

SENATE BILL NO. 586

BY SENATORS DORSEY-COLOMB, BROOME, BUFFINGTON AND JOHNS

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.

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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.

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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 **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.

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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.

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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.

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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.

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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.

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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.**

(2) Placement of a child by a licensed attorney, licensed adoption agency, or the Department of Children and Family Services.

(3) Temporary placement of a child by parents or custodians for designated short-term periods with a specified intent and time period for return of the child, due to a vacation or a school-sponsored function or activity, or the incarceration, military service, medical treatment, or incapacity of a parent.

(4) Placement of a child in another state in accordance with the requirements of the Interstate Compact on the Placement of Children.

(5) Relinquishment of a child pursuant to the safe haven provisions of law.

C. Whoever commits the crime of re-homing of a child shall be fined not more than five thousand dollars and shall be imprisoned at hard labor for not more than five years.

D. It shall not be a defense to prosecution for a violation of this Section that the person being re-homed is actually a law enforcement officer or peace officer acting within the official scope of his duties.

E. The provisions of Chapter 1 of Title V of the Louisiana Children's Code 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 this Section.

Section 3. R.S. 15:587.1(C)(1) is hereby amended and reenacted to read as follows:

§587.1. Provision of information to protect children

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C. The provisions of R.S. 15:825.3, R.S. 17:15, R.S. 46:51.2 and 1441.13, and Children's Code Article 424.1 shall govern the employment of persons who have been convicted of, or pled guilty or nolo contendere to, any of the following crimes:

(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, R.S. 14:41 through R.S. 14:45, **R.S. 14:46.4**, R.S. 14:74, R.S. 14:78, R.S. 14:78.1, 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, 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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GOVERNOR OF THE STATE OF LOUISIANA

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Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.