 5 of Title XII-A of the Children's
23	Code, comprised of Articles 1285.1 through 1285.17, are hereby enacted to read as follows:

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1	Art. 1281.3. Definitions
2	As used in this Title:
3	(1) "Agency" or "child placing agency" includes the Department of Children
4	and Family Services, the corresponding department of any other state, and those
5	private agencies and institutions licensed for the placement of children for adoption
6	by the Department of Children and Family Services or by the corresponding
7	department of any other state. Any person offering or providing intercountry
8	adoption services shall be accredited by the Department of State in accordance with
9	the Intercountry Adoption Universal Accreditation Act of 2012.
10	(2) "Birth certificate" means the child's official birth certificate
11	documentation of the child's record of birth acceptable to the United States
12	Citizenship and Immigration Services and, if the certificate document is not in
13	English, a certified translation of the certificate document.
14	(3) "Child" means a person under seventeen years of age and not
15	emancipated by marriage. "Convention adoptee" or "Hague Convention adoptee"
16	means a child living in a Hague Convention country who is under the age of sixteen
17	at the time a Form I-800, Petition to Classify Convention Adoptee as an Immediate
18	Relative, is filed on his behalf and who is found by the Department of State and
19	United States Citizenship and Immigration Services to meet the definition of
20	"Convention Adoptee" under Section 101(b)(1)(G) of the Immigration and
21	Nationality Act (8 USC 1101(b)(1)(G)).
22	* * *
23	(5) "Foreign orphan" means a foreign-born child living in a Non-Hague
24	Convention country (a) who is under the age of sixteen at the time a visa petition
25	Form I-600, Petition to Classify Orphan as an Immediate Relative is filed on his
26	behalf and: whose parents have both died or disappeared, or abandoned or deserted
27	him, or who has become separated or lost from both parents; whose sole surviving
28	parent is incapable of providing for the child's care and has in writing irrevocably
29	released the child for emigration and adoption; or who is a child born outside of
30	marriage whose father acknowledges paternity and signs a relinquishment along with

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1	the mother. who is found by the Department of State or United States Citizenship
2	and Immigration Service to meet the definition of "orphan" under Section
3	101(b)(1)(F) of the Immigration and Nationality Act (8 USC 1101(b)(1)(F)); or (b)
4	who is under the age of eighteen and is a biological sibling of a child previously
5	adopted by the same applicant(s) who is petitioning on his behalf.
6	(6) "Hague Convention adoption" or "Hague adoption" or "Convention
7	adoption" means the adoption of a child habitually residing in any country outside
8	the United States that is a party to the Hague Adoption Convention. "Orphan
9	adoption" or "Non-Hague adoption" refers to the adoption of a child from a country
10	that is not a party to the Hague Adoption Convention.
11	Comments 2013
12 13 14 15 16 17 18 19 20 21 22 23 24 23 24 25 26 27	 (a) Accreditation and approval is governed by Sections 201 et seq. of the Intercountry Adoption Act. See 22 CFR 96. 22 CFR 96.2 defines "adoption services" to include identifying a child for adoption and arranging an adoption; securing the necessary consent for termination of parental rights and for adoption; performing a background study on a child or a home study on a prospective adoptive parent(s) and reporting on such a study; making a non-judicial determination of the best interests of a child and the appropriateness of an adoptive placement for the child; monitoring a case after a child has been placed with a prospective adoptive parent(s) until final adoption; and when necessary on account of disruption prior to final decree, assuming custody and providing or facilitating the provision of child care or any other social service pending an alternative placement. (b) U.S. Citizenship and Immigration Services birth certificates and other documentation requirements are governed by 8 CFR 103.2. (c) Definition of "foreign orphan" is found in Section 101(b)(1)(F) of the Immigration and Nationality Act (8 USC 1101(b)(1)(F)) and is referenced in 8 CFR 204.3.
28 29 30	(d) Definition of "convention adoptee" is found in Section $101(b)(1)(G)$ of the Immigration and Nationality Act (8 USC $1101(b)(1)(G)$) and is referenced in 8 CFR 204.300 - 314.
31	Art. 1281.4. Types of adoption
32	A. This Title sets forth the exclusive procedures for intercountry adoption
33	of foreign orphans in Louisiana. There are two types of intercountry adoptions of
34	foreign orphans in Louisiana:
35	(1) Recognition Adoption or recognition of a foreign decree of adoption \underline{of}
36	a foreign orphan from a country outside the United States that is not a party to the
37	Hague Adoption Convention.

