

ORLEANS PARISH JUVENILE COURT ADOPTIONS CHECKLISTS
PREPLACEMENT APPROVAL FOR PRIVATE ADOPTION

CASE NUMBER _____ COURT ATTORNEY _____
 DATE REC'D BY CT ATTNY _____ DATE CHECKED _____ DATE RET'D TO CLERK _____

Attorney Check:	
(1180) Proper venue: Petitioner domicile, Custodian domicile (Attorney named representative of adopting parent not custodian for purposes of jurisdiction or venue), Parish in which voluntary act of surrender was executed, Juvenile court in which child adjudicated CINC or in which proceeding pending, or Juvenile court in which previously terminated parental rights with respect to child to be adopted	
(1175) Prospective adoptive parents have not previously obtained a certification for adoption and are applying for a court order approving the placement of a child in their home.	
(1176) If applying for Court Approval of Adoptive Placement, the application shall be verified and contain:	
Prospective Parents:	
Name	
Address	
Age	
Occupation	
Marital Status	
Expected Date of Child's Placement	
Relationship between child and prospective parents, if any	
Name of child whose placement is requested	
(103.1 & ICWA 25 CFR 23) Child is a member of a Native American Tribe OR eligible for membership <i>and</i> biological child of a member	
(1178) Order approving placement shall be in writing, dated and signed by the court and shall authorize adoptive placement of a child at any time within period of 12 months from date of order	
(1131[E]) Upon the filing of any court order approving the adoptive placement pursuant to Article 1178, the court shall immediately issue both of the following orders:	
(1) That the sheriff or the office of state police, Louisiana Bureau of Criminal Identification and Information, conduct a records check for all federal arrests and convictions and all state arrests and convictions in this and any other states in which either of the prospective adoptive parents has been domiciled. Prospective adoptive parents shall submit a set of fingerprints to the sheriff or the office of state police.	
(2) That the department conduct a records check for validated complaints of child abuse or neglect in this or any other state in which either of the prospective adoptive parents has been domiciled since becoming a major, involving either prospective adoptive parent.	
(1131(F)) Each order shall state the full name, date of birth, social security number and former and current state of domicile since becoming a major of each prospective adoptive parent.	
Judge Check:	
(1177(A)) Hearing for court approval of adoptive placement within 48 hours of filing	
(1177(B)) At hearing prospective adoptive parents shall testify to the following:	
1. Moral fitness, previous criminal records or validated complaints of child abuse or neglect	
2. Mental and physical health	
3. Financial capacity and disposition to provide the child with food, clothing, medical care, and other material needs	
4. Capacity and disposition to give the child love, affection, and guidance and to undertake the responsibilities of becoming the child's parents	
5. Adequacy of physical environment of their home and neighborhood for the placement of the child	
6. Names and ages of other family members who would reside with the child in the prospective adoptive home and their attitude toward the proposed adoption	
7. Stability and permanence, as a family unit, of the proposed adoptive home.	
(1171) Prior to placement of child in home: prospective adoptive parents have obtained either a current certification of adoption (as provided in 1171-1173) or a current order of court approving adoptive placement (as provided in 1175-1177) [except when the child is a stepchild, grandchild, sibling, niece, or nephew of the prospective parents]	

ORLEANS PARISH JUVENILE COURT
INTENT TO SURRENDER PARENTAL RIGHTS

CASE NUMBER _____ COURT ATTORNEY _____
DATE REC'D BY CT ATTNY _____ DATE CHECKED _____ DATE RET'D TO CLERK _____

	Parent 1	Parent 2
(1107.3) With an intent to surrender in a private adoption, attorney for surrendering mother executed an affidavit of counsel attached to the intent to surrender		
(1107.5) (A)(1) The name, parish of domicile, age, and marital status of the pregnant female anticipating adoption of her unborn child or of the mother of a child.		
(2) The name and address of the alleged father of the child or expected child.		
(3) The anticipated or actual birth date of the child.		
(4) The court in which the act of intent to surrender for adoption will be filed.		
(1107.5)(B)(1) Whether the act of intent to surrender for adoption is being executed prior to or after the birth of the child.		
(2) That she has no mental incapacity and is under no interdiction that impairs her capacity to consent to the surrender of her child.		
(3) That, if required by Article 1113, she is joined in the act of intent to surrender for adoption by her parents or tutor.		
(4) That she has been informed and understands that the act of intent to surrender for adoption is only in anticipation of adoption and does not mean that she agrees to surrender the child.		
(5) That she has been informed and understands that her rights as the parent of the child are not being terminated by execution of this act of intent to surrender for adoption.		
(6) That she has been informed and understands that the act of intent to surrender for adoption is being executed for the purpose of determining whether the alleged father will oppose her plans for surrendering her child for adoption.		
(7) That she has been informed and understands that if the alleged father responds by filing a timely written objection, he will receive notice of any motion for hearing to determine his parental rights that she may thereafter file or of any surrender she may thereafter execute and will be given notice of a hearing on his opposition and will be given an opportunity to present evidence to acknowledge his paternity, to demonstrate his fitness as a parent, and to demonstrate his commitment to the child.		
(8) That she has been informed and understands that if the father does not respond by filing a timely written objection, that his potential parental rights may be terminated by the court upon the court's approval of her surrender.		
(9) That she freely and voluntarily executes the act of intent to surrender for adoption and understands that she is not required to execute it and that failing to execute it will not prevent her from later deciding to surrender her child for adoption.		
(1107.5)(C) In a private adoption, the act of intent to surrender for adoption shall also recite that the pregnant female or mother has consulted with and been fully advised by an attorney about the meaning of these declarations and the consequences of the act of intent to surrender for adoption, other than the attorney, associate, partner, shareholder, or employee of the attorney's law firm or corporation for the prospective adoptive parent.		
(1107.5)(D) The act of intent to surrender for adoption shall be in authentic form and shall be dated and signed by the pregnant female or mother and her representative, if applicable. If required by Article 1113, it shall also be signed by the minor's parents or tutor, or the written consent of the court shall be attached.		

