	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption (AD)
	Part No./Name	1 - Introduction
	Section No./Name	Introduction
	Document No./Name	8-105 Definitions of Terms
	Effective Date	April 1, 2012

I. STATEMENT OF POLICY

* The following is a list of terms and their definitions that are used in this policy: **

Adoption - A social and legal process in which a person, usually a child, becomes a full member of a family other than the family into which he was born. Legally, the child's and birth parents' rights and responsibilities as vested in the child-parent relationship must be dissolved, and the court must grant the prospective parents' petition to adopt. The adoptive parents thus become the child's legal parents. In Louisiana, a child retains inheritance rights from birth parents even though an adoption is finalized.

Adoption Dissolution - The cancellation of an adoption after legal finalization either through an act of surrender or judgment of termination of parental rights.

Adoption Disruption - The interruption of an adoption after placement of the child and before legal finalization of the adoption.

Adoption Petition - A document, prepared by an attorney, signed by the persons seeking to adopt a child, and filed in a court, which asks, entreats, or prays that the court will grant the adoption of the child named in the petition.


Affinity - Relationship established as a result of marriage. For the purpose of determining eligibility for continued contact, anyone married to a biological or legal relative of a child is considered a relative to the child by affinity.

Agency Adoption - An adoption arranged through a public or private child-placing agency licensed to place children for adoption by * DCFS ** or the corresponding department of any other state. Conditions for this type of adoption are addressed in Ch.C.Arts.1198-1220.

Authentic Act - An affidavit signed by two witnesses over the age of eighteen before a notary public.

Blind showing - An agency sponsored arrangement for prospective adoptive parents to view a child without meeting or being introduced to the child as prospective parents.

Continued Contact Agreement - A legally binding agreement drawn up to describe mutually desired types of continued post-adoption contact. The intent is to preserve an established, significant relationship between the adoptive child and parent, or grandparent, or sibling, or, if applicable, any other relative when the assessment shows it is in the child's best interests.

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Continued Contact Agreements are entered into voluntarily by the adoptive parents. (Ch. C. Arts. 668, 675, & 1269.1)

Developmental Disability - As defined by Public Law 95-602: A severe, chronic disability of a person which:


- is attributed to a mental or physical impairment or combination of mental and physical impairments;
- is manifested before the person attains age twenty-two;
- is likely to continue indefinitely;
- results in substantial functional limitations in three or more of the following areas of major life activity:
 - a. self-care,
 - b. receptive and expressive language,
 - c. learning,
 - d. mobility,
 - e. self-direction,
 - f. capacity for independent living,
 - g. economic sufficiency, and,
- reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and individually planned and coordinated.

AdoptUsKids - A nationwide Internet photo listing of children available for adoption that is maintained *** as a media recruitment tool for waiting children. "AdoptUsKids" Internet web site is: www.adoptuskids.org

Final Decree - The * legal ** decree issued by the court which finalizes an adoption. * The ** intended adoptive parents become the legal parents of their adopted child.

Home Study - A process of gathering and recording information obtained in a series of interviews with persons who have applied to adopt. Information concerning family background, attitudes toward adoption, and mental, emotional, and financial resources are explored in order to evaluate the suitability of the home for the placement of a child. The home study process should also include the provision of information about adoption issues and, in the case of child-specific situations with the particular child, additionally allow the family to realistically evaluate their own interest and suitability for adoption.

In private adoptions, the home study includes interviews with biological and/or legal parents to obtain family background information, * attitudes towards adoption and mental, emotional and financial resources are explored in order to evaluate the suitability of the home for placement of a child. This information also assist in determining ** if they are satisfied with their decision to consent to the child's adoption, and to help determine * the ** child's legal status and

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availability for adoption. Also included in the home study are observations of the child and the care he is receiving in the adoptive home. An abbreviated form of the traditional home study is completed for interfamily adoptions if ordered by the court.

Indian Child Welfare Act (ICWA) of 1978 - Federal legislation which sets minimum standards for the removal and placement of Indian children from their families and tribes. The Indian Child Welfare Act supersedes Louisiana state law with respect to foster care, custody, child placement, parental rights, and adoption involving Indian children. Refer to Section 8-440, Services to Indian Children, of this manual and Appendix A of the Foster Care Manual for additional information concerning the Indian Child Welfare Act.