1	(2) Adoption <u>or recognition</u> of a foreign orphan <u>decree of adoption of a</u>
2	convention adoptee from a country outside the United States that is a party to the
3	Hague Adoption Convention.
4	* * *
5	Comment 2013
6 7 8	A Hague Convention country is defined in 22 CFR 96.2 as a country that is a party to the Convention and with which the Convention is in force for the United States.
9 10	A current listing of Hague Convention member countries can be accessed at http://adoption.state.gov/hagueconvention/countries.php.
11	Art. 1281.5. Prior approval of adoptive placement
12	No foreign orphan child who is the subject of an intercountry adoption shall
13	be placed in the home of the prospective adoptive parents prior to their obtaining a
14	certification for adoption, as provided for in that meets the requirements of Articles
15	1171 through 1173 and prior to approval from the United States Citizenship and
16	Immigration Services.
17	Comment 2013
18	Notice of approval is provided by the USCIS on I-171H or I-797 forms.
19	Art. 1281.6. Venue in intercountry adoption
20	A. A proceeding for the an intercountry adoption of a foreign orphan may
21	be commenced in either:
22	* * *
23	Art. 1281.7. Persons whose consent is required
24	A. The parental rights of the parents of any child who has qualified as a
25	foreign orphan or a convention adoptee are deemed to be terminated and no further
26	consent to adoption or relinquishment of parental rights shall be required.
27	B. Consent to the adoption shall be required of the any custodial or
28	supervisory agency which has placed the foreign orphan for adoption, except that the
29	court may grant the adoption without the consent of the an agency if the court finds
30	that the adoption is in the best interest of the child and there is a finding that the

1	agency has unreasonably withheld its consent.
2	* * *
3	Art. 1281.9. Persons who may petition for intercountry adoption
4	A United States citizen and his spouse jointly who is a United States citizen
5	or has lawful immigration status may petition jointly, or an unmarried United States
6	citizen at least twenty-five years of age, may petition for intercountry adoption of a
7	foreign orphan. At least one petitioner shall be a domiciliary of Louisiana. When
8	one joint petitioner dies after the petition has been filed, the adoption proceedings
9	may continue as though the survivor was a single original petitioner.
10	Comment 2013
11 12 13	Requirements for the petitioner eligibility are more fully explained in 8 CFR 204.3. Form I-600A determines the eligibility and suitability of the prospective adoption parents.
14	CHAPTER 2. NON-HAGUE CONVENTION COUNTRY ADOPTIONS
15	RECOGNITION OF FOREIGN ADOPTIONS
16	Art. 1282.1. Petition; contents; form
17	A. The petition for recognition of foreign adoption shall be styled: "In re
18	, Applying for Recognition of Foreign Adoption from a Non-Hague
19	Convention Country." The petition or an attached exhibit shall state:
20	* * *
21	B. The petition shall be accompanied by a certification for adoption, a
22	certified copy of the Immigration and Naturalization Service documentation of
23	orphan status, documentary proof of citizenship status, a copy of the child's
24	immigrant visa or resident alien card, the original or a certified copy of a valid
25	foreign adoption decree, together with a notarized translation, and the original or
26	certified copy of a valid birth certificate, together with a notarized translation, and
27	an affidavit of fees and expenses.
28	Comment 2013
29 30 31 32	Form I-600 is used to determine whether the child qualifies as an orphan under Section $101(b)(1)(F)$ of the Immigration and Nationality Act (8 USC 1101(b)(1)(F)) and 8 CFR 204.3(b). The requirement for documentation of orphan status would be met by an IR3 or IR4 stamp on the child's visa or by approval of the

1 2 3 4 5 6	Form I-604 report that addresses the child's eligibility under the Immigration and Nationality Act provided in a Form I-171 or Form I-797. Documentation of citizenship includes a permanent resident card or certificate of citizenship. Children with an IR-3 immigrant visa automatically acquire citizenship upon entry to the United States and a Certificate of Citizenship is provided by the U.S. Citizenship and Immigration Services.
7	Art. 1282.2. Findings
8	The court shall issue a judgment recognizing the foreign adoption and
9	rendering a final decree of adoption upon finding that:
10	* * *
11	(3) The child has qualified as a foreign orphan and is in the United States in
12	accordance with applicable Immigration and Naturalization Service federal
13	regulations.
14	* * *
15	Art. 1282.5. Change of name
16	The full name of the adopted child may be changed in the final decree of
17	recognition of foreign adoption and, if changed, the surname shall be the same as that
18	of the adoptive parent. In accordance with R.S. 40:79, the clerk of court shall
19	forward, on a form supplied by the Department of Children and Family Services, his
20	certificate of the decree to the state registrar, who shall make a new certificate of live
21	birth of the person adopted, in the new name if the name has been changed in the
22	decree.
23	CHAPTER 3. NON-HAGUE CONVENTION COUNTRY ADOPTIONS
24	ADOPTION OF A FOREIGN ORPHAN
25	Art. 1283.1. Petition; contents; form
26	A. The petition for adoption of a foreign orphan shall be styled: "In re
27	, Applying for Adoption of Foreign Orphan from a Non-Hague
28	Convention Country." The petition or an attached exhibit shall state:
29	* * *
30	B. The petition shall be accompanied by a certification for adoption, a
31	certified copy of the Immigration and Naturalization Service United States
32	Citizenship and Immigration Services documentation of orphan status, a copy of the