ORLEANS PARISH JUVENILE COURT
SURRENDER OF PARENTAL RIGHTS

CASE NUMBER _____ COURT ATTORNEY _____
DATE REC'D BY CT ATTNY _____ DATE CHECKED _____ DATE RET'D TO CLERK _____

	Parent 1	Parent 2
(1131) Voluntary act of surrender filed within three days after the surrender becomes irrevocable under Article 1123 (Mother: 3rd day after birth for agency, 5th day after birth for private; Legal father: 5th day after birth for private, Alleged or adjudicated father: anytime for private or agency)		
(1131) Filed together with any certification for adoption or court order approving the adoptive placement		
(103.1 & ICWA 25 CFR 23) Parent is a member of a Native American Tribe		
(1131) If the parent has previously executed intent to surrender for adoption, pursuant to Chapter 2-A of this Title, the surrender shall be filed in that same court.		
(1133) Notice of the filing of the mother's surrender shall be served upon the alleged or adjudicated father unless his rights have been terminated, he has executed a surrender, he gave his consent in open court, he executed a release of claims, or he waives service		
(1135) OR if father is unknown, rights terminated upon finding that diligent effort made to identify father including the following four sufficient conditions:		
(1) Declaration by surrendering mother in the act of surrender that father unknown,		
(2) Certified copy of birth certificate with no father listed,		
(3) Certificate from the putative father registry indicating no person listed or registered as child's father, which must be dated more than 15 days after act of surrender executed by surrendering mother,		
(4) Certificate from clerk of court indicating no acknowledgement which must be dated more than 15 days after act of surrender executed by surrendering mother		
(1136) OR if absentee alleged or adjudicated father, curator must be appointed		
(1136) Affidavit from the curator detailing efforts to locate father including but not limited to proof of publication seeking his whereabouts		
(1141) Before Termination of parental rights, must show following:		
(1) Certified copy of birth certificate		
(2) Certificate from Putative Father Registry		
(3) Certificate of No Acknowledgment		
(1144) When DCFS is not custodian, person or agency to whom surrender made must report to court within 90 days after filing of surrender		
(1146) If DCFS is custodian and no permanent placement within 90 days after voluntary surrender, review hearings must be held		
(1146) If DCFS is not custodian, review hearing within 90 days after filing of surrender if petition has not been filed		
(1109) Domicile: surrendering parent domiciled in this state for at least 8 months, unless prospective parent domiciled in state for at least 8 months, or child is in custody of DCFS		
(1111) Person surrendering is the parent		
(1112) There has been a court intervention removing custody of the child from the surrendering parent (preventing voluntary surrender)		
(1112) Custody has been removed from surrendering parent, but parent may, upon notice to department and contradictory hearing, if requested by DCFS and approved by the court, surrender a child in the legal custody of DCFS to the foster parent		
(1113) The surrendering parent is a minor and if so:		
(1113) The parent/tutor/legal custodian of the minor have joined in the surrender or the minor is judicially emancipated or emancipated by marriage		
(1113) The minor is surrendering to an agency and does not require parental consent		
(1113) The minor's parent refuses to join or cannot be located or it is an intrafamily adoption and the court finds the minor is sufficiently mature and well-informed to surrender the child or is otherwise in the child's best interests		
(1114) Interdiction or mental incapacity prevents this parent from surrendering		
(1115) Surrender made to a person or agency qualified to petition for adoption of the child		
(1115) If private adoption, surrender executed after preplacement approval of private adoption		
(1116) Surrender to an agency accepted in writing in the form of authentic act (two witnesses and a notary)		
(1117) Domicile: If parent not domiciled in this state then accepting agency must be domiciled in this state or accepting the surrender of a child in custody of DCFS; agency must have been issued a child-placing or adoption license from DCFS; attorney cannot be deemed custodian for purposes of domicile		
(1119) In Private Adoptions: attorney may be named in the surrender as representative of the accepting person		
(1120) Affidavit executed by counselor attesting that the surrendering parent attended a minimum of two sessions		
(1120) Waiver of counseling by father		
(1121) In Private Adoptions: counsel for the surrendering parent shall execute an affidavit of counsel		
(1129) Foreign Surrenders: A person asserting the validity of a surrender or consent executed in a foreign state shall produce sufficient proof of the laws of the foreign state governing the requirements for form and content and the force and effect accorded a properly executed act.		
(1122) <u>Contents of surrender must contain the following:</u>		
Surrendering Parent:		
Name		
Parish of domicile		
Age		
Marital status		
Name and last known address, if known, of any other legal or natural parent of the child or a statement that name or address is unknown		
Child's:		
Birth name		
Place of birth		
Date of birth		
Statement as to whether the child is an Indian child		
Name and address of person, agency, or representative to whom surrender is made		

The court in which surrender is to be filed as required by Art. 1131, a court of proper venue in Art. 1180 – parish of the domicile of the petitioner, the parish of the domicile of the custodian of the child, parish in which a voluntary act of surrender has been executed with respect to the child to be adopted, parish in which child has been adjudicated CINC or with a pending CINC proceeding, parish which previously terminated parental rights. (Attorney named as representative of the prospective adoptive parent shall not be deemed the legal custodian of the child for purposes of proper jurisdiction or venue.)		
<u>The Act of Surrender shall also recite the following declarations:</u>		
(1) That the act is not being executed earlier than (a) the third day following the birth of the child if it is an agency adoption, or (b) the fifth day following the birth of a child if the adoption is a private adoption; Or, when father is surrendering earlier than the 5th day following the birth of the child, that (a) adoption is an agency adoption, or (b) act is for private adoption and is being executed earlier than the fifth day following the birth of the child.		
(2) That the parent has no mental incapacity and is under no interdiction.		
(3) That the parent who is a minor is joined in the act of surrender by the parents or tutor or has written consent of the court, except in acts of surrender to an agency.		
(4) That the parent has been informed and understands that upon its execution, the Act of Surrender is irrevocable, and that any rights as a parent of the child are permanently terminated by execution of the Act of Surrender unless it is nullified due to fraud or duress or is dissolved by a court of competent jurisdiction.		
(5) That the parent freely and voluntarily surrenders custody of the child for the purpose of permanent placement and adoption.		
(6) That the parent consents to an adoption which consent is final and irrevocable.		
(7) That the parent waives notice and service of any subsequent adoption proceedings.		
(8) That the parent has been informed of the provisions of the voluntary registration law, as provided for in Chapter 15 of Title XII, whereby contact can be established between the parent and the surrendered child upon the child's reaching majority if both the surrendering parent and the adopted person register and fulfill all registration requirements.		
(9) That either a surrendering parent, the agency accepting the surrender, or the adoptive parents are domiciled in this state, or that the child is in the custody of the Department of Children and Family Services.		
(10) Parent has been informed and fully advised of the provisions of R.S. 14:125.2, and penalties [-unlawful to willfully and knowingly make a written or oral false statement about the biological paternity of a child and has been advised that the penalties for such falsity are either a fine of ten thousand dollars or imprisonment for not more than five years or both -] by an attorney, other than the attorney, associate, or partner of the law firm representing the adoptive parent. This includes employees and shareholders of any firm, company, corporation, or limited liability partnership that may be representing the adoptive parents.		
(11) In an adoption arranged by the Department of Children and Family Services, that the execution of the surrender is made without conditions of any kind. Failure to comply with any formal or informal agreement for post-adoption continuing contact shall not nullify the surrender nor constitute cause for its revocation.		
(12) Whether a surrendering mother <i>does</i> or <i>does not</i> wish to be notified of the hearing of any opposition to the adoption filed pursuant to Article 1137.		
(13) Whether a surrendering parent <i>does</i> or <i>does not</i> wish the future release of identifying information in the event of a medical necessity for which information is needed in order to treat the child.		
(14) That the parent has been informed that the Statement of Family History will be given to the adoptive parents at the time of placement and made available, upon request, to the adopted person at the age of eighteen years or older.		
(C) That the parent has received a minimum of two pre-surrender counseling sessions or that, in the case of the father, he has waived such counseling in accordance with the requirements of Article 1120		
(C) That the agency or individual accepting the surrender has no knowledge of any question concerning the mental capacity of the parent that has not been resolved by the court pursuant to Article 1130.1.		
(D) That the parent has consulted with and been fully advised by an attorney, other than the attorney, associate, partner, shareholder, or employee of the attorney's law firm or corporation for the prospective adoptive parent, about the meaning of these declarations and the effects of the act of surrender in accordance with Article 1123.		
(E) In authentic form and shall be dated and signed by the surrendering parent, the attorney for the surrendering parent, if applicable, and either the adoptive parent or attorney representing the adoptive parent who wishes to remain anonymous, or a representative of the agency. If required by Article 1113, it shall also be signed by the minor's parents or tutor, or the written consent of the court shall be attached.		
(1124) The Statement of Family History is attached to the surrender and shall include an affidavit attesting to the parents execution of such document		
(1125) The Statement of Family History shall contain:		
Age of each biological parent		
Descriptive information about each biological parent		
Biological relationship between the parents, if applicable		
Explicit and extensive medical genetic history of each biological parent and his parents, siblings, grandparents, great-grandparents, aunts, uncles, and cousins		
If applicable: the child's immunization records and illness history		

Notes to Clerk of Court:

