
DIGEST

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Dorsey-Colomb

SB No. 586

Present law in Children's Code provides procedures for adoption of a child. Provides that 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.

Proposed law retains present law and adds that the court, as a part of the final decree, shall provide notice of the provisions of proposed law to the parties concerning the crime of re-homing of a child.

Proposed law creates the crime of re-homing of a child, defined as any of the following:

- (1) A transaction, or any action taken to facilitate such transaction, through electronic means or otherwise by a parent or any individual or entity with custody of a child who intends to avoid or divest himself of permanent parental responsibility by placing the child in the physical custody of a nonrelative, without court approval, unless proposed law otherwise applies. Actions include but are not limited to transferring, recruiting, harboring, transporting, providing, soliciting, or obtaining a child for such transaction.
- (2) The selling, transferring, or arranging for the sale or transfer of a minor child to another person or entity for money or any thing of value or to receive such minor child for such payments or thing of value.
- (3) Assisting, aiding, abetting, or conspiring in the commission of any act described in proposed law by any person or entity, regardless of whether money or any thing of value has been promised to or received by the person.

Proposed law provides that re-homing does not include placements made with a relative, stepparent, licensed adoption agency, licensed attorney, or the DCFS; placements made by a licensed attorney or the DCFS; temporary placements made by parents or custodians for designated short-term periods with a specified intent and time period for return of the child, due to incarceration, military service, medical treatment, or incapacity of a parent; and placement of child in another state in accordance with the requirements of the Interstate Compact on the Placement of Children.

Proposed law provides that whoever commits the crime of re-homing of a child shall be fined not more than \$5,000 and shall be imprisoned at hard labor for not more than five years.

Proposed law provides that it shall not be a defense to prosecution for a violation of proposed law that the person being re-homed is actually a law enforcement officer or peace officer acting within the official scope of his duties.

Proposed law provides that the provisions of present law regarding the multidisciplinary team approach applicable to children who have been abused or neglected, to the extent practical, shall apply to the children who are victims of the provisions of proposed law.

Present law provides that the provisions of present law shall govern the employment of persons who have been convicted of, or pled guilty or nolo contendere to, certain crimes.

Proposed law retains present law and adds the re-homing of a child.

Effective August 1, 2014.

(Amends Ch.C. Arts. 1217, 1239, 1255, 1282.3, 1283.14, 1284.3, and 1285.14 and R.S. 15:87.1(C)(1); adds R.S. 14:46.4)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Included language providing notice of re-homing crime in Ch. C. Art. 1284.3 concerning final decrees of adoption.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the reengrossed bill.

1. Clarified that rehoming is any of the enumerated actions.
2. Provided that rehoming does not include the placement of a child by a licensed adoption agency.