## **ACT No. 721**

SENATE BILL NO. 586

## BY SENATORS DORSEY-COLOMB, BROOME, BUFFINGTON AND JOHNS

1	AN ACT	
2	To amend and reenact Children's Code Articles 1217, 1239, 1255, 1282.3, 1283.14, 1284.3,	
3	1285.14 and R.S. 15:87.1(C)(1) and to enact R.S. 14:46.4, relative to children; to	
4	provide relative to adoptions; to prohibit the re-homing of a child; to provide certain	
5	definitions, terms, conditions, procedures, prohibitions, crimes, penalties, and	
6	effects; and to provide for related matters.	
7	Be it enacted by the Legislature of Louisiana:	
8	Section 1. Children's Code Articles 1217, 1239, 1255, 1282.3, 1283.14, 1284.3, and	
9	1285.14 are hereby amended and reenacted to read as follows:	
10	Art. 1217. Final decree; notice; standard	
11	A. The court, as a part of the final decree, shall provide notice of the	
12	provisions of R.S. 14:46.4 to the parties.	
13	$\underline{\mathbf{B}}_{\boldsymbol{\cdot}}$ The court, after hearing and after taking into consideration information	
14	from all sources concerning the adoption, may enter a final decree of agency	
15	adoption, or it may deny the adoption. The basic consideration shall be the best	
16	interests of the child.	
17	* * *	
18	Art. 1239. Final decree; notice; standard	
19	A. The court, as a part of the final decree, shall provide notice of the	
20	provisions of R.S. 14:46.4 to the parties.	
21	$\underline{\mathbf{B}}_{\boldsymbol{\cdot}}$ The court, after hearing and after taking into consideration information	
22	from all sources concerning the adoption, may enter a final decree of private	
23	adoption, or it may deny the adoption. The basic consideration shall be the best	
24	interests of the child.	
25	* * *	

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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	$\underline{\mathbf{B}}$ . 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	$\underline{\mathbf{B}}$ . 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	$\underline{\mathbf{B}}$ . 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	

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provisions of R.S. 14:46.4 to the parties.

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**B.** The court, after taking into consideration all documents filed concerning

the adoption, may enter a final decree of adoption, or it may deny recognition of the

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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>B.</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.	

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1	(2) Placement of a child by a licensed attorney, licensed adoption agency,
2	or the Department of Children and Family Services.
3	(3) Temporary placement of a child by parents or custodians for
4	designated short-term periods with a specified intent and time period for return
5	of the child, due to a vacation or a school-sponsored function or activity, or the
6	incarceration, military service, medical treatment, or incapacity of a parent.
7	(4) Placement of a child in another state in accordance with the
8	requirements of the Interstate Compact on the Placement of Children.
9	(5) Relinquishment of a child pursuant to the safe haven provisions of
10	<u>law.</u>
11	C. Whoever commits the crime of re-homing of a child shall be fined not
12	more than five thousand dollars and shall be imprisoned at hard labor for not
13	more than five years.
14	D. It shall not be a defense to prosecution for a violation of this Section
15	that the person being re-homed is actually a law enforcement officer or peace
16	officer acting within the official scope of his duties.
17	E. The provisions of Chapter 1 of Title V of the Louisiana Children's
18	Code regarding the multidisciplinary team approach applicable to children who
19	have been abused or neglected, to the extent practical, shall apply to the
20	children who are victims of the provisions of this Section.
21	Section 3. R.S. 15:587.1(C)(1) is hereby amended and reenacted to read as follows:
22	§587.1. Provision of information to protect children
23	* * *
24	C. The provisions of R.S. 15:825.3, R.S. 17:15, R.S. 46:51.2 and 1441.13,
25	and Children's Code Article 424.1 shall govern the employment of persons who have
26	been convicted of, or pled guilty or nolo contendere to, any of the following crimes:
27	(1) R.S. 14:30, R.S. 14:30.1, R.S. 14:31, R.S. 14:32.6 through R.S. 14:32.8,
28	R.S. 14:41 through R.S. 14:45, <b>R.S. 14:46.4</b> , R.S. 14:74, R.S. 14:78, R.S. 14:78.1,
29	R.S. 14:79.1, R.S. 14:80 through R.S. 14:86, R.S. 14:89, R.S. 14:89.1, R.S. 14:89.2,
30	R.S. 14:92, R.S. 14:93, R.S. 14:93.2.1, R.S. 14:93.3, crimes of violence as defined

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1	in R.S.14:2(B), sex offe	enses 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
	A DDD OVED:	GOVERNOR OF THE STATE OF LOUISIANA
APPROVED:		