_____ **Set a review hearing for 90 days from (date)** _____

_____ **Send Notice to the father at (Name/Address)** _____

_____ **Curator must be appointed**

ORLEANS PARISH JUVENILE COURT ADOPTIONS CHECKLISTS
AGENCY

CASE NUMBER _____ COURT ATTORNEY _____
 DATE REC'D BY CT ATTNY _____ DATE CHECKED _____ DATE RET'D TO CLERK _____

Court Attorney:		
(1180) Proper venue: Petitioner domicile, Custodian domicile (Attorney named representative of adopting parent not custodian for purposes of jurisdiction or venue), Parish in which voluntary act of surrender was filed or executed, Juvenile court in which child adjudicated CINC or in which proceeding pending, or Juvenile court in which previously terminated parental rights with respect to child to be adopted		
(103.1 & ICWA 25 CFR 23) Child is a member of a Native American Tribe OR eligible for membership <i>and</i> biological child of a member		
(1197) Birth certificate (certified copy)		
(1135) If Child illegitimate, need birth certificate with no father's names plus the following		
(1135) Certificate from Putative Father Registry		
(1135) Certificate of No Acknowledgement		
(1135) If father unknown, also need Mother's assertion that father unknown		
(1198) Single person over 18 or married couple		
(La.Dist.Ct.R. 46 Appendix) Certified copy of petitioner's marriage certificate		
(1199) Petition styled "In re _____, Applying for Agency Adoption"		
(1199) Petitioner Name		
(1199) Petitioner Address		
(1199) Petitioner Age		
(1199) Petitioner Occupation		
(1199) Petitioner Marital Status		
(La.Dist.Ct.R. 46 Appendix) Any and all certified divorce decrees which terminated petitioner's prior marriage(s)		
(La.Dist.Ct.R. 46 Appendix) Any and all certified death certificates of previous spouses which death caused the termination of a petitioner's previous marriage		
(1199) Name by which child known to petitioners		
(1199) Name under which birth recorded		
(1199) Place of child's birth, if known		
(1199) Date of child's birth, if known (if not known, approximate age of the child)		
(1199) Name and address of each parent whose consent is required and proof of consent		
(1199) OR Name of each parent whose consent is not required and reason		
(1193) Unless rights have been terminated under Title X or XI: Consent to adoption or relinquishment of rights by Mother, Father (Legal, Alleged or Adjudicated), or Agency Placing Child for Adoption, or (1195) Consent given in open court		
(1124) Surrendering Mother has filed a Statement of Family History attached to the act of surrender		
(1124 & 1196) Surrendering Father or father that has filed a consent to adoption and release of claims has filed a Statement of Family History attached to the act of surrender		
(1199) Diligent efforts made to locate alleged father if unknown		
(1199) Date and circumstances under which child entered home of petitioner		
(1199) Any relationship existing between petitioner and child		
(1219) Name change of the child requested		
(1199) Certified copy of order terminating rights of child's parents (if applicable)		
(1200) Current estimate and accounting of fees and charges		
(1200 & 1201) Adoption Disclosure Affidavit (executed by petitioner and attorney) not later than ten days prior to the date scheduled for the final hearing on the adoption		

Judge:		
(1207) Department shall submit confidential report / home study		
(1208) Hearing not less than 30 or more than 60 days after filing of adoption petition, but may be reduced to 15 days with written approval of department and petitioner. May be extended up to 60 additional days with good cause.		
(1209) Intervention on motion to the court and showing of good cause (by caretaker relationship for one year or longer, or court deemed party in interest)		
(1213 & 1216) Interlocutory decree, and then the following times must elapse: At least six months have elapsed after granting of interlocutory decree, Rights of parents terminated and child has lived in home for at least one year, No less than two visits to home between interlocutory and final by department, one of which 30 days before final decree, Second confidential report must be presented prior to hearing on final decree		
(1211) OR final decree at first hearing if the following: Child was placed in petitioner's home by agency and child has lived in home for at least six months prior to hearing for adoption OR rights of parents have been terminated (under Title X or XI) and child has lived in petitioner's home for at least one year		

Clerk of Court:		
(1203) Service by personal or domiciliary service on parent who resides within this state not less than thirty days prior to commencement of hearing on the petition		
(1204) Service by registered or certified mail, return receipt requested, on parent who does not reside within the state not less than thirty days prior to commencement of hearing on the petition		
(1205) Service on curator ad hoc appointed when parent cannot be served		

ORLEANS PARISH JUVENILE COURT ADOPTIONS CHECKLISTS

INTRAFAMILY

CASE NUMBER _____ COURT ATTORNEY _____
 DATE REC'D BY CT ATTNY _____ DATE CHECKED _____ DATE RET'D TO CLERK _____

Court Attorney:

(1180) Proper venue: Petitioner domicile, Custodian domicile (Attorney named representative of adopting parent not custodian for purposes of jurisdiction or venue), Parish in which voluntary act of surrender was filed or executed, Juvenile court in which child adjudicated CINC or in which proceeding pending, or Juvenile court in which previously terminated parental rights with respect to child to be adopted		
(103.1 & ICWA 25 CFR 23) Child is a member of a Native American Tribe OR eligible for membership <i>and</i> biological child of a member		
(1197) Birth certificate (certified copy)		
(1135) If Child illegitimate, need birth certificate with no father's names plus the following		
(1135) Certificate from Putative Father Registry		
(1135) Certificate of No Acknowledgement		
(1135) If father unknown, also need Mother's assertion that father unknown		
(1243) Petitioner is stepparent, stepgrandparent, great-grandparent, grandparent, or collaterals within the twelfth degree if related by blood, adoption or affinity through parent recognized as having parental rights		
(1243) Petitioner is single person over age 18 or married person whose spouse is a joint petitioner		
(La.Dist.Ct.R. 46 Appendix) Certified copy of petitioner's marriage certificate		
(1243) Petitioner has had legal or physical custody of child for at least 6 months prior to filing petition		
(1243.2) Motion and order for records check		
(1243.2) Results		
(1193) Unless rights have been terminated under Title X or XI: Consent to adoption or relinquishment of rights by Mother, Father (Legal, Alleged or Adjudicated), or Agency Placing Child for Adoption, or (1195) Consent given in open court		
(1244) Authentic act of consent of parent, or parent of child born of marriage is married to stepparent petitioner may execute authentic act of consent and need not join in petition, or parent of child born outside of marriage who is married to petitioning spouse shall join in petition		
(1245) or parental consent not necessary if failure to comply with order of support or failed to visit/communicate without just cause for greater than 6 months and petitioner has been granted custody by court of competent jurisdiction		
(1195) Consent given by parent in open court, Court executes the Statement of Family History set forth in Art. 1125.		
(1124, 1195, 1196) Surrendering Parent has filed a Statement of Family History attached to the act of surrender or the act of consent		
(1244.1) Opposition to the Adoption		
(1246) "In re _____, Applying for Intrafamily Adoption"		
	Spouse 1	Spouse 2
(1246) Petitioner Name		
(1246) Petitioner Address		
(1246) Petitioner Age		
(1246) Petitioner Occupation		
(1246) Petitioner Marital Status		
(La.Dist.Ct.R. 46 Appendix) Any and all certified divorce decrees which terminated petitioner's prior marriage(s)		
(La.Dist.Ct.R. 46 Appendix) Any and all certified death certificates of previous spouses which death caused the termination of a petitioner's previous marriage		
(1246) Name by which child known to petitioners		
(1246) Name under which birth recorded		
(1246) Place of child's birth, if known		
(1246) Date of child's birth, if known (if not known, approximate age of the child)		
(1246) Name and address of each parent whose consent is required and proof of consent		
(1246) OR Name of each parent whose consent is not required and reason		
(1246) Diligent efforts made to locate alleged father if unknown		
(1246) Date and circumstances under which child entered home of petitioner		
(1246) Any relationship existing between petitioner and child		
(1257) Name change of child requested		

Judge:

(1252) Department need not submit confidential report except upon order of the court	
(1253) Hearing within 60 days after filing of adoption petition, (or 90 days with opposition) but may be reduced to 15 days with written approval of department and petitioner. May be extended up to 60 additional days with good cause.	
(1254) Intervention on motion to the court and showing of good cause (by caretaker relationship for one year or longer, or court deemed party in interest) for limited purpose of presenting evidence to the best interests of the child	
(1255) Final decree if in best interests of child	

