

ADOPTION

Adoption is a solemn undertaking. It involves a formal petition to the court, requesting court approval of your choice to make a child who was not born to you (or a child not born of your marriage to your current spouse) a **permanent** member of your family.

There are three basic kinds of adoption in the State of Louisiana:

- Agency Adoptions
- Intrafamily Adoptions
- Private Adoptions

The Louisiana Children's Code governs the procedural and substantive law of adoption, and requirements for each of type of adoption are different.

Since 1997, I have represented hundreds of families in Intrafamily and Agency Adoptions, the latter in association with the Louisiana Department of Children & Family Services (DCFS).

- Intrafamily Adoptions are adoptions by a step-parent or a member of the child's biological family (as defined by law), other than the birth parents.
 - Fees and costs for this type of adoption vary from case to case, depending on the venue for the adoption hearing and the particular facts of the case.
 - These fees and costs are paid by the adoptive parent(s).
- Agency Adoptions permanently place children who have been assigned to the state's foster care program (or a licensed child-placing agency) with stable families who demonstrate the desire and ability to appropriately care for them.
 - In DCFS agency adoptions, fees for court costs and legal services are determined and limited by state law and regulation. These fees and costs are often paid by the State of Louisiana, via an adoption subsidy.

In all cases of adoption, the presiding judge determines whether an adoption should be granted based on consideration of *the best interest of the child*. If, after one or more hearings, the judge determines that the adoption is appropriate, adoptive parents have the following legal obligations to their adopted child:

- 1) a duty to care for, support and educate the child, as they would a natural born child;
- 2) a duty to treat the adopted child the same way they would treat their birth children;

Additionally, for families residing in the State of Louisiana, adopted children have the same forced heirship rights as birth children have.

Once the adoption is finalized, there are other issues that take some time to resolve and/or should be considered:

- 1) The child's birth certificate must be amended, to reflect any name change for the child, and to identify the adoptive parent(s) as the child's parent(s). This process normally takes about 3 – 4 months and is handled by the Vital Records Registry for the state in which the child was born.
- 2) Once the birth certificate has been amended, if the child's name has been changed via the adoption process, it must also be corrected on the Social Security records. The Social Security Administration requires that you provide it with a certified true copy of the amended birth certificate and a certified true copy of the Final Decree of Adoption.
- 3) Finally, you should consult with an attorney of your choice about the prospect of writing/re-writing your Last Will and Testament.

PREREQUISITES TO THE ADOPTION PROCESS:

For each type of adoption, various prerequisites must be fulfilled:

- The child must have lived in the adoptive home continuously for a minimum period of time,
- The adoptive parents must submit to criminal background checks and checks for reported incidents of abuse or neglect.
- Paternity Certificates must be obtained from the Vital Records Registry as well as the Clerk of Court for the Parish of the child's birth (agencies charge a separate fee for each certificate).
- The adoptive parents must furnish the court with these additional documents:
 - Certified true copy of the child's birth certificate
 - Certified true copy of adoptive parents' marriage certificate
 - Certified true copy of documents establishing that all prior marriages for each adoptive parent have been legally dissolved
- Most importantly, parental rights of the natural parents must be surrendered or terminated before the child is eligible for adoption. This process can be legally challenging and emotionally difficult.
- The adoption process generally requires one or more interviews with the adoptive parent(s) to obtain background information on all relevant parties, culminating in review and signing of a verified petition and one or more court appearances.

I can guide you through each of these stages in the adoption/post-adoption process to ensure that you understand the nature of the responsibilities you are undertaking, assist you in obtaining all legally required documents, preparing all pleadings and representing you at all court appearances.