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1	child's immigrant visa or permanent resident card, the original or a certified copy of
2	a valid foreign custody decree, together with a notarized translation, and the original
3	or certified copy of a valid birth certificate, together with a notarized translation, and
4	an affidavit of fees and expenses.
5	Comment 2013
6 7 8 9	The requirement for documentation of orphan status would be met by an IR3 or IR4 stamp on the child's visa. Children with IR-4 visas do not acquire automatic citizenship upon entry to the United States, but become permanent residents and receive a permanent resident card (green card).
10	Art. 1283.2. Permissible reimbursement of expenses
11	* * *
12	B. Payments made by or on behalf of the adoptive parents or their
13	representative to the department or to a child-placing agency or its agent or any
14	broker for reimbursement of the following expenses are permissible and not a
15	violation of R.S. 14:286:
16	(1) Reasonable medical expenses, including hospital, testing, nursing,
17	pharmaceutical, travel, or other similar expenses incurred by the natural biological
18	mother for prenatal care and those medical and hospital expenses incurred by the
19	biological mother and child incident to birth.
20	* * *
21	Art. 1283.4. Service of process
22	A copy of the petition for adoption of a foreign orphan together with all
23	exhibits shall be served by registered or certified mail, return receipt requested,
24	postage prepaid and properly addressed to the department and on any agency having
25	legal custody of the child. Two copies of the same petition need not be served on the
26	department.
27	* * *
28	Art. 1283.10. Continuing duties of department
29	* * *
30	C. A second confidential report must be presented to the court preceding the
31	hearing on the final decree of approval of foreign adoption. The findings of this

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1	report shall be based upon the same considerations findings as prescribed in Article
2	1283.5 and shall disclose any changed conditions and all new pertinent information.
3	* * *
4	Art. 1283.13. Petition for final decree following interlocutory decree
5	* * *
6	Art. 1283.15. Effect of final decree
7	Upon a final decree of approval of foreign adoption, the parents of the child
8	are relieved of all their legal duties and divested of all their legal rights with regard
9	to the adopted child, and the adopted child is relieved of all of his legal duties and
10	divested of all his legal rights with regard to the parents, except the right of the child
11	to inherit from his parents. The final decree of adoption shall have the same force
12	and effect as any final decree of adoption rendered by a court of this state and
13	automatically entitles the child to United States citizenship under the Intercountry
14	Adoption Act.
15	Comment 2013
16 17 18	Proof of citizenship may be obtained by filing of an N-600 application with the U.S. Citizenship and Immigration Services upon issuance of a full and final decree of adoption.
19	Art. 1283.16. Change of name; issuance of birth certificate
20	The full name of the adopted child may be changed in the final decree of
21	foreign orphan adoption and, if changed, the surname shall be the same as that of the
22	adoptive parent. In accordance with R.S. 40:79, the clerk of court shall forward, on
23	a form supplied by the Department of Children and Family Services, his certificate
24	of the decree to the state registrar, who shall make a new certificate of live birth of
25	the person adopted in the new name if the name has been changed in the decree.
26	* * *

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1	CHAPTER 4. HAGUE CONVENTION COUNTRY ADOPTIONS
2	RECOGNITION OF FOREIGN ADOPTION
3	Art. 1284.1. Petition; contents; form
4	A. The petition for recognition of foreign adoption shall be styled: "In re
5	, Applying for Recognition of Foreign Adoption from a Hague
6	Convention Country." The petition or an attached exhibit shall state:
7	(1) The full name, address, age, occupation, and marital status of each
8	petitioner, at least one of whom is a domiciliary of the state of Louisiana.
9	(2) The name by which the child is known to petitioners.
10	(3) The place and date of the birth of the child if known; if not known, then
11	the approximate age of the child.
12	(4) The date and circumstances under which the child was adopted in a
13	foreign country and entered the home of the petitioner.
14	(5) Any relationship existing between the petitioner and the child.
15	B. The petition shall be accompanied by a Hague Adoption Certificate issued
16	by a United States consular officer pursuant to 22 CFR 42.24(j) and a copy of the
17	child's IH-3 visa. Documents related to a convention adoption shall require no
18	authentication in order to be admissible unless a specific and supported claim is
19	made that the documents are false, have been altered, or are otherwise unreliable.
20	Comment 2013
21 22 23	Children with an IH-3 visa automatically acquire citizenship upon entry to the United States. A Certificate of Citizenship is provided by the U. S. Citizenship and Immigration Services.
24	Art. 1284.2. Findings
25	The court shall issue a judgment recognizing the foreign adoption and
26	rendering a final decree of adoption upon finding that:
27	(1) At least one of the adoptive parents is a domiciliary of the state of
28	Louisiana.
29	(2) The original or a certified copy of the foreign adoption decree, together
30	with a notarized transcript, has been filed and is presumed to have been granted in
31	accordance with the law of the foreign country.