Clerk of Court:

(1248) Service by personal or domiciliary service on parent who resides within this state not less than thirty days prior to commencement of hearing on the petition	
(1249) Service by registered or certified mail, return receipt requested, on parent who does not reside within the state not less than thirty days prior to commencement of hearing on the petition	
(1250) Curator ad hoc appointed when parent cannot be served	

ORLEANS PARISH JUVENILE COURT ADOPTIONS CHECKLISTS

PRIVATE

CASE NUMBER _____ COURT ATTORNEY _____
 DATE REC'D BY CT ATTNY _____ DATE CHECKED _____ DATE RET'D TO CLERK _____

Court Attorney:

(1180) Proper venue: Petitioner domicile, Custodian domicile (Attorney named representative of adopting parent not custodian for purposes of jurisdiction or venue), Parish in which voluntary act of surrender was filed or executed, Juvenile court in which child adjudicated CINC or in which proceeding pending, or Juvenile court in which previously terminated parental rights with respect to child to be adopted		
(103.1 & ICWA 25 CFR 23) Child is a member of a Native American Tribe OR eligible for membership <i>and</i> biological child of a member		
(1197) Birth certificate (certified copy)		
(1135) If Child illegitimate, need birth certificate with no father's names plus the following		
(1135) Certificate from Putative Father Registry		
(1135) Certificate of No Acknowledgement		
(1135) If father unknown, also need Mother's assertion that father unknown		
(1221) Single person over 18 or married couple jointly		
(La.Dist.Ct.R. 46 Appendix) Certified copy of petitioner's marriage certificate		
(1222) Petition styled "In re _____, Applying for Private Adoption"		
	Spouse 1	Spouse 2
(1222) Petitioner Name		
(1222) Petitioner Address		
(1222) Petitioner Age		
(1222) Petitioner Occupation		
(1222) Petitioner Marital Status		
(La.Dist.Ct.R. 46 Appendix) Any and all certified divorce decrees which terminated petitioner's prior marriage(s)		
(La.Dist.Ct.R. 46 Appendix) Any and all certified death certificates of previous spouses which death caused the termination of a petitioner's previous marriage		
(1222) Name by which child known to petitioners		
(1222) Name under which birth recorded		
(1222) Place of child's birth, if known		
(1222) Date of child's birth, if known (if not known, approximate age of the child)		
(1193) Unless rights have been terminated under Title X or XI: Consent to adoption or relinquishment of rights by Mother, Father (Legal, Alleged or Adjudicated), or Agency Placing Child for Adoption, or (1195) Consent given in open court		
(1222) Name and address of each parent whose consent is required and proof of consent		
(1222) OR Name of each parent whose consent is not required and reason		
(1124) Surrendering Mother has filed a Statement of Family History attached to the act of surrender		
(1124 & 1196) Surrendering Father or father that has filed a consent to adoption and release of claims has filed a Statement of Family History attached to the act of surrender		
(1222) Diligent efforts made to locate alleged father if unknown		
(1222) Date and circumstances under which child entered home of petitioner		
(1222) Any relationship existing between petitioner and child		
(1241) Name change of the child requested		
(1222) Certified copy of order terminating rights of child's parents		
(1222) Current certification for adoption		
(1223) Current estimate and accounting of fees and charges		
(1223.1) Final Adoption Disclosure Affidavit of fees and charges (executed by petitioner and attorney) filed at least ten days prior to final hearing for adoption		

Judge:

(1230) Hearing not less than 30 or more than 60 days after filing of adoption petition, but may be reduced to 15 days with written approval of department and petitioner. May be extended for 60 additional days for good cause.	
(1231) Intervention on motion to the court and showing of good cause (by caretaker relationship for one year or longer, or court deemed party in interest) limited to presenting evidence to the best interests of the child	
(1232, 1235 & 1238) Interlocutory decree, and then the following times must elapse: At least six months have elapsed after granting of interlocutory decree, Rights of parents terminated and child has lived in home for at least one year, No less than two visits to home between interlocutory and final by department, one of which 30 days before final decree, Second confidential report must be presented prior to hearing on final decree	
(1233) OR final decree at first hearing if the following: Rights of parents have been terminated (under Title X or XI) and child has lived in petitioner's home for at least one year	

Clerk of Court:

(1225) Service by personal or domiciliary service on parent who resides within this state not less than thirty days prior to commencement of hearing on the petition	
(1226) Service by registered or certified mail, return receipt requested, on parent who does not reside within the state not less than thirty days prior to commencement of hearing on the petition	
(1227) Curator ad hoc appointed when parent cannot be served	
(1228) Curator submits to the court a note of evidence indicating efforts to locate the parent	
(1229) Department shall submit confidential report	

ORLEANS PARISH JUVENILE COURT ADOPTIONS CHECKLISTS
NON-HAGUE CONVENTION COUNTRY ADOPTIONS
RECOGNITION OF FOREIGN ADOPTION

CASE NUMBER _____ COURT ATTORNEY _____
DATE REC'D BY CT ATTNY _____ DATE CHECKED _____ DATE RET'D TO CLERK _____

General Requirements: Foreign Adoptions:	
(1281.6) Proper venue: Petitioner domicile, Custodian domicile (Attorney named representative of adopting parent not custodian for purposes of jurisdiction or venue)	
(103.1 & ICWA 25 CFR 23) Child is a member of a Native American Tribe OR eligible for membership <i>and</i> biological child of a member	
(1281.5) Prior approval of adoptive placement – certification of adoption that meets requirements of Arts. 1171-1173 (preplacement home study required) and prior approval from the U.S. Citizenship and Immigration Services	
(1281.7) Consent: parental rights of a child who has qualified as a foreign orphan or convention adoptee are deemed terminated and no further consent to adoption or relinquishment of parental rights is required	
(1281.7) Consent: required from any custodial or supervisory agency which has placed the foreign orphan for adoption, except that the court may grant adoption without consent of the agency if the court finds the adoption is in the best interests of the child and the agency has unreasonably withheld its consent.	
(1281.8) Certified copy of birth certificate of child attached to petition	
(1281.8) If birth certificate not in English, a certified translation of the certificate attached to petition	
(1281.8) If certified copy of birth certificate and certified translation unavailable, findings on date, place of birth, and parentage made in accordance with provisions of R.S. 40:79(C)(2).	
(1281.9) Persons who may petition: U.S. citizen and spouse who is U.S. citizen or has lawful immigration status petitioning jointly, or an unmarried U.S. citizen at least 25 years of age	
(1281.9) Persons who may petition: at least one petitioner is a domiciliary of Louisiana	

Requirements Non-Hague Convention Country Adoptions – Recognition of Foreign Adoption		
(1282.1) Petition styled “In re _____, Applying for Recognition of Foreign Adoption from a Non-Hague Convention Country”		
	Petitioner 1	Petitioner 2
(1282.1) Petitioner Name		
(1282.1) Petitioner Address		
(1282.1) Petitioner Age		
(1282.1) Petitioner Occupation		
(1282.1) Petitioner Marital Status		
(La.Dist.Ct.R. 46 Appendix) Certified copy of petitioner’s marriage certificate		
(La.Dist.Ct.R. 46 Appendix) Any and all certified divorce decrees which terminated petitioner’s prior marriage(s)		
(La.Dist.Ct.R. 46 Appendix) Any and all certified death certificates of previous spouses which death caused the termination of a petitioner’s previous marriage		
(1282.1) Name by which child known to petitioners		
(1282.1) Place of child’s birth, if known		
(1282.1) Date of child’s birth, if known (if not known, approximate age of the child)		
(1282.1) Date and circumstances under which child was adopted in a foreign country and entered the home of the petitioner		
(1282.1) Any relationship existing between petitioner and child		
(1282.1) Petition accompanied by the following:		
(1282.1) Certification for adoption		
(1282.1) Certified documentation of orphan status		
(1282.1) Documentary proof of citizenship status		
(1282.1) Copy of child’s immigrant visa or resident alien card		
(1282.1) Original or certified copy of valid foreign adoption decree with a notarized translation		
(1282.1) Original or certified copy of valid birth certificate with a notarized translation		
(1282.1) Affidavit of fees and expenses		

