

Regular Session, 2010

SENATE BILL NO. 129

BY SENATOR MORRELL

CHILDREN. Provides relative to the adoption of children. (gov sig)

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AN ACT

To amend and reenact Children's Code Articles 1198, 1221, 1243(A)(2), and 1281.9 and R.S. 40:79(A)(2)(a), relative to the adoption of a child; to provide with respect to persons who may petition for adoption of a child; to provide with respect to agency, private and intrafamily adoptions; to authorize an unmarried couple jointly to petition to adopt a child; to provide relative to the record of an adoption decree; to require both names an unmarried couple jointly to be recorded as parents; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 1198, 1221, 1243(A)(2), and 1281.9 are hereby amended and reenacted to read as follows:

Art. 1198. Persons who may petition for adoption

A single person, eighteen years or older, **an unmarried couple jointly**, or a married couple jointly may petition to adopt a child through an agency. When one joint petitioner dies after the petition has been filed, the adoption proceedings may continue as though the survivor was a single original petitioner.

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1 Art. 1221. Persons who may petition for adoption

2 A single person, eighteen years or older, **an unmarried couple jointly**, or
3 a married couple jointly may petition to privately adopt a child. When one joint
4 petitioner dies after the petition has been filed, the adoption proceedings may
5 continue as though the survivor was a single original petitioner.

6 * * *

7 Art. 1243. Persons who may petition for intrafamily adoption

8 A. A stepparent, stepgrandparent, great-grandparent, grandparent, aunt, great
9 aunt, uncle, great uncle, sibling, or first, second, or third cousin may petition to adopt
10 a child if all of the following elements are met:

11 * * *

12 (2) The petitioner is a single person over the age of eighteen, **an unmarried**
13 **couple jointly**, or a married person whose spouse is a joint petitioner.

14 * * *

15 Art. 1281.9. Persons who may petition for intercountry adoption

16 A United States citizen, ~~and spouse jointly, or~~ an unmarried United States
17 citizen, **or an unmarried couple jointly** at least twenty-five years of age may
18 petition for intercountry adoption of a foreign orphan. At least one petitioner shall
19 be a domiciliary of Louisiana. When one joint petitioner dies after the petition has
20 been filed, the adoption proceedings may continue as though the survivor was a
21 single original petitioner.

22 Section 2. R.S. 40:79(A)(2)(a) is hereby amended and reenacted to read as follows:

23 §79. Record of adoption decree

24 A.(1) * * *

25 (2)(a) If the child is adopted by a married couple **or an unmarried couple**
26 **jointly**, the names of both parties shall be recorded as the parents, even if one of the
27 petitioning parties dies prior to entry of the final judgment of adoption.

28 * * *

29 Section 3. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
4 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Angela Lockett De Jean.

DIGEST

Present law provides that a single person 18 years or older or married couples jointly may petition to adopt a child through an agency.

Proposed law retains present law and also authorizes an unmarried couple jointly to adopt a child through an agency.

Present law provides that a single person, 18 years or older, or a married couple jointly may petition to privately adopt a child.

Proposed law retains present law and also authorizes an unmarried couple to jointly petition to privately adopt a child.

Present law relative to intrafamily adoptions provides those persons authorized to petition to adopt a child.

Proposed law retains present law and also authorizes an unmarried couple to jointly petition for intrafamily adoption.

Present law requires the state registrar to make a new birth certificate of a person adopted, in the new name if the name has been changed in the final decree of adoption. If the child is adopted by a married couple, the names of both parties must be recorded as the parents.

Proposed law retains present law and also requires the names of both parties to be recorded if the child is adopted by an unmarried couple jointly.

Present law provides that a U.S. citizen and spouse jointly or an unmarried U.S. citizen at least 25 years of age may petition for intercountry adoption of a foreign orphan. At least one petitioner shall be a domiciliary of La. When one joint petitioner dies after the petition has been filed, the adoption proceedings may continue as though the survivor was a single original petitioner.

Proposed law retains present law and also authorizes an unmarried couple jointly to petition for intercountry adoption of a foreign orphan.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends Ch.C. Arts. 1198, 1221, 1243(A)(2) and 1281.9 and R.S. 40:79(A)(2)(a))