

LOUISIANA STATE PAGE

COMPACT ADMINISTRATOR

Marketa Garner Gautreau, Assistant Secretary
Office of Community Services
Department of Social Services
P.O. Box 3318
333 Laurel Street, 70801
Baton Rouge, Louisiana 70821
Telephone: (225) 342-4073

DEPUTY COMPACT ADMINISTRATOR

Leola McClinton
Section Administrator (ICPC)
Office of Community Service
Department of Social Services
P.O. Box 3318
Baton Rouge, Louisiana 70821
Telephone: (225) 342-4034

Interstate Correspondents

Linda Stephens, (225) 342-4032 (Independent adoptions, foster care cases with child last name beginning A-G).

Rose Richard, (225) 342-8867 (Independent adoptions, foster care cases with child last name beginning H-P).

Carolyn Hall, (225) 342-2669 (Independent adoptions foster care cases with child last name beginning Q-Z and adoption follow-ups with adoptive parents last name beginning Q-Z).

Leola McClinton, (225) 342-4034 (Public & independent adoptions).

ICPC Unit Number: (225) 342-9923, 2929.

Address Correspondence To: Leola McClinton, Deputy Compact Administrator.

ICPC Office Hours: Monday - Friday, 8:00 a.m. to 4:30 p.m., Central Time Zone.

Federal Express and overnight delivery services address: Office of Community Services, 333 Laurel Street, Suite 840, Baton Rouge, LA 70801

FAX: (225) 342-0965.

GENERAL INFORMATION

ICPC Code Citation. 24 LSA-RS 46:1700 et seq. (1975 Supp.).

Statutory Penalties Under Article IV. Suspension of license to place children. Agency operating without license guilty of misdemeanor - fine \$25 - \$200. 24 LSA-RS 46:1406 (1975 Supp.) .

Age of Majority. 18 years - Article 37, Civil Code Revised, 1970 edition.

Court Jurisdiction. Juvenile Court: runaway, truant, delinquent, abandoned, neglected children. 6 LSA-RS 13:1570 (1975 Supp.). Concurrent jurisdiction for adoption between Juvenile Court and District Court in parish not having Juvenile Court. 3 LSA-RS 9:421 (1965).

SPECIAL INFORMATION

Divorce Custody/Visitation Cases. In accordance with LA R.S. 9:331-332, our department no longer completes court ordered home studies for civil court contested custody and visitation cases. In a custody or visitation preceding the court may order an evaluation by a mental health professional selected by the parties or by the court. We recommend to out-of-state courts that the court or family member residing in Louisiana (for whom the investigation is requested) contact the Louisiana Board

LOUISIANA STATE PAGE

of Social Work Examiners at (225) 756-3470 for a listing of mental health professionals licensed to perform custody investigations. (www.labswe.org). Please be advised that the person being investigated, or other involved party must pay for the investigation.

REQUIREMENTS

Reports. Quarterly reports are required unless otherwise specified for placements with foster families or relatives. Child placement agencies are to supervise foster home placements. After the interlocutory decree, no less than two visits shall be made, one of which shall occur within thirty days before the final decree.

Licensing Requirements. License required only for child placing, child caring, maternity and day care centers that accept state or federal funds. Otherwise no license required. 24 LSA-RS 46:1403 (1975 Supp.).

PLACEMENTS

Independent Adoptive Placements. No statutory limitations on who may place a child. A surrender in Louisiana is valid only if the birth parents or the adoptive parents are domiciliary of Louisiana. All adoption petitions are investigated by DSS. 3 LSA-RS 9:427. DSS is not required to contact a parent who has surrendered in accordance with 3 LSA-RS 9:427.3 through 9:422.12 (Voluntary Surrender of Custody of a Child for Private Adoption). A curator is appointed to represent a parent who has not surrendered according to 9:422.3 through 9:422.13 and who is not domiciled in the state or who cannot be served in the state. In Louisiana, legal fathers or fathers who have formally acknowledged or legitimated the child whether or not they are biological fathers or are named on the birth certificate must be contacted for their consent to the adoption if they have not previously signed a valid surrender.

