

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption
	Part No./Name	6 – The Adoption Petition Program
	Section No./Name	The Adoption Petition Program
	Document No./Name	8-600 Introduction
	Effective Date	September 15, 2025

I. STATEMENT OF POLICY

The Adoption Petition Program is designed to fulfill the obligations placed upon the Department of Children and Family Services by Title XII of the Louisiana Children's Code, enacted in 1991 and effective January 1, 1992. Additional information concerning Title X (Involuntary Termination of Parental Rights) and Title XI (Surrender of Parental Rights) is contained in Parts 14 and 15 of Chapter 6 Foster Care Manual Policy.

Adoption Petition workers are bound by the confidentiality statutes of LA R. S. 46:56. Refer to Section [8-530](#) regarding requests for identifying and non-identifying information. Also refer to Louisiana Children's Code Article (LA Ch. Code Art.) 1184 -1185.

DCFS acts as a reviewing agency for the court and offers services only upon request by the court to persons who have petitioned to adopt a child, to their attorneys, to children who have become subject to an adoption petition, and to the child's biological and legal parents. There are three types of adoptions: Agency, Private, and Intrafamily. Each is discussed within this section.

The agency has no responsibility or authority in this program or elsewhere to approve or disapprove proposed adoptions of children not in DCFS custody except as it acts as the agent of and under the authority of another agency or the corresponding agency of another state.

Adoption Petition staff are prohibited from assisting prospective adoptive parents and biological and/or legal parents in arranging private adoptive placements and from suggesting a legal resource or referral to an individual or agency involved in an adoption proceeding. Requests for information concerning a particular licensed agency shall be referred to DCFS Licensing.

The Adoption Petition Program should not be confused with the department's Adoption Program, which is usually responsible for adoptive placement of children of whom the department has legal custody. The Adoption Petition Program is concerned only with children age seventeen (17) and under for whom an adoption petition has been filed.

The Adoption Petition worker should be familiar with the Indian Child Welfare Act (ICWA); refer to in Chapter 6, Appendix A. If the child in an adoption is Native American or thought to be Native American, the court shall be notified of this in a confidential report. The attorney should be advised he may need clearance from the appropriate tribe before proceeding further.

A. DEFINITIONS

1. "Affidavit of Mental Health Counseling" (CW Form 444) is used to document the attendance of the surrendering parent at two mental health counseling sessions as is

 <p>Department of Children & Family Services <i>Building a Stronger Louisiana</i></p>	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption
	Part No./Name	6 – The Adoption Petition Program
	Section No./Name	The Adoption Petition Program
	Document No./Name	8-600 Introduction
	Effective Date	September 15, 2025

required prior to the execution of any surrender. The father may waive the counseling if he is of majority age; however, his attorney or counselor shall execute an affidavit attesting to his waiver. The mother may not waive the counseling. For a detailed discussion, please refer to [6-1410](#).

2. "Authentic Act" is an affidavit that has been notarized and has two witnesses who are over the age of eighteen (18).
3. "Birth Certificate" means the child's official birth certificate or a true copy of a prefiled version of the birth certificate in the event the official birth certificate has not been issued.
4. "Child" means a person under eighteen years of age and not emancipated by marriage.
5. "Certification of Adoption" is a written statement by a licensed social worker, counselor, psychologist or psychiatrist that, following a preplacement home study for a private adoption, the prospective adoptive parents are approved to adopt. This may also be given by the court.
6. "Confidential Report" is the report required by the court prior to the interlocutory decree and updated prior to the final decree, if appropriate.
7. "Curator ad hoc" is an attorney who has been appointed by the court pursuant to a petition for disclosure pertaining to an adoption to do a records review and subsequent recommendation to the court for granting or denial of the petitioner's request; or an attorney appointed by the court to search for an absent parent in an adoption or termination proceeding.
8. "Department" or "child placing agency" means the Department of Children and Family Services, the corresponding department of any other state, and those private agencies and institutions licensed for the placement of children for adoption by the Department of Children and Family Services, or by the corresponding department of any other state.
9. "Interlocutory Decree" is a legal provisional step in the adoption petition process aimed at protecting the best interests of the child that is required in agency and private adoptions, unless certain criteria are met, prior to the granting of a final decree.
10. "Preplacement Home Study" is a report to the court on an adoptive applicant's fitness and suitability as a parent which is required for agency and private adoptions. Requirements for the home study are contained in Ch.C. Art 1173 and in policy available from the DCFS Licensing.

