



LOUISIANA STATE LAW INSTITUTE

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January 21, 2026

Representative Phillip R. DeVillier
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

Senator Cameron Henry
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

**RE: HOUSE CONCURRENT RESOLUTION NO. 79 OF THE 2016 REGULAR
SESSION AND HOUSE RESOLUTION NO. 192 OF THE 2024 REGULAR
SESSION**

Dear Mr. Speaker and Mr. President:

The Louisiana State Law Institute respectfully submits its report to the legislature relative to adoption proceedings.

Sincerely,


Guy Holdridge
Director

GH/puc
Enclosure

cc: Representative Roy Daryl Adams
Representative Beryl Amedee
Representative Tony Bacala
Representative Larry Bagley
Senator Rick Edmonds
Representative Julie Emerson
Representative Dodie Horton

Senator Katrina Jackson-Andrews
Representative Michael Johnson
Representative Rodney Lyons
Representative Stephanie H. Berault

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Secretary of State, Ms. Nancy Landry
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**LOUISIANA STATE LAW INSTITUTE
CHILDREN'S CODE COMMITTEE**

**REPORT IN RESPONSE TO HCR NO. 79 OF THE 2016 REGULAR
SESSION AND HR NO. 192 OF THE 2024 REGULAR SESSION**

Relative to adoption proceedings

Prepared for the
Louisiana Legislature on

January 21, 2026

Baton Rouge, Louisiana

LOUISIANA STATE LAW INSTITUTE CHILDREN'S CODE COMMITTEE

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* * * * *

Richard Pittman, Reporter

Jessica G. Braun, Attorney

2016 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 79

BY REPRESENTATIVES EDMONDS, ADAMS, AMEDEE, BACALA, BAGLEY,
BAGNERIS, COUSSAN, EMERSON, FALCONER, LANCE HARRIS,
HOFFMANN, HORTON, JACKSON, MIKE JOHNSON, LEBAS, LEGER,
LYONS, PEARSON, AND PYLANT AND SENATOR PEACOCK

A CONCURRENT RESOLUTION

To urge and request 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 with recommendations relative to establishing consistent and specific procedures and laws for all types of adoption to address abuse of incentives in the adoption process in Louisiana.

WHEREAS, Louisiana has many children who are available for adoption; and

WHEREAS, the Children's Code provides for various types of adoption in Louisiana; and

WHEREAS, Louisiana law provides procedures for private adoption and agency or intrafamily adoptions and differences in the laws regarding private adoptions and agency adoptions may create certain advantages for some parties in the adoption process; and

WHEREAS, while other states have specific laws addressing "Adoption Incentives" and laws that set limits on the incentives provided to birth mothers, Louisiana does not; and

WHEREAS, without these laws in Louisiana, the potential for monetary gain and exploitation exists in the adoption process and the emotional impact of wrongful adoptions on families is significant; and

WHEREAS, the prevention of exploitation and wrongful adoptions in the adoption process should be of the utmost importance to the people of Louisiana.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to compile data relative to the rules and procedures for the adoption of children in Louisiana, to study the laws regarding adoptions and adoption incentives, and to make recommendations relative to establishing consistent

and specific procedures and laws for all types of adoption and for addressing the abuse of incentives in the adoption process.

BE IT FURTHER RESOLVED that a written report of its findings and recommendations be submitted to the House Committee on Civil Law and Procedure and the Senate Committee on Judiciary A no later than sixty days prior to the 2018 Regular Session of the Legislature of Louisiana.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

2024 Regular Session

HOUSE RESOLUTION NO. 192

BY REPRESENTATIVE BERAULT

A RESOLUTION

To authorize and direct the Louisiana State Law Institute to study adoption proceedings relative to surrendering a child and to report its findings to the legislature no later than January 6, 2025.

WHEREAS, the Children's Code refers to surrendering a child for purposes of placing a child for adoption; and

WHEREAS, in order to have a more positive association with adoption proceedings, the Children's Code, and all other provisions of law, should substitute language on surrendering a child for adoption to placing a child for adoption; and

WHEREAS, according to Civil Code Article 1918, unemancipated minors do not have the capacity to contract, and any contract with a minor may be declared null by a court; and

WHEREAS, Children's Code Article 1113 provides that a minor may surrender the minor's child to an agency without the consent of the parents or the tutor of the minor; and

WHEREAS, the parents of the minor should be involved in the decisionmaking process for all adoptions, including agency adoptions and intra-family adoptions; and

WHEREAS, the Act of Surrender under Children's Code Article 1122 recites that the Act of Surrender is not being executed earlier than the third day following the birth of the child if it is an agency adoption or the fifth day following the birth of the child if the adoption is a private adoption; and

WHEREAS, in the best interests of the mental and physical health of the surrendering mother, the Act of Surrender should be executed at the same time regardless of whether the adoption is conducted by an agency or is a private adoption; and

WHEREAS, the Act of Surrender under Children's Code Article 1122 should recite that the surrendering parent is aware that, upon execution, the adoption is irrevocable; however, under Children's Code Article 1148, the surrendering parent has ninety days to revoke the surrender if the surrendering parent is a victim of fraud or duress; and

WHEREAS, the Act of Surrender under Children's Code Article 1122 should declare if the child being placed for adoption is an "Indian Child" as defined by Children's Code Article 116 and if the parent is on active duty with any branch of the military as of the date of surrender; and

WHEREAS, the fifteen-day period that an alleged father has to oppose the adoption of his alleged child under Children's Code Article 1137 does not allow for proper discovery and is likely to be more effective if the time period is extended; and

