

SENATE BILL NO. 586

BY SENATORS DORSEY-COLOMB, BROOME, BUFFINGTON AND JOHNS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

To amend and reenact Children's Code Articles 1217, 1239, 1255, 1282.3, 1283.14, 1284.3, 1285.14 and R.S. 15:87.1(C)(1) and to enact R.S. 14:46.4, relative to children; to provide relative to adoptions; to prohibit the re-homing of a child; to provide certain definitions, terms, conditions, procedures, prohibitions, crimes, penalties, and effects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 1217, 1239, 1255, 1282.3, 1283.14, 1284.3, and 1285.14 are hereby amended and reenacted to read as follows:

Art. 1217. Final decree; **notice**; standard

A. The court, as a part of the final decree, shall provide notice of the provisions of R.S. 14:46.4 to the parties.

B. The court, after hearing and after taking into consideration information from all sources concerning the adoption, may enter a final decree of agency adoption, or it may deny the adoption. The basic consideration shall be the best interests of the child.

* * *

Art. 1239. Final decree; **notice**; standard

A. The court, as a part of the final decree, shall provide notice of the provisions of R.S. 14:46.4 to the parties.

B. The court, after hearing and after taking into consideration information from all sources concerning the adoption, may enter a final decree of private adoption, or it may deny the adoption. The basic consideration shall be the best interests of the child.

* * *

1 Art. 1255. Final decree; notice; standard

2 A. The court, as a part of the final decree, shall provide notice of the
3 provisions of R.S. 14:46.4 to the parties.

4 B. The court, after hearing and after taking into consideration information
5 from all sources concerning the intrafamily adoption, may enter a final decree of
6 adoption, or it may deny the adoption. The basic consideration shall be the best
7 interests of the child.

8 ~~B.C.~~ When a court has granted custody to either the child's grandparents or
9 his parent married to the stepparent petitioner, there shall be a rebuttable
10 presumption that this adoption is in the best interests of the child.

11 * * *

12 Art. 1282.3. Final decree; notice; standard

13 A. The court, as a part of the final decree, shall provide notice of the
14 provisions of R.S. 14:46.4 to the parties.

15 B. The court, after taking into consideration all documents filed concerning
16 the adoption, may enter a final decree of adoption, or it may deny recognition of the
17 adoption. The basic consideration shall be the best interest of the child.

18 * * *

19 Art. 1283.14. Final decree; notice; standard

20 A. The court, as a part of the final decree, shall provide notice of the
21 provisions of R.S. 14:46.4 to the parties.

22 B. The court, after hearing and after taking into consideration information
23 from all sources concerning the adoption, may enter a final decree of adoption, or it
24 may deny the adoption. The basic consideration shall be the best interest of the child.

25 * * *

26 Art. 1284.3. Final decree; notice; standard

27 A. The court, as a part of the final decree, shall provide notice of the
28 provisions of R.S. 14:46.4 to the parties.

29 B. The court, after taking into consideration all documents filed concerning
30 the adoption, may enter a final decree of adoption, or it may deny recognition of the

1 adoption. Recognition may be refused only if the adoption is manifestly contrary to
2 public policy, taking into account the best interests of the child.

3 * * *

4 Art. 1285.14. Final decree; notice; standard

5 **A. The court, as a part of the final decree, shall provide notice of the**
6 **provisions of R.S. 14:46.4 to the parties.**

7 **B.** The court, after a hearing and after taking into consideration information
8 from all sources concerning the adoption, may enter a final decree of adoption, or it
9 may deny the adoption. The basic consideration shall be the best interest of the child.

10 * * *

11 Section 2. R.S. 14:46.4 is hereby enacted to read as follows:

12 **§46.4. Re-homing of a child**

13 **A. Re-homing of a child is any one of the following:**

14 **(1) A transaction, or any action taken to facilitate such transaction,**
15 **through electronic means or otherwise by a parent or any individual or entity**
16 **with custody of a child who intends to avoid or divest himself of permanent**
17 **parental responsibility by placing the child in the physical custody of a**
18 **nonrelative, without court approval, unless Paragraph B of this Section applies.**

19 **Actions include but are not limited to transferring, recruiting, harboring,**
20 **transporting, providing, soliciting, or obtaining a child for such transaction.**

21 **(2) The selling, transferring, or arranging for the sale or transfer of a**
22 **minor child to another person or entity for money or any thing of value or to**
23 **receive such minor child for such payments or thing of value.**

24 **(3) Assisting, aiding, abetting, or conspiring in the commission of any act**
25 **described in Subsections (1) and (2) of this Section by any person or entity,**
26 **regardless of whether money or any thing of value has been promised to or**
27 **received by the person.**

28 **B. Re-homing does not include:**

29 **(1) Placement of a child with a relative, stepparent, licensed adoption**
30 **agency, licensed attorney, or the Department of Children and Family Services.**

1 in R.S.14:2(B), sex offenses as defined in R.S. 15:541, R.S. 14:106, R.S. 14:282,
2 R.S. 14:283, R.S. 14:283.1, R.S. 14:284, R.S. 14:286, R.S. 40:966(A), R.S.
3 40:967(A), R.S. 40:968(A), R.S. 40:969(A), and R.S. 40:970(A) or convictions for
4 attempt or conspiracy to commit any of those offenses;

5 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____