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption
	Part No./Name	6 – The Adoption Petition Program
	Section No./Name	The Adoption Petition Program
	Document No./Name	8-600 Introduction
	Effective Date	September 15, 2025

11. "Putative Father Registry" is a legal registry used for recording a certified acknowledgment of paternity by an alleged father. Use of the Registry is discussed in [6-1445](#) manual policy. The Putative Father Registry is in the State Registrar and Vital Records, P. O. Box 60630, New Orleans, LA 70160. Written requests by attorneys should be directed to the attention of the Putative Father Registry Clerk.
12. "Statement of Family History/Nonidentifying Information" (DCFS CW Form 448) is a report containing genetic and medical background information on the surrendering parent which is required any time a surrender is taken. Refer to the Louisiana Children's Code Article 1124 for specific requirements and to Chapter 6 Part 14 for information concerning completion of Form 448.
13. "Termination of Parental Rights":
 - (a). Involuntary termination of parental rights includes the Judicial Certification Of Children For Adoption procedure covered in Title X, the Notice of filing of surrender upon alleged or adjudicated father process allowed under LA Ch.C Art. 1132, the procedure for unidentified fathers allowed under LA. Ch.C. Art. 1135, and the procedure for an absentee alleged or adjudicated father following filing of a surrender allowed under LA Ch.C. Art. 1136.
 - (b). Voluntary Termination of Parental Rights includes the Act of Surrender (Title XI), the Consent to Adoption given in Open Court (LA CH. C. Art 1195), and the Release of claims by alleged father (LA Ch. C. Art. 1196).
14. Venue (LA Ch. Code Art. 1180) as it relates to adoption proceedings, refers to that parish's juvenile court specified by law in which an adoption proceeding may be commenced. Venue for commencement of adoption proceedings is proper if it is in accordance with Ch.C. Art. 1180.

II. PROCEDURES

The Adoption Petition program for the nine DCFS regions is the responsibility of the Regional Administrators who ordinarily delegate task assignments to Adoption Petition workers.

A. CONSENT (LA CH.C. ARTS. 1193 - 1196)

The Adoption Petition worker shall review the petition and the attached documents and assure that consent has been given by all required parties. The following persons' consent or relinquishment by voluntary or involuntary termination is required:

- The mother of the child.

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption
	Part No./Name	6 – The Adoption Petition Program
	Section No./Name	The Adoption Petition Program
	Document No./Name	8-600 Introduction
	Effective Date	September 15, 2025

- The father of the child, regardless of the child's actual paternity, if any of the following apply:

A child is a child born of the marriage in accordance with the Louisiana Civil Code or its legal equivalent in another state;

The father is presumed to be the father of the child in accordance with the Louisiana Civil Code or its legal equivalent in another state;

The alleged father of the child who has established his parental rights in accordance with Chapter 10 of Title XI;

The biological father of the child whose paternity has been determined by a judgment of filiation and who has established his parental rights in accordance with Chapter 10 of Title XI.

- The custodian agency. The court may grant the adoption without the consent of the agency if the adoption is in the best interest of the child and there is a finding that the agency unreasonably withheld its consent.

If consent is missing from a petition, the Adoption Petition worker shall notify the court that the petition is incomplete. A copy of this notice shall be sent by registered mail to the attorney for either the private or agency adoption. It is the attorney's responsibility to assure that a surrender, act of consent in open court, or release of claims has been completed if there has not been an involuntary termination of parental rights. The types of consent are:

1. Given In Open Court (LA.Ch.C. Art 1195)

A consent to adoption given in open court is done in person. The consent may be given by any biological or legal parent in any type of adoption: Agency, Private and Intrafamily. The court informs the parent of the consequences of his/her consent. It substitutes for valid act of surrender. Upon acceptance by the court, the parent's consent to the adoption is irrevocable and the parent is required to execute a Statement of Family History. The adoption petition may be filed subsequent to or in conjunction with the consent to adoption given in open court.

Counseling sessions are not required in a consent to adoption in open court although the court could choose to order them.

