



LOUISIANA STATE LAW INSTITUTE

PAUL M. HEBERT LAW CENTER, ROOM W127

UNIVERSITY STATION

BATON ROUGE, LA 70803-1016

OFFICE OF
THE DIRECTOR
(225) 578-0200

FAX: (225) 578-0211

EMAIL: LAWINSTITUTE@LSLI.ORG

January 30, 2019

Representative Taylor Barras
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

RE: HOUSE RESOLUTION NO. 204 OF THE 2018 REGULAR SESSION

Dear Mr. Speaker:

The Louisiana State Law Institute respectfully submits its interim report to the legislature relative to adoption fees and charges.

Sincerely,


Guy Holdridge
Director

cc: Representative Rick Edmonds

email cc: David R. Poynter Legislative Research Library
drplibrary@legis.la.gov
Secretary of State, Mr. R. Kyle Ardoin
admin@sos.louisiana.gov

**LOUISIANA STATE LAW INSTITUTE
CHILDREN'S CODE COMMITTEE**

**INTERIM REPORT TO THE LEGISLATURE
IN RESPONSE TO HR NO. 204 OF THE 2018 REGULAR SESSION**

Relative to adoption fees, charges, and living expenses

Prepared for the
Louisiana Legislature on

January 30, 2019

Baton Rouge, Louisiana

LOUISIANA STATE LAW INSTITUTE CHILDREN'S CODE COMMITTEE

Jan Byland, Baton Rouge

Andrea Carroll, Baton Rouge

Paula Davis, Baton Rouge

Ernestine S. Gray, New Orleans

Margot E. Hammond, New Orleans

Kaaren Hebert, Lafayette

Joan E. Hunt, Baton Rouge

Angelic Keller, Baton Rouge

Nancy Amato Konrad, Metairie

Hector Linares, New Orleans

Lucy McGough, Baton Rouge

Richard Pittman, Baton Rouge

S. Andy Shealy, Ruston

Madalyn K. Wasilczuk, Baton Rouge

Isabel Wingerter, Baton Rouge

* * * * *

Karen Hallstrom, Reporter

Jessica G. Braun, Attorney

2018 Regular Session

HOUSE RESOLUTION NO. 204

BY REPRESENTATIVE EDMONDS

A RESOLUTION

To urge and request the Louisiana State Law Institute to study the laws regarding adoption and adoption incentives in Louisiana and to submit a written report of its findings with recommendations relative to the payment of expenses in adoptions.

WHEREAS, House Concurrent Resolution 79 of the 2016 Regular Session of the Legislature requested the Louisiana State Law Institute to study the laws regarding adoptions and adoption incentives in Louisiana and to submit a written report of its findings and recommendations to the House Committee on Civil Law and Procedure and the Senate Committee on Judiciary A; and

WHEREAS, the Louisiana State Law Institute studied the adoption laws in Louisiana and in other states and made recommendations for amendments to current law addressing adoption incentives in House Bill 643 of the 2018 Regular Session of the Legislature; and

WHEREAS, further study of the adoption disclosure data maintained by the Department of Children and Family Services is necessary to assess reasonable adoption costs; and

WHEREAS, the payment of simultaneous or previous living expenses is not specifically addressed in present adoption law and also needs further study.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study non-identifying data maintained by the Department of Children and Family Services relative to fees and charges reported in Adoption Disclosure Affidavits and to study and recommend a mechanism for ascertaining and reporting all living expenses paid in

contemplation of adoption that respects the rights of the birth parents and provides accountability.

BE IT FURTHER RESOLVED that the Department of Children and Family Services shall provide to the Louisiana State Law Institute such non-identifying data relative to the fees and charges reported in Adoption Disclosure Affidavits as may be requested by the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State University Public Administration Institute and Department of Economics may assist in the collection and analysis of the data at the request of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute submit a written report of its findings and recommendations to the House Committee on Civil Law and Procedure no later than sixty days prior to the beginning of the 2019 Regular Session of the Legislature.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the director of the Louisiana State Law Institute, the secretary of the Department of Children and Family Services, the director of the Louisiana State University Public Administration Institute, and the department chair of the Louisiana State University Department of Economics.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

January 30, 2019

Representative Taylor Barras
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

**INTERIM REPORT TO THE LEGISLATURE IN RESPONSE TO
HR NO. 204 OF THE 2018 REGULAR SESSION**

House Resolution No. 204 of the 2018 Regular Session urges and requests the Louisiana State Law Institute to study data regarding fees and charges reported in Adoption Disclosure Affidavits and to recommend a mechanism for ascertaining and reporting living expenses paid in contemplation of adoption. In fulfillment of this request, the Law Institute assigned this project to the Children's Code Committee, which has met numerous times over the course of the past year to consider this issue.

In addition to research conducted by the Committee, the Department of Children and Family Services provided data concerning Adoption Disclosure Affidavit information as reported from each of the nine regional offices spanning from May of 2017 through June of 2018. The Committee reviewed the available data, summarized the information, and has begun identifying potential issues and deficiencies in current policies, practice, and law. The Committee is working closely with the Department to determine how the data can be strengthened for more reliable analysis before compiling a final report containing its recommendations.

The Committee will continue meeting to complete its work and a final report will be submitted to the Legislature once the Committee's recommendations have been approved by the Council of the Law Institute.

Respectfully submitted,

Karen Hallstrom, Reporter
Children's Code Committee
Louisiana State Law Institute