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1	(3) The foreign adoption has been completed in accordance with the Hague
2	Convention and the Intercountry Adoption Act.
3	(4) The child is either a permanent resident or a naturalized citizen of the
4	United States.
5	(5) The petitioners have the ability to care for, maintain, and educate the
6	child.
7	Art. 1284.3. Final decree; standard
8	The court, after taking into consideration all documents filed concerning the
9	adoption, may enter a final decree of adoption, or it may deny recognition of the
10	adoption. Recognition may be refused only if the adoption is manifestly contrary to
11	public policy, taking into account the best interests of the child.
12	Art. 1284.4. Effect of final decree
13	The final decree of adoption shall have the same force and effect as any final
14	decree of adoption rendered by a court of this state.
15	Comment 2013
16 17 18 19 20 21	Although a foreign adoption decree is presumed valid on its face and formal recognition proceedings are not required by law, recognition by a Louisiana court provides a Louisiana adoption decree and allows for the issuance of a Louisiana birth certificate. When the adoption is full and final in the foreign country, citizenship is automatic and proof of citizenship will be received from U.S. Citizenship and Immigration Services without the need for further filing.
22	Art. 1284.5. Change of name; issuance of birth certificate
23	The full name of the adopted child may be changed in the final decree of
24	recognition of foreign adoption and, if changed, the surname shall be the same as that
25	of the adoptive parent. In accordance with R.S. 40:79, the clerk of court shall
26	forward, on a form supplied by the Department of Children and Family Services, his
27	certificate of the decree to the state registrar, who shall make a new certificate of live
28	birth of the person adopted, in the new name if the name has been changed in the
29	decree.

1	CHAPTER 5. ADOPTION OF A HAGUE CONVENTION ADOPTEE
2	Art. 1285.1. Petition; contents; form
3	A. The petition for adoption of a Hague Convention adoptee shall be styled:
4	"In re, Applying for Adoption of Hague Convention Adoptee." The
5	petition or an attached exhibit shall state:
6	(1) The full name, address, age, occupation, and marital status of each
7	petitioner.
8	(2) The name by which the child is known to petitioners as well as the name
9	under which the birth of the child is recorded.
10	(3) The place and date of the birth of the child if known; if not known, then
11	the approximate age of the child.
12	(4) The date and circumstances under which the child entered the home of
13	the petitioner.
14	(5) Any relationship existing between the petitioner and the child.
15	B. The petition shall be accompanied by a Hague Custody Declaration issued
16	by a United States consular officer and a copy of the child's IH-4 visa or a certificate
17	from the United States Secretary of State that the legal custody of the child was
18	granted in compliance with federal law. Documents related to a convention adoption
19	shall require no authentication in order to be admissible unless a specific and
20	supported claim is made that the documents are false, have been altered or are
21	otherwise unreliable.
22	Comment 2013
23 24 25 26	Children with IH-4 visas do not acquire automatic citizenship upon entry to the United States, but become permanent residents and receive a permanent resident card (green card). A certificate of citizenship may be obtained by filing an N-600 form with the U.S. Citizenship and Immigration Services.
27	Art. 1285.2. Permissible reimbursement of expenses
28	A. The petitioner shall file with the petition a preliminary estimate and
29	accounting of fees and charges in accordance with Article 1285.3. The petitioner
30	also shall file a final Adoption Disclosure Affidavit with the court not later than ten
31	days prior to the date scheduled for the final hearing on the adoption.