Interlocutory Decree - In the two step petition process for private adoptions in Louisiana, the first decree issued by the court which terminates the rights of the biological parent(s) and transfers legal custody of the child to the prospective adoptive parents is called the interlocutory decree. The interlocutory decree expires at the end of two years if no further action is taken.


Interfamily Adoption - One of the three types of adoptions in Louisiana. The special conditions for this type of adoption are contained in Ch.C.Arts. 1243-1258.

LARE - Louisiana Adoption Resource Exchange. LARE is a legally mandated system for managing information related to children available for adoption and families certified as adoptive homes. It is legally mandated under Children's Code Articles 1041 and 1145. The LARE subsystem allows automated tracking of children from the time the case plan goal becomes adoption and management of information about families. It is managed by the State Office LARE Program Manager.

LARE Photo listing - A recruitment component of LARE which includes * required information needed for ** photo listing of children in Louisiana who are available for adoption. The photo listing is compiled in a photo album and is on-line at: * www.dcfslouisiana.gov and www.adoptuskids.org/states/la/browse.aspx. **

Licensed Adoption Agency - In Louisiana, a public or private agency which is licensed by the Department of * Children and Family ** Services. A licensed adoption agency is authorized to accept acts of surrender, to make children available for adoption by other means, (except where responsibility as the moving party is held by a private agency and the subject of such proceedings involves an incarcerated parent), to certify families for adoptive placement, and to place legally available children in adoption. ***

Life Book - A compilation of photographs, documents, mementos, illustrations, and narrative accounts of important events in a child's life. Life books are compiled with or for children who are in foster care. Families who are certified as adoptive parents are required to construct a family album, including pictures and description of their family home, relatives, and lifestyle, so that it may be used with a child in placement preparation.

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Media Recruitment - The use of newspaper, radio, television, Internet, or other communication resources to provide *** specific **** information about the adoption *** process **** or to provide *** general **** information about a child available for adoption.

Open Adoption - An adoption in which some form of communication occurs between the birth family and the adoptive family before and/or after placement of the child. The type and frequency of communication varies greatly. Contact may range from a single personal meeting and/or exchange of information or photographs to regular visitation. An intermediary, e.g. an adoption agency, is used when principals do not want to be identified in an exchange of information.

Post Legal Adoption Period - The period of time after issuance of a final decree of adoption.

Postplacement Period - The period of time between placement of a child in adoption (signing of 427-B) and issuance of a final decree of adoption.


Private Adoption - An adoption in which the adoptive plan and placement of the child were made by individuals other than employees of a licensed adoption agency. The legislation governing private adoptions is located in Ch.C.Arts. 1221-1242. *** DCFS **** formerly referred to private adoptions as independent adoptions.

Provisional Agreement - A signed agreement by parties to an adoption regarding specific arrangements which the parties wish to formalize at the time of adoptive placement. A provisional agreement is not legally binding. *******

Revised Birth Certificate - In adoption, the birth certificate issued by the Bureau of Vital Statistics after the final decree of adoption is granted by the court. The revised birth certificate lists the adoptive parents as the child's parents.

Special Needs Children - The Child Abuse and Neglect Treatment and Prevention and Adoption Reform Act of 1978 defines special needs children as children having mental, physical, or emotional handicaps; older children; children in sibling groups; and minority children. *******

Termination of Parental Rights - A term usually used in reference to a judicial proceeding freeing a child from the custody and control by a parent or parents, so that the child may be adopted. Execution of a valid act of surrender is a voluntary termination of parental rights of the parent who signs the Act of Surrender. If both parents' rights are terminated the court shall order that the child is certified for adoption.

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II. PROCEDURES

* There are no procedures associated with this policy.

III. FORMS AND INSTRUCTIONS

There are no forms and instructions associated with this policy.

IV. REFERENCES

Louisiana Children's Code

Indian Child Welfare Act (ICWA) of 1978

Child Abuse and Neglect Treatment and Prevention and Adoption Reform Act of 1978 **