1

ACT No. 633

HOUSE BILL NO. 727

BY REPRESENTATIVE BACALA AND SENATOR FOIL

| 2 | To amend and reenact Children's Code Articles 1207, 1213(A) and (C), 1229, and 1235(A) |
|----|---|
| 3 | and (B), and to repeal Children's Code Articles 1213(D) and 1235(C), relative to |
| 4 | adoptions; to provide relative to agency and private adoptions; to provide relative to |
| 5 | adoption finalization; to provide for prerequisites; to provide for reporting and in- |
| 6 | home visitation; to provide for resources to families; and to provide for related |
| 7 | matters. |
| 8 | Be it enacted by the Legislature of Louisiana: |
| 9 | Section 1. Children's Code Articles 1207, 1213(A) and (C), 1229, and 1235(A) and |
| 10 | (B) are hereby amended and reenacted to read as follows: |
| 11 | Art. 1207. Duties of the agency; duties of the department; home study; confidential |
| 12 | report |
| 13 | A. Prior to the final decree of the adoption, the licensed private adoption |
| 14 | agency, or the department, if the child is in custody of the department, shall ensure |
| 15 | that all of the prerequisites for adoption that are listed in this Paragraph are |
| 16 | completed. The licensed private adoption agency or the department shall complete |
| 17 | the list of prerequisites by utilizing a social worker in the employ of a licensed |
| 18 | private adoption agency, licensed social worker, licensed professional counselor, |
| 19 | licensed psychologist, medical psychologist, licensed psychiatrist, or licensed |
| 20 | marriage and family therapist; or, if the child is in the custody of the department, by |

AN ACT

| 1 | a department employee of designee. An of the following prerequisites shall be |
|----|--|
| 2 | completed: |
| 3 | (1) Conduct an initial in-home, in-person visit with the child and one |
| 4 | adoptive parent within seven calendar days of the child's placement. The next |
| 5 | in-home, in-person visit shall occur within thirty days of the initial in-home, |
| 6 | in-person visit. |
| 7 | (2) Conduct an in-home visit with one adoptive parent at least once every |
| 8 | month after the visits provided in Subparagraph (1) of this Paragraph are completed. |
| 9 | The child shall be observed in the home during the monthly visit. |
| 10 | (3) Conduct a private visit without the presence of the adoptive parents with |
| 11 | each child age one year and above every other month with at least a segment of the |
| 12 | visit occurring in the adoptive home. |
| 13 | (4) Conduct an in-home visit with both adoptive parents and child within |
| 14 | thirty days prior to the final decree. |
| 15 | (5) Prepare a report that documents information obtained from the visits |
| 16 | conducted pursuant to Subparagraphs (1) through (4) of this Paragraph which shall |
| 17 | contain all of the following: |
| 18 | (a) The date and time of the visit. |
| 19 | (b) The individuals present at the time of the visit. |
| 20 | (c) The location of the visit. |
| 21 | (d) The duration of the visit. |
| 22 | (e) An assessment of adjustment of both the child and the adoptive parent. |
| 23 | (f) An assessment of the attachment and bonding between the child and the |
| 24 | adoptive parent. |
| 25 | (g) An assessment of the child's health. |
| 26 | (h) A description of changes since last contact. |
| 27 | (i) A summary of the visit. |
| 28 | (j) The signature of a person conducting the visit or phone contact. |

| 1 | (6) Conduct at least three of the visits prior to adoption finalization including |
|----|--|
| 2 | the visit prior to the final decree which shall include both adoptive parents and all |
| 3 | other members of the household. |
| 4 | (7) Report observations made during the visits which shall be used in making |
| 5 | recommendations for the finalization of the adoption. If problems are identified, the |
| 6 | family shall be assisted directly and referred to a resource to address the concerns. |
| 7 | (8) The child and adoptive parent shall be provided assistance, consultation, |
| 8 | and emotional support with situations and problems encountered in permanent |
| 9 | placement through finalization. |
| 10 | (9) The adoptive family shall be provided with access to twenty-four hour |
| 11 | crisis intervention services through finalization. |
| 12 | (10) A confidential report concerning requirements set forth in |
| 13 | Subparagraphs (1) through (9) of this Paragraph shall be presented to the department |
| 14 | upon completion and to the court prior to the hearing on the final decree of agency |
| 15 | adoption. |
| 16 | B. The department shall investigate the proposed agency adoption and |
| 17 | submit a confidential report of its findings to the court. The findings shall include: |
| 18 | (1) The conditions with respect to the availability of the child for adoption. |
| 19 | (2) The physical and mental condition of the child. |
| 20 | (3) Other factors regarding the suitability of the child for adoption in |
| 21 | petitioner's home. |
| 22 | (4) The moral and financial fitness of the petitioner. |
| 23 | (5) The conditions of the proposed adoptive home with respect to health, |
| 24 | adjustment, and other advantages or disadvantages to the child. |
| 25 | B. C. The department may delegate the performance of this investigation to |
| 26 | a licensed private adoption agency, but the department remains responsible for |
| 27 | ensuring the accuracy and thoroughness of the resulting report and for the safety and |
| 28 | welfare of the child. The department shall adopt, promulgate, and enforce such rules |
| 29 | and regulations as are necessary and appropriate to implement this authorization in |
| 30 | accordance with the Administrative Procedure Act. |

E. D. The department shall make every effort to locate any living parent whose consent is required under Article 1193 to determine the parent's attitude toward the proposed adoption. If a curator ad hoc has been appointed by the court pursuant to Article 1205, the department shall supply him with all information pertinent to the location of an absentee parent within fifteen days of its receipt of a copy of the order appointing the curator ad hoc.