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1	B. Payments made by or on behalf of the adoptive parents or their
2	representative to the department or to a child-placing agency or its agent or any
3	broker for reimbursement of the following expenses are permissible and not a
4	violation of R.S. 14:286:
5	(1) Reasonable medical expenses, including hospital, testing, nursing,
6	pharmaceutical, travel, or other similar expenses incurred by the biological mother
7	for prenatal care and those medical and hospital expenses incurred by the biological
8	mother and child incident to birth.
9	(2) Reasonable medical expenses, including hospital, testing, nursing,
10	pharmaceutical, travel, or other similar expenses and foster care expenses incurred
11	on behalf of the child prior to the decree of adoption.
12	(3) Reasonable expenses incurred by the department or the agency for
13	adjustment counseling and training services provided to the adoptive parents and for
14	home studies or investigations.
15	(4) Reasonable administrative expenses incurred by the department or the
16	agency, including overhead, court costs, travel costs, donations required by an
17	orphanage, notarial and interpreter fees, emigration permit costs, and attorney fees.
18	(5) Any other specific service or fee the court finds is reasonable and
19	necessary.
20	C. The payment of expenses permitted by Paragraph B of this Article may
21	not be made contingent on the placement of a child for adoption, relinquishment of
22	the child, or consent to the adoption.
23	D. Adoptive parents shall pay to the department any of the expenses listed
24	in Paragraph B of this Article which may be imposed by the department. Such
25	payments shall be imposed solely at the discretion of the department. The
26	department shall not include payment of the expenses listed in Paragraph B of this
27	Article as a requirement for adoption.
28	E. If a court determines from an accounting that an amount that is going to
29	be or has been disbursed for expenses permitted by Paragraph B of this Article is

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1	unreasonable, it shall order a reduction in the amount disbursed, or to be disbursed,
2	and order the person who received the disbursement to refund that portion.
3	F. If a court determines from an accounting that an amount is going to be or
4	has been disbursed for expenses not permitted by Paragraph B of this Article, it may:
5	(1) Issue an injunction prohibiting the disbursement or order the person who
6	received the disbursement to refund it.
7	(2) Inform the district attorney for the consideration of criminal charges
8	pursuant to R.S. 14:286.
9	(3) If in the best interest of the child, the court may also refuse to approve
10	the adoption.
11	G. The court shall not issue a final decree of adoption until it has reviewed
12	and approved the final accounting.
13	H. A copy of the Adoption Disclosure Affidavit and all orders of the court
14	pursuant to this Article shall be mailed to the office of children and family services,
15	Department of Children and Family Services.
16	Comment 2013
17 18 19 20 21 22	Hague Convention Article 32 provides that no one shall derive improper financial or other gain from an activity related to an intercountry adoption; only costs and expenses, including reasonable professional fees of persons involved in the adoption, may be charged or paid; and that directors, administrators, and employees of bodies involved in an adoption shall not receive remuneration that is unreasonably high in relation to services rendered.
23	Art. 1285.3. Adoption disclosure affidavit of fees and charges
24	A. Each petition for an adoption shall be accompanied by an affidavit
25	executed by the petitioner and petitioner's attorney containing an accounting of fees
26	and charges paid or agreed to be paid by or on behalf of the petitioner in connection
07	
27	with the adoption.
27 28	with the adoption. B. The affidavit shall not include any identifying information as to the