2. Authentic Act of Consent (Ch. C. Art 1244)

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption
	Part No./Name	6 – The Adoption Petition Program
	Section No./Name	The Adoption Petition Program
	Document No./Name	8-600 Introduction
	Effective Date	September 15, 2025

Any parent, whose consent is necessary for an Intrafamily adoption may consent to the adoption by an authentic act which may include a waiver of service or notice for any subsequent adoption proceeding. This consent is not a surrender.

If the consenting parent is married to a stepparent petitioner and the child was born of marriage and executes an authentic act of consent, the parent does not have to join in the petition for adoption, nor be served a copy thereof.

If the consenting parent is married to a stepparent petitioner and the child is born outside of marriage, the parent shall join in the petition for adoption with the stepparent.

3. Release of Claims by Alleged Father (LA Ch.C. Art 1196)

Any time after the birth of the child any alleged or adjudicated father may execute a release of claims by authentic act to the adoption of his child, releasing any real or potential claims to the child, including a waiver of service for any subsequent adoption proceeding. This consent is irrevocable upon execution and the parent is required to execute a Statement of Family History. It cannot be used as evidence of a confession, admission, or acknowledgment of paternity in any proceeding.

4. Voluntary and Involuntary Termination of Parental Rights

An explanation of these forms of consent is given in Part B. above.

B. DISCLOSURE OF FEES AND REIMBURSEMENT OF EXPENSES: AGENCY AND PRIVATE (LA CH. C. ART. 1200, 1201, 1223, 1223.1, 1283.2, AND, 1283.3)

A preliminary estimate and accounting of fees and charges paid or to be paid by or on behalf of the petitioner in connection with the adoption is to be filed with the initial petition for adoption. Additionally, a final Adoption Disclosure Affidavit must be filed with the court not later than ten days prior to the date scheduled for the final hearing on the adoption. These affidavits are required for agency, private and intercountry adoptions, including adoptions completed by DCFS. They are not required for Intrafamily adoptions.

A copy of the preliminary estimate should be sent by the court to the Adoption Petition staff along with the initial petition for adoption. If the preliminary estimate is not received by the Adoption Petition staff, staff shall immediately notify the judge in writing, attention Clerk of Court and the petitioner's attorney, advising that this is required. A copy of the final Adoption Disclosure Affidavit should be sent by the court to the Adoption Petition staff along with all orders of the court related to the adoption. If the final Adoption Disclosure

 <p>Department of Children & Family Services <i>Building a Stronger Louisiana</i></p>	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption
	Part No./Name	6 – The Adoption Petition Program
	Section No./Name	The Adoption Petition Program
	Document No./Name	8-600 Introduction
	Effective Date	September 15, 2025

Affidavit is not received by the Adoption Petition staff, staff shall immediately notify the court in writing that it is now required.

Adoption Petition staff shall enter the estimated and actual amounts of the adoption expense fees on the 203 screen prior to the closure of all adoption petition cases in which the adoption was finalized. If the affidavit was not submitted, that information is to be entered.

The TIPS 203 screen also allows for the entry of the individual (the attorney, the Clerk of Court, agency, etc.) to whom the expense has been paid or is due. Staff should enter the available information given in the affidavit. It is not necessary to request additional information from the attorney (or any other agency or individual.)

Although allowed by the Children's Code, DCFS does not charge adoptive parents of non-DCFS children for the adoption process or any other adoption service. The adoptive parents may incur fees described in Ch.C. Art.'s 1200, 1223 and 1283.2.

C. AGENCY ADOPTION

1. General Information

A single person, eighteen (18) years or older, or a married couple jointly may petition to adopt a child through an agency. When one joint petitioner dies after the petition has been filed, the adoption proceedings may continue as though the survivor was a single original petitioner.

Agency adoptions include adoptive placements by DCFS and by licensed private adoption agencies.

The Adoption Petition Unit is responsible for notifying the Adoption Specialist of receipt of an adoption petition for a DCFS adoption and the date of the court hearing.

The Adoption Petition worker may, at the discretion of the Regional Administrator, be assigned the preparation of the confidential report to the court for adoption petitions filed for DCFS foster children.