* * *

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

A. After an interlocutory decree has been entered, the department shall maintain contact with the proposed adoptive home directly or through another agency in accordance with Paragraph D of this Article 1207.

* * *

C. A If an interlocutory decree has been entered, a second confidential report must shall be presented to the court preceding the hearing on the final decree of agency adoption. The findings of this report shall be based upon the same considerations as prescribed in Article 1207 and shall disclose any changed conditions and all new pertinent information.

* * *

Art. 1229. Duties of <u>attorney arranging the adoption; duties of</u> department; home study; confidential report

A. Prior to the final decree of the adoption, the attorney arranging the private adoption shall ensure that all of the prerequisites for adoption that are listed in this Paragraph are completed. The attorney arranging the private adoption shall complete the list of prerequisites by utilizing a social worker in the employ of a licensed private adoption agency, licensed social worker, licensed professional counselor, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and family therapist; or, if the child is in the custody of the department, by a department employee or designee. All of the following prerequisites shall be completed:

| I | (1) Conduct an initial in-home, in-person visit with the child and one |
|----|---|
| 2 | adoptive parent within seven calendar days of the child's placement. The next |
| 3 | in-home, in-person visit shall occur within thirty days of the initial in-home, |
| 4 | in-person visit. |
| 5 | (2) Conduct an in-home visit with one adoptive parent at least once every |
| 6 | month after the visits provided in Subparagraph (1) of this Paragraph are completed. |
| 7 | The child shall be observed in the home during the monthly visit. |
| 8 | (3) Conduct a private visit without the presence of the adoptive parents with |
| 9 | each child age one year and above every other month with at least a segment of the |
| 10 | visit occurring in the adoptive home. |
| 11 | (4) Conduct an in-home visit with both adoptive parents and child within |
| 12 | thirty days prior to the final decree. |
| 13 | (5) Prepare a report that documents information obtained from the visits |
| 14 | conducted pursuant to Subparagraphs (1) through (4) of this Paragraph which shall |
| 15 | contain all of the following: |
| 16 | (a) The date and time of the visit. |
| 17 | (b) The individuals present at the time of the visit. |
| 18 | (c) The location of the visit. |
| 19 | (d) The duration of the visit. |
| 20 | (e) An assessment of adjustment of both the child and the adoptive parent. |
| 21 | (f) An assessment of the attachment and bonding between the child and the |
| 22 | adoptive parent. |
| 23 | (g) An assessment of the child's health. |
| 24 | (h) A description of changes since last contact. |
| 25 | (i) A summary of the visit. |
| 26 | (j) The signature of a person conducting the visit or phone contact. |
| 27 | (6) Conduct at least three of the visits prior to adoption finalization including |
| 28 | the visit prior to the final decree which shall include both adoptive parents and all |
| 29 | other members of the household. |

| 1 | (7) Report observations made during the visits which shall be used in making |
|----|--|
| 2 | recommendations for the finalization of the adoption. If problems are identified, the |
| 3 | family shall be assisted directly and referred to a resource to address the concerns. |
| 4 | (8) The child and adoptive parent shall be provided assistance, consultation, |
| 5 | and emotional support with situations and problems encountered in permanent |
| 6 | placement through finalization. |
| 7 | (9) The adoptive family shall be provided with access to twenty-four hour |
| 8 | crisis intervention services through finalization. |
| 9 | (10) A confidential report concerning requirements set forth in |
| 10 | Subparagraphs (1) through (9) of this Paragraph shall be presented to the department |
| 11 | upon completion and to the court prior to the hearing on the final decree of agency |
| 12 | adoption. |
| 13 | B. The department shall investigate the proposed private adoption and |
| 14 | submit a confidential report of its findings to the court. The findings shall include: |
| 15 | (1) The conditions with respect to the availability of the child for adoption. |
| 16 | (2) The physical and mental condition of the child. |
| 17 | (3) Other factors regarding the suitability of the child for adoption in |
| 18 | petitioner's home. |
| 19 | (4) The moral and financial fitness of the petitioner. |
| 20 | (5) The conditions of the proposed adoptive home with respect to health, |
| 21 | adjustment, and other advantages or disadvantages to the child. |
| 22 | B. C. The department may delegate the performance of this investigation to |
| 23 | a licensed private adoption agency, but the department remains responsible for |
| 24 | ensuring the accuracy and thoroughness of the resulting report and for the safety and |
| 25 | welfare of the child. The department shall adopt, promulgate, and enforce such rules |
| 26 | and regulations as are necessary and appropriate to implement this authorization in |
| 27 | accordance with the Administrative Procedure Act. |
| 28 | C. D. The department shall make every effort to locate any living parent |
| 29 | whose consent is required under Article 1193 to determine the parent's attitude |
| 30 | toward the proposed adoption. If a curator ad hoc has been appointed by the court |
| | |

HB NO. 727 **ENROLLED** 1 pursuant to Article 1227, the department shall supply him with all information 2 pertinent to the location of an absentee parent within fifteen days of its receipt of a 3 copy of the order appointing the curator ad hoc. 4 5 Art. 1235. Continuing duties; home study report 6 A. After an interlocutory decree has been entered, if ordered by the court, the 7 attorney arranging the private adoption shall ensure that a licensed professional 8 tasked with ensuring the safety and health of the child in the adoptive placement 9 shall maintain contact with the proposed adoptive home directly or through another 10 agency in accordance with Paragraph C of this Article 1229. 11 B. A If an interlocutory decree has been entered, a second confidential report shall be presented to the court preceding the hearing on the final decree of private 12 13 adoption. The findings of this report shall be based upon the same considerations as 14 prescribed in Article 1229 and shall disclose any changed conditions and all new 15 pertinent information. 16 17 Section 2. Children's Code Articles 1213(D) and 1235(C) are hereby repealed in 18 their entirety. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____