 3 (petitioner) and (attorney for petitioner), who, being first 4 duly sworn, did depose and state: 5 In the matter of the adoption by (petitioner's name): 	1	"ADOPTION DISCLOSURE AFFIDAVIT
4 duly sworn, did depose and state: 5 In the matter of the adoption by(petitioner's name): 6 (1) We report the following fees and charges, or other things of value gives 7 in connection with this adoption paid to any agency or individual: 8 Actual Estimated due: Due or paid to: 9 § § 10 A. Agency administrative expenses:	2	BEFORE ME, the undersigned authority, personally came and appeared
5 In the matter of the adoption by (petitioner's name): 6 (1) We report the following fees and charges, or other things of value give 7 in connection with this adoption paid to any agency or individual: 8 Actual Estimated due: Due or paid to: 9 § § 10 A. Agency administrative expenses: 11 1. Attorney fees 12 2. Court costs 13 3. Travel costs 14 4. Overhead 15 5. Other (Specify) 16 B. Agency Mental Health Counseling expenses: 17 1. Counseling for adoptive parents 18 2. Home study evaluations 19 3. Counseling for the child 20 4. Other (Specify) 21 C. Medical expenses for biological mother: 22 1. Medical 23 2. Travel 24 3. Other (Specify) 25 D. Medical/foster care expenses for child: 26 1. Medical 27 2. Travel	3	(petitioner) and (attorney for petitioner), who, being first
6 (1) We report the following fees and charges, or other things of value gives 7 in connection with this adoption paid to any agency or individual: 8 Actual Estimated due: Due or paid to: 9 § \$ 10 A. Agency administrative expenses: 1 11 I. Attorney fees 1 12 2. Court costs 1 13 3. Travel costs 1 14 4. Overhead 1 15 5. Other (Specify) 1 16 B. Agency Mental Health Counseling expenses: 1 17 I. Counseling for adoptive parents 1 18 2. Home study evaluations 1 19 3. Counseling for the child 1 20 4. Other (Specify) 1 21 C. Medical expenses for biological mother: 1 22 J. Medical 1 23 2. Travel 1 24 3. Other (Specify) 1 25 D. Medical/foster care expenses for child: 26 I. Medical 27 2. Travel	4	duly sworn, did depose and state:
7 in connection with this adoption paid to any agency or individual: 8 Actual Estimated due: Due or paid to: 9 § § 10 A. Agency administrative expenses: 11 I. Attorney fees 12 2. Court costs 13 3. Travel costs 14 4. Overhead 15 5. Other (Specify) 16 B. Agency Mental Health Counseling expenses: 17 I. Counseling for adoptive parents 18 2. Home study evaluations 19 3. Counseling for the child 20 4. Other (Specify) 21 C. Medical expenses for biological mother: 22 1. Medical 23 2. Travel 24 3. Other (Specify) 25 D. Medical/foster care expenses for child: 26 I. Medical 27 2. Travel	5	In the matter of the adoption by (petitioner's name):
8 Actual Estimated due: Due or paid to: 9 § § 10 A. Agency administrative expenses: 11 1. Attorney fees 12 2. Court costs 13 3. Travel costs 14 4. Overhead 15 5. Other (Specify) 16 B. Agency Mental Health Counseling expenses: 17 1. Counseling for adoptive parents 18 2. Home study evaluations 19 3. Counseling for the child 20 4. Other (Specify) 21 C. Medical expenses for biological mother: 22 1. Medical 23 2. Travel 24 3. Other (Specify) 25 D. Medical/foster care expenses for child: 26 1. Medical 27 2. Travel	6	(1) We report the following fees and charges, or other things of value given
9 § § 10 A. Agency administrative expenses: 11 1. Attorney fees 12 2. Court costs 13 3. Travel costs 14 4. Overhead 15 5. Other (Specify) 16 B. Agency Mental Health Counseling expenses: 17 1. Counseling for adoptive parents 18 2. Home study evaluations 19 3. Counseling for the child 20 4. Other (Specify) 21 C. Medical expenses for biological mother: 22 1. Medical 23 2. Travel 24 3. Other (Specify) 25 D. Medical/foster care expenses for child: 26 1. Medical 27 2. Travel	7	in connection with this adoption paid to any agency or individual:
10A. Agency administrative expenses:111. Attorney fees122. Court costs133. Travel costs144. Overhead155. Other (Specify)16B. Agency Mental Health Counseling expenses:171. Counseling for adoptive parents182. Home study evaluations193. Counseling for the child204. Other (Specify)21C. Medical expenses for biological mother:221. Medical232. Travel243. Other (Specify)25D. Medical/foster care expenses for child:261. Medical272. Travel	8	Actual Estimated due: Due or paid to:
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182. Home study evaluations193. Counseling for the child204. Other (Specify)21C. Medical expenses for biological mother:221. Medical232. Travel243. Other (Specify)25D. Medical/foster care expenses for child:261. Medical272. Travel	16	B. Agency Mental Health Counseling expenses:
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243. Other (Specify)25D. Medical/foster care expenses for child:261. Medical272. Travel	22	1. Medical
25 D. Medical/foster care expenses for child: 26 1. Medical 27 2. Travel	23	2. Travel
26 1. Medical 27 2. Travel	24	3. Other (Specify)
27 <u>2. Travel</u>	25	D. Medical/foster care expenses for child:
	26	1. Medical
28 <u>3. Other (Specify)</u>	27	2. Travel
	28	3. Other (Specify)
E. Other expenses (Specify):	29	E. Other expenses (Specify):

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1	(2) We certify that to the best of our knowledge no other fees, charges, or
2	things of value other than court costs have been given or shall be given by anyone
3	in connection with this adoption.
4	(3) We declare that this disclosure statement has been examined by each of
5	us and that its contents are true to the best of our information, knowledge, and belief.
6	(4) We understand that each of us has a continuing obligation to supplement
7	and amend this affidavit as necessary.
8	(5) We understand that this information will be transmitted to the office of
9	adoption services, Department of Children and Family Services. We further
10	understand that it may be released by written authorization of the court for purposes
11	of a grand jury investigation pursuant to R.S. 14:286 or for an ethical investigation
12	by the Committee on Professional Responsibility of the Louisiana State Bar
13	Association.
14	
15	Signature of Petitioner Signature of Attorney
16	
17	<u>Address</u> <u>Address</u>
18	SWORN TO AND SUBSCRIBED BEFORE ME ON THIS DAY OF
19	
20	(NOTARY PUBLIC)"
21	D. Confidentiality of information contained in the adoption disclosure
22	affidavit shall be maintained as provided in Chapter 5 of Title XII of this Code, and
23	shall be released only in accordance with this Article or on written authorization of
24	the court for the purposes of a grand jury investigation of a violation of R.S. 14:286
25	or an ethical investigation by the Committee on Professional Responsibility of the
26	Louisiana State Bar Association.
27	Art. 1285.4. Service of process
28	A copy of the petition for adoption of a Hague Convention adoptee together
	with all exhibits shall be served by registered or certified mail, return receipt