All confidential reports to the court prepared by licensed private adoption agencies and by this agency's Adoption Unit are to be forwarded to Adoption Petitions. The Adoption Petition worker is required by law to review these reports for completeness, accuracy, and compliance with the law before sending the report to the court.

 <p>Department of Children & Family Services <i>Building a Stronger Louisiana</i></p>	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption
	Part No./Name	6 – The Adoption Petition Program
	Section No./Name	The Adoption Petition Program
	Document No./Name	8-600 Introduction
	Effective Date	September 15, 2025

2. Agency Adoption- Records Check (Criminal and State Central Registry)

Licensed private and public adoption agencies are required by the Louisiana Administrative Code to have a criminal records clearance for each prospective adoptive parent. DCFS does not secure the criminal record check for families applying to adopt children through private licensed adoption agencies. These agencies make this a part of their home study process and obtain a criminal clearance prior to completion of the home study.

A State Central Registry check is completed for all DCFS home studies, which includes adoptions, and shall be done for licensed private agency adoptions.

Private licensed adoption agencies shall request a State Central Registry (SCR) check by contacting the DCFS regional office in that region where the family intends to file the adoption petition and completing CW Form 29-A.

The clearance for private licensed adoption agencies (CW Form 29-A) should be completed as soon as possible and returned to the agency by certified mail.

3. Agency Adoption- Inheritance

The child is relieved of all of his legal duties and divested of all his legal rights with regard to his former parents, except that of the right to inherit from them. That right is retained.

4. Agency Adoption- Post-Adoption Grandparent Visitation Rights

If the child's birth parents are dead, his grandparents may obtain limited visitation rights to him. For example, if the child was freed for adoption from his mother due to her death, her parents may obtain limited visitation rights.

5. Agency Adoption- Decree at First Hearing

The court may render a final decree of agency adoption at the first hearing without the necessity of first entering an interlocutory decree if the child was placed in the petitioner's home by an agency and the child has lived in that home for at least six months prior to the hearing for adoption.

6. Agency Adoption- Revocation of Interlocutory Decree

At any time before the entry of the final decree of agency adoption, the interlocutory decree may be revoked if the adoption is not in the best interests of the child.

 <p>Department of Children & Family Services <i>Building a Stronger Louisiana</i></p>	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption
	Part No./Name	6 – The Adoption Petition Program
	Section No./Name	The Adoption Petition Program
	Document No./Name	8-600 Introduction
	Effective Date	September 15, 2025

7. Agency Adoption- Permanency Review

In a private agency adoption, if an interlocutory decree has not been rendered within six months of the filing of the petition, a review hearing is required to be held in court every ninety days until an interlocutory decree is rendered.

Also, in a private agency adoption, if a final decree has not been rendered within six months of the filing of the petition, or within six months of an interlocutory decree, if rendered, a review hearing is required to be held in court every ninety days until a final decree of adoption is rendered.

D. PRIVATE ADOPTIONS

1. General Information

Private adoptions are arranged between the parent and a person who is not a licensed agency such as an attorney, physician or a parent placing with a relative not within the proper degree of relationship for an Intrafamily adoption.

A single person, eighteen (18) years or older, or a married couple, together, may petition to privately adopt a child. When one joint petitioner dies after the petition has been filed, the adoption proceedings may continue as though the survivor was a single original petitioner.

The Adoption Petition Worker provides services in the following types of private adoptions:

- Adoption by a person(s) not related to the child;
- Adoption by the parent of his child born out-of-wedlock;
- Adoption by a married couple of a child born out-of-wedlock to one of the petitioners who is not recognized as having parental rights as per LA Ch.C 1193;

2. Private Adoption- Certification of Adoption

The "certification of adoption" means that a person who applies to adopt a child privately is qualified to adopt in accordance with the La. Children's Code. The "certification of adoption" is valid for 12 months without an update being required. It can be revoked for just cause. This requirement also applies to out of state prospective adoptive parents who must comply with the Louisiana Interstate Compact on Placement of Children (ICPC).

The certification of adoption may be obtained in either of two ways:

 <p>Department of Children & Family Services <i>Building a Stronger Louisiana</i></p>	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption
	Part No./Name	6 – The Adoption Petition Program
	Section No./Name	The Adoption Petition Program
	Document No./Name	8-600 Introduction
	Effective Date	September 15, 2025

- a certificate for adoption issued by a licensed professional who completed the pre-placement home study; or,
- a current order of a court of competent jurisdiction approving the adoptive placement.

