
HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 643 by Representative Edmonds

1 AMENDMENT NO. 1

2 On page 1, line 3, after "R.S. 14:286" and before the comma "," insert "and to enact
3 Children's Code Articles 1201.1 and 1223.2"

4 AMENDMENT NO. 2

5 On page 1, line 8, after "affidavit;" and before "and" insert "to provide relative to adoption
6 contracts; to provide for presumptions;"

7 AMENDMENT NO. 3

8 On page 1, line 11, after "reenacted" and before "to read" insert "and Children's Code
9 Articles 1201.1 and 1223.2 are hereby enacted"

10 AMENDMENT NO. 4

11 On page 3, delete lines 22 through 24 in their entirety

12 AMENDMENT NO. 5

13 On page 8, between lines 7 and 8, insert the following:

14 "Art. 1201.1. Duration and enforcement of contract; presumption

15

16 A. A contract between a prospective birth mother and a
17 private attorney or adoption agency in which the attorney, agency, or
18 prospective adoptive parents are providing financial assistance to the
19 pregnant woman to cover the costs of prenatal care and other
20 expenses allowed by law shall be presumed valid and enforceable
21 throughout pregnancy and adoption.

22 B. If a birth mother in such a contractual arrangement desires
23 to breach the contract in favor of facilitating an adoption agreement
24 with another attorney or agency, the current attorney or agency may
25 petition a court to determine whether there is evidence of interference
26 of contract by virtue of financial or other inducements.

27 C. The court shall presume that the initial contract is valid
28 unless one of the following two conditions is met:

29 (1) The prospective birth parent considering adoption decides
30 at any point to decline the option of placing her child for adoption
31 and instead elects to retain her parental rights and parent the child.

32 (2) The prospective birth parent considering adoption can
33 demonstrate through a preponderance of the evidence that the
34 contracting attorney, adoption agency, or prospective adoptive
35 parents have been negligent in their duties, abusive, or guilty of a
36 crime. The prospective birth parent considering adoption in
37 coordination with another attorney or agency shall submit this
38 information to a court of competent jurisdiction.

1 D. If a prospective birth parent considering adoption leaves
2 an agency or attorney, and the contracting attorney or agency
3 believes the prospective birth parent considering adoption was
4 financially induced to leave in violation of this Section, the attorney,
5 the agency, or the prospective adoptive parents may petition the court
6 to enforce the contract and keep it in effect unless the provisions of
7 Paragraphs (1) or (2) of Subsection C can be established by a
8 preponderance of the evidence.

9 * * *

10 AMENDMENT NO. 6

11 On page 9, delete lines 25 through 27 in their entirety

12 AMENDMENT NO. 7

13 On page 14, between lines 4 and 5, insert the following:

14 "Art. 1223.2. Duration and enforcement of contract; presumption

15
16 A. A contract between a prospective birth mother and a
17 private attorney or adoption agency in which the attorney, agency, or
18 prospective adoptive parents are providing financial assistance to the
19 pregnant woman to cover the costs of prenatal care and other
20 expenses allowed by law shall be presumed valid and enforceable
21 throughout pregnancy and adoption.

22 B. If a birth mother in such a contractual arrangement desires
23 to breach the contract in favor of facilitating an adoption agreement
24 with another attorney or agency, the current attorney or agency may
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37 coordination with another attorney or agency shall submit this
38 information to a court of competent jurisdiction.

39 D. If a prospective birth parent considering adoption leaves
40 an agency or attorney, and the contracting attorney or agency
41 believes the prospective birth parent considering adoption was
42 financially induced to leave in violation of this Section, the attorney,
43 the agency, or the prospective adoptive parents may petition the court
44 to enforce the contract and keep it in effect unless the provisions of
45 Paragraphs (1) or (2) of Subsection C can be established by a
46 preponderance of the evidence."

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.