Judge:	
Judgment recognizing foreign adoption and rendering final decree of adoption upon findings:	
(1282.2) At least one of the adoptive parents is a domiciliary of Louisiana	
(1282.2) Original or Certified copy of the foreign adoption decree, together with notarized transcript, has been filed and is presumed to have been granted in accordance with the law of the foreign country.	
(1282.2) Child has qualified as a foreign orphan and is in the U.S.in accordance with applicable federal regulations	
(1282.2) Child is either a permanent resident or a naturalized citizen of the U.S.	
(1282.2) Petitioner has the ability to care for, maintain, and educate the child.	
(1282.3) Court shall provide notice of provisions of R.S. 14:46.4 (re-homing of a child)	
(1282.5) Name change of child, if applicable	

Clerk of Court:	
(1282.5) Clerk of Court to forward name change form and decree to state registrar to make a new birth certificate	

ORLEANS PARISH JUVENILE COURT ADOPTIONS CHECKLISTS
NON-HAGUE CONVENTION COUNTRY ADOPTIONS
ADOPTION OF A FOREIGN ORPHAN

CASE NUMBER _____ COURT ATTORNEY _____
DATE REC'D BY CT ATTNY _____ DATE CHECKED _____ DATE RET'D TO CLERK _____

General Requirements: Foreign Adoptions:		
(1281.6) Proper venue: Petitioner domicile, Custodian domicile (Attorney named representative of adopting parent not custodian for purposes of jurisdiction or venue)		
(103.1 & ICWA 25 CFR 23) Child is a member of a Native American Tribe OR eligible for membership <i>and</i> biological child of a member		
(1281.5) Prior approval of adoptive placement – certification of adoption that meets requirements of Arts. 1171-1173 (preplacement home study required) and prior approval from the U.S. Citizenship and Immigration Services		
(1281.7) Consent: parental rights of a child who has qualified as a foreign orphan or convention adoptee are deemed terminated and no further consent to adoption or relinquishment of parental rights is required		
(1281.7) Consent: required from any custodial or supervisory agency which has placed the foreign orphan for adoption, except that the court may grant adoption without consent of the agency if the court finds the adoption is in the best interests of the child and the agency has unreasonably withheld its consent.		
(1281.8) Certified copy of birth certificate of child attached to petition		
(1281.8) If birth certificate not in English, a certified translation of the certificate attached to petition		
(1281.8) If certified copy of birth certificate and certified translation unavailable, findings on date, place of birth, and parentage made in accordance with provisions of R.S. 40:79(C)(2).		
(1281.9) Persons who may petition: U.S. citizen and spouse who is U.S. citizen or has lawful immigration status petitioning jointly, or an unmarried U.S. citizen at least 25 years of age		
(1281.9) Persons who may petition: at least one petitioner is a domiciliary of Louisiana		
Requirements for Non-Hague Convention Country Adoptions – Adoption of a Foreign Orphan		
(1283.1) Petition styled “In re _____, Applying for Adoption of Foreign Orphan from a Non-Hague Convention Country”		
	Petitioner 1	Petitioner 2
(1283.1) Petitioner Name		
(1283.1) Petitioner Address		
(1283.1) Petitioner Age		
(1283.1) Petitioner Occupation		
(1283.1) Petitioner Marital Status		
(La.Dist.Ct.R.46 Appendix) Certified copy of petitioner’s marriage certificate		
(La.Dist.Ct.R.46 Appendix) Any and all certified divorce decrees which terminated petitioner’s prior marriage(s)		
(La.Dist.Ct.R.46 Appendix) Any and all certified death certificates of previous spouses which death caused the termination of a petitioner’s previous marriage		
(1283.1) Name by which child known to petitioners		
(1283.1) Name under which the birth of the child is recorded		
(1283.1) Place of child’s birth, if known		
(1283.1) Date of child’s birth, if known (if not known, approximate age of the child)		
(1283.1) Date and circumstances under which child entered the home of the petitioner		
(1283.1) Any relationship existing between petitioner and child		
(1283.1) Petition accompanied by the following:		
(1283.1) Certification for adoption		
(1283.1) Certified copy of the United States Citizenship and Immigration Services documentation of orphan status		
(1283.1) Copy of child’s immigrant visa or permanent resident card		
(1283.1) Original or certified copy of valid foreign custody decree with a notarized translation		
(1283.1) Original or certified copy of valid birth certificate with a notarized translation		
(1283.2) Preliminary estimate and accounting of fees and charges in accordance with Ch.C. Art. 1283.3		
(1283.1, 1283.2, 1283.3) Affidavit of fees and expenses (filed not later than 10 days prior to the date of the final hearing on the adoption)		
(1283.4) Copy of the petition with all exhibits served by registered or certified mail on the department and any agency having legal custody of the child		
(1283.5) Department shall submit confidential report (home study)		
(1283.6) Hearing not less than 30 nor more than 60 days after filing of adoption petition, may be extended for good cause, and may be reduced to 15 days with written approval of department and petitioner		
(1283.7) Intervention on motion to the court and showing of good cause, limited to: substantial caretaking relationship of one year or longer or anyone court finds in interest (limited to evidence on best interest of child)		
(1283.8, 1283.10, 1283.13) Interlocutory decree, and then the following times must elapse: At least six months have elapsed after granting of interlocutory decree, and child has lived in home for at least one year, No less than two visits to home between interlocutory and final by department, one of which 30 days before final decree, Second confidential report must be presented prior to hearing on final decree		
(1283.9) OR final decree at first hearing if the following: Child was placed in petitioner’s home by licensed agency and child has lived in home for at least six months prior to hearing for adoption		
(1283.14) Court shall provide notice of provisions of R.S. 14:46.4 (re-homing of a child)		
(1283.16) Name change of child, if applicable		
(1283.16) Clerk of Court to forward name change form and decree to state registrar to make a new birth certificate		