The professionals allowed by law to do the preplacement home study include the following: a social worker in the employ of a licensed adoption agency, a Licensed Clinical Social Worker, a licensed professional counselor, a licensed psychologist, or a licensed psychiatrist. The individual practitioner or agencies completing the pre-placement home study shall be licensed in their respective fields in the state of Louisiana.

3. Private Adoption- Pre-Placement Home study

The home study must address, as appropriate, in writing, all the items detailed in the following sections of the Louisiana Administrative Code: Residential Licensing, Title 67, Part 5, Subpart 8, Chapter 73:

LAC 73:7315 F Adoption Home Study;
LAC 73:7315 F Notification regarding application;
LAC 73:7315 F Access to Records;
LAC 73:7315 F Updating Home Study;
LAC 73:7315 F Review Procedure; and
LAC 73:7315 F Adoptive Parents Records.

There is no standard form for the "certification of adoption". The provider is to complete a statement on their professional letterhead that the prospective adoptive parent(s) have been approved to adopt. The provider's signature, license number, and date must be in evidence.

The home study shall include a copy of the "certification of adoption" for the prospective adoptive couple or a written report that no "certification of adoption" has been obtained in accordance with the La. Children's Code.

4. Private Adoption- Court Hearing to Approve Prospective Adoptive Parents

A hearing to approve the prospective adoptive parents should be held if a preplacement home study and "certification of adoption" is not available. The court may find the parents appropriate or not appropriate to adopt. If later it is found that any perjury, withholding of information, or misleading statements occurred during the hearing, the "certification of adoption" by the court may be revoked, or the adoption may itself be revoked due to fraud.

 <p>Department of Children & Family Services <i>Building a Stronger Louisiana</i></p>	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption
	Part No./Name	6 – The Adoption Petition Program
	Section No./Name	The Adoption Petition Program
	Document No./Name	8-600 Introduction
	Effective Date	September 15, 2025

For instance, if the result of a criminal records or a State Central Registry check indicates that the prospective adoptive parents failed to disclose unfavorable information at the hearing, the court may issue an Instanter order taking protective custody of the child if this information, if known, would have resulted in the court's disapproval of the adoptive placement. It is, therefore, imperative that the DCFS CW Form 29-A SCR Check be returned as soon as possible to the court.

5. Private Adoption- Records Checks (Criminal and State Central Registry)

The court having jurisdiction at the time of the filing of the petition must immediately issue both of the following orders:

- That the local sheriff conducts a criminal records check for all federal arrests and convictions and all state arrests and convictions for each of the prospective adoptive parents; and,
- That the department conduct a State Central Registry check for n 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.

The sheriff and the department shall accord priority to these orders and shall provide a certificate indicating all information discovered or that no information has been found. These certificates are to be attached to the confidential report.

6. Private Adoption- Procedure for State Central Records Check

The court order for a State Central Registry check for substantiated complaints of abuse/neglect is sent to the attention of the Adoption Petition Unit in regional office. Once the court order is received it is logged in and forwarded to the Caseworker Assistant or Clerical Worker assigned to Adoption Petition for this duty.

The worker assigned these duties shall print the TIPS screen and attach the printout to the CW Form 29-A. Both shall be forwarded to the Supervisor.

If the printout indicates a substantiated finding for a Child Protection Services investigation, the Supervisor shall request the case record and review the investigation to determine if the adoptive parents are the same individuals cited in the investigation. The circumstances and outcome of the substantiated complaint along with the age of the child victim, the date of the finding, the severity of harm, the type of abuse/neglect, and any extenuating

 <p>Department of Children & Family Services <i>Building a Stronger Louisiana</i></p>	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption
	Part No./Name	6 – The Adoption Petition Program
	Section No./Name	The Adoption Petition Program
	Document No./Name	8-600 Introduction
	Effective Date	September 15, 2025

circumstances shall be briefly included on the CW Form 29-A. The child victim's name shall not be used.

No information concerning an inconclusive or unsubstantiated investigation shall be disclosed.