WHEREAS, in order to protect an alleged father, there should be additional measures under Children's Code Article 1135 to support the surrendering mother's allegations that the father is unknown and that the mother has made a diligent effort to identify him; and

WHEREAS, the court should establish a standard that the mother is required to meet in order to prove that the father is unknown and that the mother has made a diligent effort to identify him; and

WHEREAS, Children's Code Article 1137 provides for the notice of opposition to the adoption for an alleged or adjudicated father; and

WHEREAS, a presumed father is not afforded the same notice under Children's Code Article 1137, because the adoption proceedings are governed by Children's Code Articles 1004 and 1015; and

WHEREAS, in the interest of judicial proceedings, both presumed and alleged fathers should be afforded adequate notice; and

WHEREAS, under Children's Code Article 1138, if the alleged or adjudicated father has established his parental rights, the court may order the alleged or adjudicated father to pay the adoption agency for costs incurred while caring for the child; and

WHEREAS, the court should consider ordering the alleged or adjudicated father to pay a sum of financial support to an independent adoptive family who keeps the child for the duration of the opposition; and

WHEREAS, under Children's Code Article 1138, proof of the father's substantial commitment to parental responsibilities should be focused on his efforts as a father as opposed to efforts of his family members; and

WHEREAS, a child could bond with the prospective adoptive family if the child has lived with the prospective adoptive family for a significant period of time; and

WHEREAS, the court should consider the recommendations of a child custody expert when ordering reunification of a child with the parent; and

WHEREAS, Children's Code Article 1175 should be used only in cases where completing a home study is not practicable; and

WHEREAS, Children's Code Article 1175 is an available avenue for prospective adoptive parents to place a child in their home without completing a home study; and

WHEREAS, Children's Code Article 1200 provides for permissible reimbursements of expenses to a surrendering parent; and

WHEREAS, Children's Code Article 1200 should only allow for retroactive expenses to a surrendering parent if special conditions exist, which should be clearly disclosed and approved by the court prior to disbursement; and

WHEREAS, Children's Code Article 1209 provides that intervention in agency adoption proceedings shall be limited to persons having a substantial caretaking relationship with the child or any other party in interest; and

WHEREAS, in Children's Code Article 1209, the phrase "any other person that the court finds to be a party in interest" should be removed as it is overly broad, and language authorizing intervention by an individual who shows substantial evidence that the adoption is not in the best interest of the child should be included; and

WHEREAS, Children's Code Article 1223 allows for permissible reimbursement of expenses to a birth mother, but also should prohibit a birth mother from accepting payment from more than one potential adoption petitioner or agent; and

WHEREAS, while Children's Code Article 1245 provides for cases in which parental consent is not necessary for an adoption, the grounds for termination of parental rights under Children's Code Article 1015(1) through (4) also should be taken into consideration; and

WHEREAS, in the Children's Code, the authority of the Department of Children and Family Services is not clearly outlined, and there should be specific rules and guidelines outlining the authority of the department in adoption proceedings.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to study adoption proceedings relative to surrendering a child and to report its findings to the legislature no later than January 6, 2025.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one print copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

January 21, 2026

To: Representative Phillip R. DeVillier
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

Senator Cameron Henry
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

**REPORT TO THE LEGISLATURE IN RESPONSE TO HCR NO. 79 OF THE 2016
REGULAR SESSION AND HR NO. 192 OF THE 2024 REGULAR SESSION**

House Concurrent Resolution No. 79 of the 2016 Regular Session requested the Louisiana State Law Institute to study the laws regarding adoptions and make recommendations to establish consistent and specific procedures and laws for all types of adoptions. House Resolution No. 192 of the 2024 Regular Session directed the Law Institute “to study adoption proceedings relative to surrendering a child and to report its findings to the legislature.” In fulfillment of these requests, the Law Institute assigned these projects to its Children's Code Committee, which presently operates under the direction of Professor Richard Pittman as Reporter.

Pursuant to House Concurrent Resolution No. 79 of the 2016 Regular Session, the Law Institute researched and studied the differing procedures for all types of adoptions and concluded that the differences are justified due to the additional licensing regulations governing adoption agencies and the resulting level of services provided to birth parents. Again in 2019, pursuant to House Resolution No. 306, the Law Institute studied the differing time periods for finalizing adoptions and once more concluded that the time periods are well-established best practices in adoption work and federal and state public policies promoting permanency; the health, safety, and well-being of children; and the long-term health and stability of the adoptive family.

In accordance with the language of House Resolution No. 192 and in reviewing House Bill No. 855 of the 2024 Regular Session by Representative Berault, the Committee updated its previous extensive research of other state’s laws and devoted considerable thought to all of the possible issues listed in the resolution. During these discussions, however, neither practitioners and judges nor agencies reported significant issues arising from current practices relative to minor parents, time periods, notice to alleged and presumed fathers, proof of parental commitment, reimbursement of expenses, home studies, and the role of the Department of Children and Family Services.

Although Louisiana may be considered an adoption friendly state, the Law Institute finds that present law is consistent with other states and provides necessary protections to both biological parents and adoptive parents. Current law reasonably balances these interests by providing services

to parents who agree to pursue an adoption and by setting forth a fair process for contesting an adoption.

In light of these considerations, the Law Institute makes no recommendations for changes to the law concerning adoption proceedings at this time. The Law Institute will continue to monitor any proposed legislation to ensure that balance is maintained between facilitating adoptions that are warranted and respecting the rights of birth parents.