ORLEANS PARISH JUVENILE COURT ADOPTIONS CHECKLISTS
HAGUE CONVENTION COUNTRY ADOPTIONS
RECOGNITION OF FOREIGN ADOPTION

CASE NUMBER _____ COURT ATTORNEY _____
 DATE REC'D BY CT ATTNY _____ DATE CHECKED _____ DATE RET'D TO CLERK _____

General Requirements: Foreign Adoptions:		
(1281.6) Proper venue: Petitioner domicile, Custodian domicile (Attorney named representative of adopting parent not custodian for purposes of jurisdiction or venue)		
(103.1 & ICWA 25 CFR 23) Child is a member of a Native American Tribe OR eligible for membership <i>and</i> biological child of a member		
(1281.5) Prior approval of adoptive placement – certification of adoption that meets requirements of Arts. 1171-1173 (preplacement home study required) and prior approval from the U.S. Citizenship and Immigration Services		
(1281.7) Consent: parental rights of a child who has qualified as a foreign orphan or convention adoptee are deemed terminated and no further consent to adoption or relinquishment of parental rights is required		
(1281.7) Consent: required from any custodial or supervisory agency which has placed the foreign orphan for adoption, except that the court may grant adoption without consent of the agency if the court finds the adoption is in the best interests of the child and the agency has unreasonably withheld its consent.		
(1281.8) Certified copy of birth certificate of child attached to petition		
(1281.8) If birth certificate not in English, a certified translation of the certificate attached to petition		
(1281.8) If certified copy of birth certificate and certified translation unavailable, findings on date, place of birth, and parentage made in accordance with provisions of R.S. 40:79(C)(2).		
(1281.9) Persons who may petition: U.S. citizen and spouse who is U.S. citizen or has lawful immigration status petitioning jointly, or an unmarried U.S. citizen at least 25 years of age		
(1281.9) Persons who may petition: at least one petitioner is a domiciliary of Louisiana		
(1284.1) Petition styled “In re _____, Applying for Recognition of Foreign Adoption from a Hague Convention Country”		
	Petitioner 1	Petitioner 2
(1284.1) Petitioner Name		
(1284.1) Petitioner Address		
(1284.1) Petitioner Age		
(1284.1) Petitioner Occupation		
(1284.1) Petitioner Marital Status		
(La.Dist.Ct.R. 46 Appendix) Certified copy of petitioner’s marriage certificate		
(La.Dist.Ct.R. 46 Appendix) Any and all certified divorce decrees which terminated petitioner’s prior marriage(s)		
(La.Dist.Ct.R. 46 Appendix) Any and all certified death certificates of previous spouses which death caused the termination of a petitioner’s previous marriage		
(1284.1) Name by which child known to petitioners		
(1284.1) Place of child’s birth, if known		
(1284.1) Date of child’s birth, if known (if not known, approximate age of the child)		
(1284.1) Date and circumstances under which child was adopted in a foreign country and entered the home of the petitioner		
(1284.1) Any relationship existing between petitioner and child		
(1284.1) Petition accompanied by Hague Adoption Certificate issued by U.S. consular office pursuant to 22 CFR 42.24(j)		
(1284.5) and a copy of the child’s IH-3 Visa		
Judge’s Findings:		
(1284.2) At least one of the adoptive parents is a domiciliary of Louisiana		
(1284.2) Original or Certified copy of the foreign adoption decree, together with notarized transcript, has been filed and is presumed to have been granted in accordance with the law of the foreign country.		
(1284.2) Foreign adoption has been completed in accordance with the Hague Convention and the Intercountry Adoption Act.		
(1284.2) Child is either a permanent resident or a naturalized citizen of the U.S.		
(1284.2) Petitioner has the ability to care for, maintain, and educate the child.		
(1284.3) Court shall provide notice of provisions of R.S. 14:46.4 (re-homing of a child)		
(1284.5) Name change of child, if applicable		
(1284.5) Clerk of Court to forward name change form and decree to state registrar to make a new birth certificate		

ORLEANS PARISH JUVENILE COURT ADOPTIONS CHECKLISTS
HAGUE CONVENTION COUNTRY ADOPTIONS
ADOPTION OF A HAGUE CONVENTION ADOPTEE

CASE NUMBER _____ COURT ATTORNEY _____
DATE REC'D BY CT ATTNY _____ DATE CHECKED _____ DATE RET'D TO CLERK _____

General Requirements: Foreign Adoptions:		
(1281.6) Proper venue: Petitioner domicile, Custodian domicile (Attorney named representative of adopting parent not custodian for purposes of jurisdiction or venue)		
(103.1 & ICWA 25 CFR 23) Child is a member of a Native American Tribe OR eligible for membership <i>and</i> biological child of a member		
(1281.5) Prior approval of adoptive placement – certification of adoption that meets requirements of Arts. 1171-1173 (preplacement home study required) and prior approval from the U.S. Citizenship and Immigration Services		
(1281.7) Consent: parental rights of a child who has qualified as a foreign orphan or convention adoptee are deemed terminated and no further consent to adoption or relinquishment of parental rights is required		
(1281.7) Consent: required from any custodial or supervisory agency which has placed the foreign orphan for adoption, except that the court may grant adoption without consent of the agency if the court finds the adoption is in the best interests of the child and the agency has unreasonably withheld its consent.		
(1281.8) Certified copy of birth certificate of child attached to petition		
(1281.8) If birth certificate not in English, a certified translation of the certificate attached to petition		
(1281.8) If certified copy of birth certificate and certified translation unavailable, findings on date, place of birth, and parentage made in accordance with provisions of R.S. 40:79(C)(2).		
(1281.9) Persons who may petition: U.S. citizen and spouse who is U.S. citizen or has lawful immigration status petitioning jointly, or an unmarried U.S. citizen at least 25 years of age		
(1281.9) Persons who may petition: at least one petitioner is a domiciliary of Louisiana		
(1285.1) Petition styled “In re _____, Applying for Adoption of Hague Convention Adoptee”		
	Petitioner 1	Petitioner 2
(1285.1) Petitioner Name		
(1285.1) Petitioner Address		
(1285.1) Petitioner Age		
(1285.1) Petitioner Occupation		
(1285.1) Petitioner Marital Status		
(La.Dist.Ct.R. 46 Appendix) Certified copy of petitioner’s marriage certificate		
(La.Dist.Ct.R. 46 Appendix) Any and all certified divorce decrees which terminated petitioner’s prior marriage(s)		
(La.Dist.Ct.R. 46 Appendix) Any and all certified death certificates of previous spouses which death caused the termination of a petitioner’s previous marriage		
(1285.1) Name by which child known to petitioners		
(1285.1) Name under which birth of the child is recorded		
(1285.1) Place of child’s birth, if known		
(1285.1) Date of child’s birth, if known (if not known, approximate age of the child)		
(1285.1) Date and circumstances under which child entered the home of the petitioner		
(1285.1) Any relationship existing between petitioner and child		
(1285.1) Petition accompanied by the following:		
(1285.1) Hague Custody Declaration issued by the United States Consular Office		
(1285.1) Copy of the child’s IH-4 Visa or certificate from U.S. Secretary of State that legal custody of the child was granted in compliance with federal law		
(1285.2) Preliminary estimate and accounting of fees and charges in accordance with Ch.C. Art. 1285.3		
(1285.3) Affidavit of fees and expenses executed by the petitioner and petitioner's attorney		
(1285.4) Copy of the petition with all exhibits served by registered or certified mail on the department and any agency having legal custody of the child		
(1285.5) Department shall submit confidential report (home study)		
(1285.6) Hearing not less than 30 nor more than 60 days after filing of adoption petition, may be extended for good cause, and may be reduced to 15 days with written approval of department and petitioner		
(1285.7) Intervention on motion to the court and showing of good cause, limited to: substantial caretaking relationship of one year or longer or anyone court finds in interest (limited to evidence on best interest of child)		
(1285.8, 1285.10, 1285.13) Interlocutory decree, and then the following times must elapse: At least six months have elapsed after granting of interlocutory decree, and child has lived in home for at least one year, No less than two visits to home between interlocutory and final by department, one of which 30 days before final decree, Second confidential report must be presented prior to hearing on final decree		
(1285.9) OR final decree at first hearing if the following: Child was placed in petitioner’s home by licensed agency and child has lived in home for at least six months prior to hearing for adoption		
(1285.14) Court shall provide notice of provisions of R.S. 14:46.4 (re-homing of a child)		
(1285.16) Name change of child, if applicable		
(1285.16) Clerk of Court to forward name change form and decree to state registrar to make a new birth certificate		

ORLEANS PARISH JUVENILE COURT
TERMINATION OF PARENTAL RIGHTS

CASE NUMBER _____ COURT ATTORNEY _____
 DATE REC'D BY CT ATTNY _____ DATE CHECKED _____ DATE RET'D TO CLERK _____

Court Attorney:

(1006) Proper Venue: child domicile with parents, parish in which an alleged act in the petition took place, or parish in which child is found	
(103.1 & ICWA 25 CFR 23) Child is a member of a Native American Tribe OR eligible for membership <i>and</i> biological child of a member	
(1018) Petition styled "The State of Louisiana in the Interest of...."	
(1019) Name of child	
(1019) Date of child's birth	
(1019) Place of child's birth	
(1019) Sex of child	
(1019) Race of child	
(1019) Address of child	
(1019) Name of child's parents	
(1019) Current address of child's parents	
(1019) Name of any biological relatives currently living with the child	
(1019) Age of any biological relatives currently living with the child	
(1019) Sex of any biological relatives currently living with the child	
(1019) Name of public institution or agency having responsibility or ability to supply services alleged to be needed by the family	
(1019) Statement as to whether petitioner knows or has reason to know that the child is an Indian child and facts to support that statement	
(1019) Shall allege facts which constitute the grounds necessary for termination	
(1021) Service personally or by domiciliary service, on parent who resides within the state not less than five days prior to commencement of hearing on the petition	
(1022) Service by registered mail to the address indicated in the petition, return receipt required, on parent who does not reside within the state not less than five days prior to commencement of hearing on the petition	
(1023) Curator ad hoc appointed when parent cannot be served	
(1024) Diligent effort to locate the parents by curator ad hoc	
(1025.1) Parent must appear in court to answer petition within 15 days after filing petition	
(1025.1) Parent may consent to judgment or execute a surrender for adoption	
(1025.2) If parent stipulates to grounds in the petition, he may personally appear before the court or court exercising juvenile jurisdiction in his place of residence; court must fully inform parent of rights and consequences; parent knowingly and voluntarily consents to the judgment	
(1025.3) If parent fails to appear, court shall set the date for termination of parental rights and send notice by certified or register mail, return receipt requested, postage prepaid to the addressee	
(1031) Hearing shall commence within 60 days after the date set for the appearance to answer petition	
(1037) After final submission, the court shall render its judgment within 30 days	
(1016) If parent is indigent, the court shall refer parent to Indigent Parents' Representation Program	
(1016) Child and parent have the right to be represented by separate council and no one can waive this right for the child	
(1004) Parental rights may be terminated in accordance with the grounds stated in Art. 1015 or	
(1004.1) Parental rights may be terminated by department if child has been in state custody for 17 of the last 22 months	

ORLEANS PARISH JUVENILE COURT ADOPTIONS CHECKLISTS

AGENCY

OUTGOING HAGUE CONVENTION ADOPTEE

CASE NUMBER _____ COURT ATTORNEY _____
 DATE REC'D BY CT ATTNY _____ DATE CHECKED _____ DATE RET'D TO CLERK _____

Court Attorney:

This checklist is to be filled out in conjunction with the checklist for AGENCY adoptions when an outgoing Hague Convention adoption is sought by petitioners.

HAGUE REQUIREMENTS (22 CFR 97.1 <i>et seq.</i>)	
22 CFR 97.3 Requirements Subject to Verification in an Outgoing Convention Case.	
(22 CFR 97.3)	Certified child background study provided by U.S. authorized entity provider
(22 CFR 97.3)	Child is determined to be eligible for placement by a U.S. authorized entity
(22 CFR 96.54)	Adoption is by relatives OR the birth parents have identified specific prospective adoptive parents (if yes, skip documentation needed to prove reasonable efforts to find adoptive placement in the U.S.)
(22 CFR 97.3)	Certified documentation of reasonable efforts pursuant to 22 CFR 96.54 to find a timely domestic (U.S.) placement by:
(22 CFR 96.54)	Disseminating information on child and adoption availability through print, media, and internet resources, and
	Information on child listed on a national or State adoption exchange or registry for min. 60 days after birth of the child, and
	Responding to inquiries about adoption of the child, and
	Providing a copy of the child's background study to potential U.S. adoptive parents
(22 CFR 97.3)	Certified home study of adoptive parents including a background check
(22 CFR 97.3)	Declaration by receiving country's Central Authority that child will be permitted to enter and reside permanently in country or on same basis as adopting parent(s)
(22 CFR 97.3)	Declaration by receiving country's authorized entity or competent authority consenting to the adoption
(22 CFR 97.3)	Each person, institution, and authority whose consent is necessary for adoption must be counseled and informed of the effects of consent; must freely give consent evidenced in writing in required legal form, without inducement or compensation of any kind; consent must not have been withdrawn. Consent of the mother must have been given after the birth of the child.
(22 CFR 97.3)	As appropriate in light of child's age and maturity, the child must be counseled and informed of effects of the adoption and child's views must be considered. Consent must freely be given evidenced in writing in required legal form without inducement or compensation of any kind.
(22 CFR 97.3)	Prospective adoptive parents agree to the adoption

ORLEANS PARISH JUVENILE COURT

GESTATIONAL CARRIER CONTRACT AND PROCEEDINGS (Surrogacy)

CASE NUMBER _____ COURT ATTORNEY _____
 DATE REC'D BY CT ATTNY _____ DATE CHECKED _____ DATE RET'D TO CLERK _____

Court Attorney:

(R.S. 9:2720.3) Venue: motion to initiate summary proceeding for court to approve gestational carrier contract, submitted in the court exercising jurisdiction over adoption of minors where the intended parents or gestational carrier reside	
(R.S. 9:2720.3) The gestational carrier and each of the intended parents have been domiciled in this state for at least one hundred eighty days.	
(R.S. 9:2720.3(B)) A proceeding to approve a gestational carrier contract shall be maintained only if all of the following occur:	
The intended parents, the gestational carrier, and her spouse, if she is married, are all parties to the proceeding.	
A copy of the proposed gestational carrier contract is attached to the motion.	
An independent board-certified physician in obstetrics and gynecology or in reproductive endocrinology, who has medically treated the intended mother over a period of time such that the physician is competent to reach medical conclusions about the intended mother's medical condition and submits a signed affidavit certifying that in utero embryo transfer with a gestational carrier is medically necessary to assist in reproduction.	
(9:2720(A)) Agreement in writing and signed by the gestational carrier, her spouse if she is married, and both of the intended parents	
(9: 2720(B)) Approval by the court sought in advance of in utero embryo transfer	
(9:2720(C)) Does not require compensation	
(9:2720(D)) Does not require the gestational carrier to consent to terminate a pregnancy resulting from in utero embryo transfer for any reason, including a prenatal diagnosis of an actual or potential disability, impairment, genetic variation, or any other health condition or a discrimination based on gender, or for the purposes of the reduction of multiple fetuses	
(9:2720.1) Gestational carrier is at between 25 and 35 years old and has given birth to at least one child	
(9:2720.2(A)) Gestational Carrier agrees to the following:	
Agree to become pregnant by means of in utero embryo transfer, using the gametes of the intended parents, and to give birth to the resulting child.	
Agree to reasonable medical evaluation and treatment during the term of the pregnancy, to adhere to reasonable medical instructions about prenatal health, and to execute medical records releases under R.S. 40:1165.1 in favor of the intended parents.	
Certify that prior to executing the gestational carrier contract she has undergone at least two counseling sessions, separated by at least thirty days, with a licensed clinical social worker, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed counselor, to discuss the proposed gestational carrier.	
Certify, along with her spouse if she is married, that she will relinquish all rights and duties as the parents of a child born as a result of in utero embryo transfer.	
Agree to attend a minimum of one post-birth counseling session within six months of the birth of the child.	
(9:2720.2(B)) The Intended Parents certify in writing they agree to:	
Acknowledge that the gestational carrier has sole authority with respect to medical decision-making during the term of the pregnancy consistent with the rights of a pregnant woman carrying her own biological child.	
Agree to accept custody of and to assume full parental rights and responsibilities for the child immediately upon the child's birth, regardless of any impairment of the child.	
Agree to be recognized as the legal parents of the child.	
Have a valid will or succession plan establishing custody of the child should both intended parents predecease the birth of the child.	
(R.S. 9:2720.2(C)) The gestational carrier contract shall include a preliminary estimate of anticipated expenses and their allocation in accordance with R.S. 9:2720.5	

Judge's Findings:

(9:2720.4) Upon the initiation of the summary proceeding, the court shall do all of the following:	
Order and be entitled to the criminal history record and identification files of the Louisiana Bureau of Criminal Identification and Information on <u>each of the intended parents</u> and the <u>gestational carrier and her spouse</u> , if she is married, as a means of performing background checks on those individuals.	
Order that the Department of Children and Family Services conduct a records check for validated complaints of child abuse or neglect in this or any other state in which either of the <u>intended parents</u> and the <u>gestational carrier and her spouse</u> , if she is married, has been domiciled since becoming a major.	
Order that the judicial administrator's office of the Louisiana Supreme Court conduct a records check for court orders entered into the Louisiana Protective Order Registry involving each of the <u>intended parents</u> and the <u>gestational carrier and her spouse</u> , if she is married.	
Each order shall state the full name, date of birth, social security number, and former and current state of domicile since becoming a major of each subject of the check.	
Sheriff, Office of State Police, Louisiana Bureau of Criminal Identification and Information, Department of Children and Family Services, the Judicial Administration of the Louisiana Supreme Court shall provide a certificate to the court indicating all information discovered, or that no information has been found	
(9:2720.5) Hearing set within 60 days of the initiation for proceedings to approve gestational carrier contract	
(9:2720.7) All proceedings governed by this Chapter shall be heard by the judge in chambers or in a closed hearing, and no one shall be admitted to the hearings except the parties in interest, their attorneys, and officers of the court. The court, in its discretion, may grant the request of a petitioner to permit others to be present at the hearing. The court records of these proceedings and the identities of the parties to a gestational carrier contract shall be sealed and are subject to disclosure, release, or inspection only upon application to the court and in conformity with the applicable requirements of confidentiality applicable to adoptions in the Children's Code.	
(9:2720.8) Subject to the jurisdictional requirements of the Uniform Child Custody Jurisdiction and Enforcement Act, the court having jurisdiction over the proceeding to approve a gestational carrier contract pursuant to this Part shall have exclusive, continuing jurisdiction of all matters arising out of the gestational carrier contract.	
(9:2720.5) The court shall issue an Order Preceding Embryo Transfer upon finding that all of the following have occurred:	
The requirements of R.S. 9:2720-2720.3 have been satisfied and the reports of criminal records, validated complaints of child abuse or neglect, and Louisiana Protective Order Registry checks show that there is no risk of harm to the child or the gestational carrier.	
Provisions have been made for all reasonable healthcare and legal expenses associated with the gestational carrier contract until the birth of the child, including responsibility for those expenses if the contract is terminated.	
The gestational carrier will receive no compensation other than:	
Actual medical expenses, including hospital, testing, nursing, midwifery, pharmaceutical, travel, or other similar expenses, incurred by the gestational carrier for prenatal care and those medical and hospital expenses incurred incident to the birth.	

Actual expenses incurred for mental health counseling services provided to the gestational carrier prior to the birth and up to six months after birth.	
Actual lost wages of the gestational carrier, not covered under a disability insurance policy, when bed rest has been prescribed for the gestational carrier for some maternal or fetal complication of pregnancy and the gestational carrier, who is employed, is unable to work during the prescribed period of bed rest.	
Actual travel costs related to the pregnancy and delivery, court costs, and attorney fees incurred by the gestational carrier.	
Payment of a judicially sanctioned settlement or judgment rendered in favor of the gestational carrier or her heirs as a result of her death, loss of reproductive organs or capability, or any other health complication caused by the in utero embryo transfer, pregnancy or resulting childbirth, miscarriage, or termination of pregnancy.	
The parties understand the contract and freely give consent.	
(9:2720.6) If there are multiple attempts at in utero embryo transfer, the gestational carrier contract and the Order Preceding Embryo Transfer shall continue in full force and effect in accordance with the parties' agreement until terminated under R.S. 9:2720.9 or 2720.11, or until a live birth occurs pursuant to the gestational carrier contract.	

Upon Termination of Contract:

(9:2720.9) Termination of contract by notice:	
Before each in utero embryo transfer, the gestational carrier or either of the intended parents may terminate the gestational carrier contract by filing a motion with the court giving notice of termination and serving all other parties with the motion. Upon filing of the motion, the court shall issue an order vacating the Order Preceding Embryo Transfer.	
Neither a gestational carrier nor her spouse, if she is married, is liable to the intended parents for terminating a gestational carrier contract pursuant to this Section.	
Absent timely notice of termination by an intended parent or the gestational carrier, no court shall terminate an enforceable gestational carrier contract after issuance of a valid Order Preceding Embryo Transfer except for good cause shown after a hearing. No court shall terminate a gestational carrier contract after a successful in utero embryo transfer.	
(9:2720.10) After in utero embryo transfer, a failure to perform under the gestational carrier contract does not give rise to the right to dissolution. The parties' rights and responsibilities are otherwise governed by the rules of the Titles on Obligations in General and Conventional Obligations or Contracts.	
(9:2720.11) A judgment of divorce or judicial declaration of nullity of a marriage between the intended parents, entered before in utero embryo transfer, terminates the gestational carrier contract. Upon the filing of a motion notifying the court of the judgment of divorce or declaration of nullity, the court shall issue an order vacating the Order Preceding Embryo Transfer.	
(9:2720.11) If an intended parent dies before in utero embryo transfer, the deceased individual is not a parent of the resulting child unless the child was born within three years of the death of the decedent and the deceased agreed in writing that if the in utero embryo transfer were to occur after death, the deceased individual would be a parent of the child and that the child would have all rights, including the capacity to inherit from the decedent.	
(9:27.20.12) After the issuance of an Order Preceding Embryo Transfer, subsequent marriage of the gestational carrier does not affect the validity of a gestational carrier contract. The consent of the spouse is not required, and he is not a presumed father of the resulting child, notwithstanding any legal presumption to the contrary.	
(9:2720.13(A)) Upon birth of a child to a gestational carrier within three hundred days after in utero embryo transfer, the intended parents or their successors, the gestational carrier, or her spouse shall file a motion requesting issuance of a Post-Birth Order.	
The motion shall be accompanied by a certified copy of the child's original birth certificate and an affidavit executed by the intended parents containing an accounting of fees and charges paid or agreed to be paid by or on behalf of the intended parents in connection with the gestational carrier contract.	
The motion shall also be accompanied by verification from the physician that performed the in utero embryo transfer for the intended parents into the gestational carrier that the gestational carrier was not pregnant at the time of the transfer and the transfer resulted in a pregnancy.	
(9:2720.13(B)) The court may order a hearing and, after finding that the parties have complied with this Part, shall issue a Post-Birth Order:	
Confirming that the intended parents are the legal parents of the child and are financially responsible for the child.	
If necessary, ordering that the child be surrendered to the intended parents.	
Directing that a new birth certificate be created and that the intended parents be listed on the birth certificate as the parents of the child pursuant to R.S. 40:32 et seq., and that the original birth certificate be sealed and subject to release or inspection only upon application to the court for good cause shown.	
(9:2720.14) If the child is alleged not to be the child of the intended parents, supported by a sworn affidavit alleging specific facts which either tend to prove or deny filiation, the court shall order genetic testing to determine the parentage of the child. If the court finds after a contradictory hearing that the child is the genetic child of the gestational carrier, the court shall issue an order recognizing her as a legal parent of the child. If any party refuses to submit to such tests, the court may resolve the question of filiation against such party or enforce its order if the rights of others and the interests of justice so require.	
(9:2720.15) A party to the gestational carrier contract may bring an action to annul a Post-Birth Order. However, except as otherwise provided in this Part, no action to annul a Post-Birth Order may be brought except on the grounds of fraud or duress.	
(9:2720.15) An action to annul a Post-Birth Order based upon a claim of fraud or duress perpetrated by:	
Anyone other than an intended parent shall be brought within one year from the date of the signing of the final decree or mailing of the notice of the judgment when required.	
An intended parent shall be brought within two years from the date of the signing of the final decree or mailing of the notice of the judgment when required.	