The CW Form 29-A shall be completed, copied, and forwarded to the court. A duplicate of the CW Form 29-A shall be maintained with the Central Registry (TIPS) printout in the Regional Office pending receipt of the adoption petition. Clearances not resulting in an adoption petition case record may be destroyed within two years of the date of the record check. However, in reference to out of state received clearances, staff may wish to retain these indefinitely, to avoid for duplicative effort should the subject(s) of the report later seek adoption of another child.

A court ordered clearance shall be considered a priority and, if at all possible, should be done within 24 hours of receipt of the order. The CW Form 29-A should be faxed to the court if possible. If a facsimile machine is not available to the court, a telephone call to the judge's office or court designee reporting the result of the clearance is required, followed by the immediate mailing of CW Form 29-A.

If the court orders a review of the abuse/neglect findings of another state, the Supervisor shall contact that state's child protection central office for a clearance. The initial contact shall be by telephone in order to establish the appropriate contact person. A written request attached to the court order requiring the SCR clearance shall then be sent, preferably by facsimile machine. A copy of the request and the reply shall be attached to the CW Form 29-A and forwarded to the court. If a verbal reply is received the court shall be informed in like manner with a written confirmation of the conversation sent to the court for their files.

7. Private Adoption- Inheritance

In a private adoption, the child is relieved of all of his legal duties and divested of all his legal rights with regard to his former parents, except that of the right to inherit from them. That right is retained.

8. Private Adoption- Final Decree at First Hearing

The court may grant a final decree of private adoption at the first hearing, without the necessity of first entering an interlocutory decree if the rights of the child's parents have been terminated through an Act of Surrender or Termination of Parental Rights and the child has lived in the petitioner's home for six months.

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption
	Part No./Name	6 – The Adoption Petition Program
	Section No./Name	The Adoption Petition Program
	Document No./Name	8-600 Introduction
	Effective Date	September 15, 2025

The Adoption Petition worker completes sections A and B of CW Form 61 and sections C and D are to be completed by the Clerk of Court. However if these sections are not completed by the Clerk of Court, the Adoption Petition worker needs to complete these sections so that this information is included on the monthly adoption petition spreadsheets that are sent to the Child Welfare State Office Adoption Consultant.

All other private adoptions are two petition adoptions.

9. Private Adoption- Revocation of Interlocutory Decree

At any time before the entry of the final decree of private adoption, the interlocutory decree may be revoked if the adoption is not in the best interests of the child.

10. Private Adoption- Permanency Review

If an interlocutory decree has not been rendered within six months of the filing of the petition, a court review hearing is required every ninety days until an interlocutory decree is rendered.

If a final decree has not been rendered within six months of the filing of the petition, or within six months of an interlocutory decree, if rendered, a court review hearing is required every ninety days until a final decree of adoption is rendered.

11. Private Adoption- Post-adoption Grandparent Visitation Rights

If the child's birth parents are dead, his grandparents may obtain limited visitation rights to him. For example, if the child was freed for adoption from his mother due to her death, her parents may obtain limited visitation rights.

E. INTRAFAMILY ADOPTIONS

1. General Information

The following persons may petition for an Intrafamily adoption:

A stepparent, step-grandparent, great-grandparent, grandparent, aunt, great aunt, uncle, great uncle, sibling, or first cousin may petition to adopt a child if all of the following elements are met:

- The petitioner is related to the child by blood, adoption, or affinity through a parent recognized as having parental rights.

 <p>Department of Children & Family Services <i>Building a Stronger Louisiana</i></p>	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption
	Part No./Name	6 – The Adoption Petition Program
	Section No./Name	The Adoption Petition Program
	Document No./Name	8-600 Introduction
	Effective Date	September 15, 2025

- The petitioner is a single person over the age of eighteen or a married person whose spouse is a joint petitioner.
- The petitioner has had legal or physical custody of the child for at least six months prior to filing the petition for adoption.

When the spouse of the stepparent or one joint petitioner dies after the petition has been filed, the adoption proceedings may continue as though the survivor was a single original petitioner.

For purposes of this law, "Parent recognized as having parental rights" includes:

- The mother of the child.
- The father of the child.
- A father who has formally acknowledged the child with the written concurrence of the child's mother.
- A father whose name or signature appears on the child's birth certificate as the child's father.
- A father, if a court of competent jurisdiction has rendered a judgment establishing his paternity of the child.