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1	requested, postage prepaid, and properly addressed to the department and on any
2	agency having legal custody of the child.
3	Art. 1285.5. Duties of department; home study; confidential report
4	A. The department shall investigate the proposed adoption of the Hague
5	Convention adoptee and submit a confidential report of its findings to the court. The
6	findings shall include:
7	(1) The conditions with respect to the availability of the child for adoption.
8	(2) The physical and mental condition of the child.
9	(3) Other factors regarding the suitability of the child for adoption in
10	petitioner's home.
11	(4) The moral and financial fitness of the petitioner.
12	(5) The conditions of the proposed adoptive home with respect to health,
13	adjustment, and other advantages or disadvantages to the child.
14	B. The department may delegate the performance of this investigation to an
15	authorized Hague Convention home study preparation agency, but the department
16	remains responsible for ensuring the accuracy and thoroughness of the resulting
17	report and for the safety and welfare of the child. The department shall adopt,
18	promulgate, and enforce such rules and regulations as are necessary and appropriate
19	to implement this authorization in accordance with the Administrative Procedure
20	<u>Act.</u>
21	Art. 1285.6. Hearing
22	A. The court shall sign the order setting the time and place for the hearing
23	of the petition for adoption of the Hague Convention adoptee not less than thirty nor
24	more than sixty days after the filing of the adoption petition. The court may extend
25	this time for good cause, which may include a showing by the department that it has
26	been impossible to gather the necessary data within the time prescribed. The court
27	may reduce the time to a minimum of fifteen days with written approval of the
28	department and the petitioner.
29	B. At this hearing, the court shall consider:
30	(1) Any motion to intervene that has been filed.

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1	(2) Any other issues in dispute.
2	(3) The confidential report of the department.
3	(4) The report of any criminal records or validated complaints of child abuse
4	or neglect concerning the petitioner.
5	(5) The testimony of the parties.
6	C. If the child to be adopted is twelve years of age or older, the court shall
7	solicit and consider his wishes in the matter.
8	Art. 1285.7. Intervention
9	A. Intervention in agency adoption proceedings shall not be allowed except
10	on motion to the court and a showing of good cause.
11	B. Such intervention shall be limited to persons having a substantial
12	caretaking relationship with the child for one year or longer, or any other person that
13	the court finds to be a party in interest.
14	C. The intervention of a party in interest shall be for the limited purpose of
15	presenting evidence as to the best interest of the child.
16	Art. 1285.8. Interlocutory decree
17	Upon due consideration of the factors enumerated in Article 1285.6(B), the
18	court may grant or refuse to grant an interlocutory decree during or after the hearing.
19	The basic consideration for this decree shall be the best interest of the child.
20	Comment 2013
21 22	Although an interlocutory decree is not required, extraordinary circumstances may warrant such a request.
23	Art. 1285.9. Final decree at first hearing
24	Upon due consideration of the factors enumerated in Article 1285.6(B), the
25	court may render a final decree of adoption at the first hearing, without the necessity
26	of first entering an interlocutory decree, if the child was placed in the petitioner's
27	home by a licensed agency and the child has lived in that home for at least six
28	months prior to the hearing for adoption.

1	Art. 1285.10. Continuing duties of department
2	A. After an interlocutory decree has been entered, the department shall
3	maintain contact with the proposed adoptive home directly or through another
4	agency in accordance with Paragraph B of this Article. The number of visits to the
5	home and the time for them shall be within the discretion of the department;
6	however, no less than two visits shall be made to the home, one of which shall occur
7	within thirty days before the final decree of adoption.
8	B. The department may delegate the performance of this investigation to a
9	licensed private adoption agency, but the department remains responsible for
10	ensuring the accuracy and thoroughness of the resulting report and for the safety and
11	welfare of the child. The department shall adopt, promulgate, and enforce such rules
12	and regulations as are necessary and appropriate to implement this authorization in
13	accordance with the Administrative Procedure Act.
14	C. A second confidential report must be presented to the court preceding the
15	hearing on the final decree of adoption. The findings of this report shall be based
16	upon the same findings as prescribed in Article 1285.5 and shall disclose any
17	changed conditions and all new pertinent information.
18	Art. 1285.11. Expiration of interlocutory decree
19	If no petition for a final decree is filed within two years after the granting of
20	an interlocutory decree, the latter shall become null and void unless good cause is
21	shown why an extension should be granted.
22	Art. 1285.12. Revocation of interlocutory decree
23	A. At any time before the entry of the final decree of adoption, the court for
24	good cause may revoke its interlocutory decree either on its own motion, on the
25	motion of the department, or on the motion of the petitioner or any person interested
26	in the child.
27	B. All parties upon whom service was originally made shall be notified at
28	least ten days prior to the signing of the order of revocation and shall be given an
29	opportunity to be heard upon their written request.