According to the provision of RS 9:422, a father indicated on the certified copy of the birth certificate must join the mother in signing the voluntary surrender. Should the indicated parent(s) be under the age of eighteen at the time of the surrender, their parent(s) or guardian must also sign the Act of Surrender for private adoption. The surrender shall not be signed earlier than the fifth day following the date of the birth of the child (RS 9:427.7) and shall contain certain information prescribed by RS 9:422.6. The formal act in effect grants legal custody of the child to the adoptive parents named or represented in the act and grants irrevocable consent (RS 9:428.8) unless the surrendering parent(s) present a written declaration of revocation within thirty days after executing the formal act of surrender as provided in RS 9:422.10. A non-indicated father may oppose the adoption only by proof of the legal and formal acknowledgment or legitimization of the child prior to the entering of a decree of adoption. The withdrawal of consent of either or both parents who both executed the formal act of surrender shall not bar a final or interlocutory decree of adoption if the decree is in the best interest of the child. (RS 9:422.11). Any person who executes an act of surrender shall execute therewith a written statement of family history according to the provision of RS 9:422.13.

The state requires a home study be completed prior to the placement. Where a licensed private agency is not available or affordable, Louisiana Adoption Petitions staff shall also provide home study and supervisory services to assist families in interstate independent adoption placements in compliance with the Interstate Compact on the Placement of Children as requested by the Interstate Compact Administrator in State Office. The following is needed for adoptive placements into Louisiana: 1) surrender (according to LA adoption statutes if adoption is to be finalized in LA) 2)

LOUISIANA STATE PAGE

home study of adoptive parents 3) social/genetic background information on birth parents 4) medical data on adoptive child 5) letter verifying supervising agency is aware of placement 6) disclosure of fees.

Agency Adoptive Placements. Agency shall include DHHR, the corresponding department of any other state, and those private agencies or institutions licensed to place children for adoption by DHHR or by the corresponding department of another state. 3 LSA-RS 9:421.

Adoption Petition. Petition to be filed in the domicile of the petitioner, parent or legal guardian. 3 LSA-RS 9:423. In agency placements, a final decree may be granted at the first hearing when the child has been in the home of the petitioner for at least six months prior to filing. 3 LSA-RS 9:432. In independent placements, a two petition process is required. Where the surrender was taken according to 3 LSA-RS 9:422.3 through 9:422.12, the petitioners may file for an interlocutory decree immediately after placement and a final decree six months later whereas in other independent placements, the child must have lived for a year with the petitioners, and six months elapsed from the interlocutory decree before filing for the final decree.

Residential Placements.

-Placement Requiring Interstate Approval: All residential placements require interstate approval with the exception of those into educational schools or summer camps.

-Requirements for Placements: Appropriate notification as prescribed by the Interstate Compact rules and regulations. If agency is to fund, facility must be licensed or certified to meet the specific needs of the child on whose behalf the request is made.

-Approval of Facilities: The Division of Licensing and Certification is responsible for licensing and/or certifying all facilities for residential placements. Contact John Futrell, Division of Licensing and Certification at (225) 342-5776.

-Rate Setting: DSS Audit Section establishes an annual rate based on audited costs submitted by private residential facilities. Educational facilities set their own rates. Direct contact and negotiation with that facility is required.

-Monitoring of the Child: Responsibility rests with the sending agency and residential facility. The Interstate Office will assist as needed.

-Philosophy of Placement of Non-Resident Youth: If federally funded, placements should be made in approved and/or licensed facilities appropriate to the needs of children placed. Legal and financial responsibilities remain with the sending agency.

-Foster Care Placement Requirements: Foster care homes are approved in accordance with agency standards. Children placed from Louisiana outside the state are to be in homes which meet the licensure, approval or certification requirements of the receiving state.

LOUISIANA STATE PAGE

PAYMENTS

AFDC Payments. Made on behalf of non-resident children placed with relatives in Louisiana.
Foster Care Payments. Louisiana board rates shall be paid for children placed out of state.

Medicaid Payments. Provided for Louisiana children placed with foster parents and relatives (excluding natural parents) in other states until agency custody is terminated.

Special Education Payments. Provided for non-resident youth placed in Louisiana depending on the locality of residence.

USEFUL TELEPHONE NUMBERS

Interstate Compact on Adoption and Medical Assistance (ICAMA)/adoption Subsidy. Ms. Genita Hunter, Office of Community Services, P.O. Box 3318, Baton Rouge, LA 70821, (225) 342-2844.

Interstate Compact on Mental Health. Mental Health Coordinator, Sally Towns, (225) 342-2546; Office of Citizens with Developmental Disabilities (OCDD) Coordinator, Judy Baker (225) 342-5717.

Juvenile Compact Office. Sarah LeBlanc, Compact Administrator, (225) 342-5795; Beth Meng, Deputy Compact Administrator, (225) 342-5536; Fax: (225) 219-9349; Office of Juvenile Services, Telephone: (225) 342-2644.