2. Intrafamily Adoption- Consent

In an Intrafamily adoption, any parent may execute an authentic act consenting to the adoption of his child. The parent may also waive his right to service of notice for any subsequent proceeding. However, if a waiver of service is not completed, the parent must receive notice of the filing of the petition. The authentic act of consent is not the same as an Act of Surrender. The consent shall follow the guidelines of Ch. Code Art. 1195: Consent in Open Court.

If the parent of a legitimate child is married to the stepparent petitioner and executes an authentic act of consent, he need not join in the petition nor be served with a copy thereof. The parent of an illegitimate child who is married to the petitioning spouse must join in the petition.

The consent of a legally recognized parent is not required when upon clear and convincing evidence of either of the following:

- a. A petitioner authorized by Article 1243 has been granted custody of the child by a court of competent jurisdiction and either of the following conditions exist:

 <p>Department of Children & Family Services <i>Building a Stronger Louisiana</i></p>	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption
	Part No./Name	6 – The Adoption Petition Program
	Section No./Name	The Adoption Petition Program
	Document No./Name	8-600 Introduction
	Effective Date	September 15, 2025

- The parent has refused or failed to comply with a court order of support without just cause for a period of at least six months.
- The parent has refused or failed to visit, communicate, or attempt to communicate with the child without just cause for a period of at least six months.

Or

- b. The spouse of a stepparent petitioner has been granted sole or joint custody of the child by a court of competent jurisdiction or is otherwise exercising lawful custody of the child and either of the following conditions exists:
- The other parent has refused or failed to comply with a court order of Support without just cause for a period of at least six months.
 - The other parent has refused or failed to visit, communicate, or attempt to communicate with the child without just cause for a period of at least six months.

If the child to be adopted is (12) twelve years of age or older, the court will solicit and consider his wishes in the matter.

3. Intrafamily Adoption- Records Check

A State Central Registry clearance shall be made on intrafamily adoptions including those in which DCFS has not been court ordered to complete a limited or regular home study. The Adoption Petition worker is to follow the procedures given in section H.6. above.

4. Intrafamily Adoption- Home Study; Confidential Report

DCFS shall not investigate proposed intrafamily adoptions that have not been court ordered. If the court orders an investigation, it may request any information which it deems relevant and require that DCFS submit a confidential report of its findings to the court.

DCFS is required to make every effort to locate any living parent whose consent is required under Article 1193 to determine the parent's attitude toward the proposed adoption. If a curator ad hoc has been appointed by the court pursuant to Article 1250, DCFS must supply him with all information pertinent to the location of an absentee parent within 15 days of its receipt of a copy of the order appointing the curator ad hoc.

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption
	Part No./Name	6 – The Adoption Petition Program
	Section No./Name	The Adoption Petition Program
	Document No./Name	8-600 Introduction
	Effective Date	September 15, 2025

5. Intrafamily Adoption- Inheritance

In an Intrafamily (grandparent, great-grandparent, aunt or uncle, great-aunt or great-uncle, 1st cousin, or sibling) adoption the parents whose rights were replaced along with all that parent's other blood relatives lose their right to inherit from the child.

In an Intrafamily stepparent adoption the birth parent of the adopted child who is married to the stepparent and the birth parents' relatives retain their right of inheritance.

The child retains his right to inherit from his parents and other blood relatives.

6. Intrafamily Adoption- Post-adoption Grandparent Visitation Rights

If the child's birth parents are dead, his grandparents may obtain limited visitation rights to him. For example, if the child was freed for adoption from his mother due to her death, her parents may obtain visitation rights.

III. FORMS AND INSTRUCTIONS

[CW Form 448 / Instructions](#) Statement of Family History Medical-Genetic History of Biological Families

[CW Form 444 / Instructions](#) Affidavit of Pre-Surrender Counseling for Surrendering Parent State Central Registry Check Request [Form](#) / [Instructions](#)

IV. REFERENCES

[Louisiana Revised Statute 46:56](#)

Louisiana Children's Code Article 1124, 1173, 1132, 1135, 1136, 1193 - 1196, 1180, 1184-1185

Louisiana Children's Code Article 1200, 1201, 1223, 1223.1, 1244, 1250, 1283.2, 1283.3