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1	Art. 1285.13. Petition for final decree following interlocutory decree
2	A. The child shall have lived with the petitioner for at least one year and at
3	least six months shall have elapsed after the granting of an interlocutory decree
4	before the petitioner may file a petition for final decree of adoption.
5	B. The court shall set a time and place for the hearing of the petition for final
6	decree. The petition for final decree need not be served upon anyone except the
7	department.
8	Art. 1285.14. Final decree; standard
9	The court, after a hearing and after taking into consideration information
10	from all sources concerning the adoption, may enter a final decree of adoption, or it
11	may deny the adoption. The basic consideration shall be the best interest of the
12	child.
13	Art. 1285.15. Effect of final decree
14	If not determined previously, upon a final decree of adoption, the parents of
15	the child are relieved of all their legal duties and divested of all their legal rights with
16	regard to the adopted child, and the adopted child is relieved of all of his legal duties
17	and divested of all his legal rights with regard to the parents, except the right of the
18	child to inherit from his parents. A final decree of adoption automatically entitles
19	the child to United States citizenship under the Intercountry Adoption Act.
20	Comment 2013
21 22 23	Although the adopted child is entitled to citizenship, proof of citizenship can only be obtained by filing an N-600 form with the U.S. Citizenship and Immigration Services upon issuance of a full and final decree of adoption.
24	Art. 1285.16. Change of name; issuance of birth certificate
25	The full name of the adopted child may be changed in the final decree of
26	adoption and, if changed, the surname shall be the same as that of the adoptive
27	parent. In accordance with R.S. 40:79, the clerk of court shall forward, on a form
28	supplied by the Department of Children and Family Services, his certificate of the
29	decree to the state registrar, who shall make a new certificate of live birth of the
30	person adopted, in the new name if the name has been changed in the decree.

person adopted, in the new name if the name has been changed in the decree.

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ENROLLED

1	Art. 1285.17. Refusal of final decree
2	Upon refusal to grant a final decree to the petitioners for the reason that the
3	intercountry adoption is not in the best interest of the child, the court may remove
4	the child from the petitioner and reinstate the legal custodian or appoint a custodian.
5	Section 2. The Louisiana State Law Institute is hereby directed to add the following
6	respective comments under the following respective Children's Code Articles 1281.1,
7	1281.8, 1282.4, and 1283.8 to read as follows.
8	Art. 1281.1. Purpose
9	* * *
10	Comment 2013
11 12 13 14 15 16 17 18 19 20 21 22 23	The Intercountry Adoption Act (IAA) of 2000, PL106-279, 42 USC 14901-14954, 22 CFR 96.2, provided for United States implementation of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Pursuant to the Act, the Department of State serves as the central authority of the United States for all Hague Convention adoptions and is responsible for implementation of the Convention, including accreditation of agencies and persons who provide international adoption services and maintaining an intercountry adoption registry. The IAA preempts state adoption laws only to the extent state laws are inconsistent with provisions of the Act. Intercountry adoptions taking place from Non-Hague Convention countries, and therefore outside of the scope of the Convention, are governed by the Immigration and Nationality Act, and are under the jurisdiction of the U.S. Citizenship and Immigration Services of the Department of Homeland Security.
24	
25 26	Art. 1281.8. Birth certificate requirement
20 27	Comment 2013
28	U.S. Citizenship and Immigration Services requirements for birth certificates
20 29	and other documentation are governed by 8 CFR 103.2.
30	* * *
31	Art. 1282.4. Effect of final decree
32	* * *

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Comment 2013

Although a foreign adoption decree is presumed valid on its face and formal recognition proceedings are not required by law, recognition by a Louisiana court provides a Louisiana adoption decree and allows for the issuance of a Louisiana birth certificate. When the adoption is full and final in the foreign country, citizenship is automatic and proof of citizenship will be received from U.S. Citizenship and Immigration Services without the need for further filing.

9	Art. 1283.8. Interlocutory decree
10	* * *
11	Comment 2013
12 13	Although an interlocutory decree is not required, extraordinary circumstances may warrant such a request.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____