

SENATE BILL NO. 496

BY SENATOR EDMONDS AND REPRESENTATIVES CARLSON, EDMONSTON, EGAN, GLORIOSO, MIKE JOHNSON, LARVADAIN, MELERINE, TAYLOR, WRIGHT AND WYBLE

1 AN ACT

2 To amend and reenact R.S. 46:1425 and to enact R.S. 46:1425.1 and R.S. 51:1402(10)(c),  
3 relative to children; to provide relative to adoption facilitators; to provide for terms  
4 and conditions; to provide for definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 46:1425 is hereby amended and reenacted and R.S. 46:1425.1 is  
7 hereby enacted to read as follows:

8 §1425. Adoption services; requirements for advertising; injunctive relief;  
9 exceptions; penalties

10 **A. It shall be prohibited for an adoption facilitator, as is defined in R.S.**  
11 **46:1425.1, to advertise for adoption services.**

12 **AB.** It shall be unlawful for any person other than a licensed child-placing  
13 agency or a Louisiana-based crisis pregnancy center **or Louisiana-based pregnancy**  
14 **resource center** to advertise through print or electronic media that it will adopt  
15 children or assist in the adoption of children.

16 **BC.** If any person advertises in violation of this Section, the attorney general,  
17 the Department of Children and Family Services, the appropriate district attorney,  
18 or any licensed child-placing agency or a Louisiana-based crisis pregnancy center  
19 may file suit in district court according to the general rules of venue to obtain  
20 injunctive relief to restrain the person from continuing the violation.

21 **CD.** Nothing in this Section shall apply to any individual licensed to practice  
22 law in this state while such individual is engaged in the practice of law or to any  
23 individual licensed to provide mental health counseling as provided in Children's  
24 Code Article 1120 and preplacement and home studies as provided in Children's  
25 Code Article 1173.

1            ~~DE~~. Anyone who violates the provisions of this Section shall be liable for all  
2 costs of any proceeding brought to enjoin such violation, including reasonable  
3 attorney fees, which shall be set by the court.

4            **§1425.1. Adoption facilitators; prohibited conduct**

5            **A. An adoption facilitator shall not engage in any of the following**  
6 **activities:**

7            **(1) Advertising for the purpose of soliciting parties to an adoption,**  
8 **locating children for an adoption, or acting as an intermediary between the**  
9 **parties to an adoption.**

10            **(2) Charging a fee or other valuable consideration for service rendered**  
11 **relating to an adoption, whether directly or indirectly, for locating children for**  
12 **adoption, or acting as an intermediary between the parties to an adoption.**

13            **B. As used in this Section, "adoption facilitator" means an individual or**  
14 **jurisdictional person that acts as intermediary or facilitator between adoptive**  
15 **parents and birth mothers. An "adoption facilitator" shall not include any of**  
16 **the following:**

17            **(1) A licensed adoption agency.**

18            **(2) An attorney licensed to practice law in Louisiana.**

19            **(3) Any individual licensed to provide mental health counseling as**  
20 **provided in Children's Code Article 1120, and preplacement and home studies**  
21 **as provided in Children's Code Article 1173.**

22            **(4) A Louisiana-based crisis pregnancy center or Louisiana-based**  
23 **pregnancy resource center.**

24            **(5) An individual who does not receive a fee or other valuable**  
25 **consideration for services rendered relating to an adoption, whether directly or**  
26 **indirectly, for locating children for adoption, or acting as an intermediary**  
27 **between the parties to an adoption.**

28            **C. A violation of this Section shall be an unfair trade practice as**  
29 **provided in R.S. 51:1401, et seq.**

30            Section 2. R.S. 51:1402(10)(c) is hereby enacted to read as follows:

1 §1402. Definitions

2 As used in this Chapter, the following words and phrases shall have the meanings  
3 hereinafter ascribed to them:

4 \* \* \*

5 (10)

6 \* \* \*

7 **(c) "Trade" or "commerce" shall include the advertising or collecting**  
8 **fees as an adoption facilitator in violation of R.S. 46:1425.1.**

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_