

INTRAFAMILY ADOPTION IN LOUISIANA

What is Adoption?

Adoption is a process where a person assumes the parenting for another and, in so doing, permanently transfers all rights and responsibilities from the original parent or parents. Unlike guardianship or other systems designed for the care of the young, adoption is intended to permanently sever the relationship between the parent and child. There are several types of adoption under Louisiana law: agency adoptions, private adoptions, and intrafamily adoptions. The most common in the Legal Assistance office is intrafamily adoption.

What is Intrafamily Adoption?

Intrafamily adoption is a simplified adoption process that allows relatives to adopt relatives. Also referred to as “Stepparent Adoption,” it allows stepparents to adopt their spouse’s children.

Who can file for Intrafamily Adoption?

Louisiana’s Intrafamily Adoption laws allow a stepparent, grandparent, great-grandparent, stepgrandparent, or relative to the twelfth degree (first cousins, once removed) to adopt a child if all of the following are met:

1. The person seeking to adopt is related to the child by blood, adoption, or affinity through a parent recognized as having parental rights [through marriage to a parent recognized as having parental rights.]
2. The person seeking to adopt is a single person over the age of 18 or a married person whose spouse is a joint petitioner.
3. The person seeking to adopt has had legal or physical custody of the child for at least six months prior to the filing of the petition.

Does the other parent have to consent to the adoption? What if I don’t know where they are?

If the parent agrees to the adoption, they can execute a notarized affidavit consenting to the adoption of their child. However, their consent is not necessary. If that parent has refused or failed to comply with a court order regarding support for a period of six months, or if that 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, then the court can decide that their consent to the adoption is not necessary. If you are not sure where the child’s parent currently is, the court can appoint a curator ad hoc. A curator ad hoc is an attorney who will try to find the parent so they can be properly served with the adoption petition.

What is the standard the court uses to decide whether or not to grant an adoption?

As in most proceedings regarding custody of a child, the court must use the best interests of the child standard to evaluate whether or not to grant the adoption. The court may require a home study be done. If the child to be adopted is over twelve years of age, the court must solicit and consider the child’s wishes regarding the adoption.

Can Legal Assistance help me with my Intrafamily Adoption?

You must hire an attorney to help you file for adoption. Legal Assistance attorneys are prohibited from representing you in court and do not advise filing for Intrafamily Adoption on your own.

ADOPTION EXPENSE REIMBURSEMENT

Will the Army help me pay for my adoption?

Maybe. A Servicemember who adopts a child under 18 years of age may be reimbursed for reasonable and necessary adoption expenses. In order to qualify, the adoption must be arranged by a qualified adoption agency or other source authorized to place children under adoption under State or local law. (Louisiana's Intrafamily Adoption typically does not qualify for the Army's adoption expense reimbursement.)

How much can I be reimbursed?

A Servicemember who adopts a child under 18 years old may be reimbursed reasonable and necessary adoption expenses up to \$2,000 per adoptive child, but no more than \$5,000 per calendar year. In the case of two married Servicemembers, only one member may claim expenses for each adopted child and the couple is limited to the \$5,000 per calendar year maximum. In addition, members are not entitled to reimbursement expenses if they leave active duty before the adoption is final.

What adoptions qualify for reimbursement?

Adoptions that qualify for reimbursement include those arranged by a qualified adoption agency or those arranged by either a qualified adoption agency or other source authorized to place children for adoption under State or local law. Benefits can only be paid after the adoption is final.

How do I file for reimbursement for adoption expenses?

You must submit a DD Form 2675, "Reimbursement Request for Adoption Expenses," to the nearest military personnel and finance office no later than one year after the adoption is finalized. Obtain a receipt for your records from the military personnel and finance office showing the date the application was submitted. With the form, you must submit: (1) a copy of the adoption certificate or court order granting the adoption, including a full English translation of any foreign language document; (2) Receipts or cancelled checks substantiating authorized expenses; (3) for foreign adoptions, proof of the U.S. citizenship of the child; (4) when an adoption agency is involved, proof of their involvement (placement agreement or letter stating what services were provided).

For Further Help or Questions:

For appointments concerning this issue and other personal legal matters, please call the Fort Polk Legal Assistance Office at (337) 531-2580 for an appointment. Hours of operation are Monday through Friday, 0800 – 1130 and 1230 – 1630. We are located in Building 1454 on Alabama Avenue, next to the Showboat Theater.