

**IN RE:**

**DOCKET NO.:** \_\_\_\_\_

**THE ADOPTION OF:**

**STATE OF LOUISIANA**

\_\_\_\_\_

**PARISH OF IBERVILLE**

**18<sup>TH</sup> JUDICIAL DISTRICT COURT**

**FILED:** \_\_\_\_\_

**DEPUTY CLERK:** \_\_\_\_\_

**PETITION FOR DISCLOSURE OF ADOPTION INFORMATION**

**NOW INTO COURT,** comes \_\_\_\_\_, who petitions this Court for the disclosure of information pursuant to Louisiana Children’s Code Article 1186 *et seq* and respectively represents:

- I. That petitioner is:
  - a. The adopted person
  - b. The legal representative of the adopted minor
  - c. A biological sibling or descendant of the adopted person
  - d. The legal representative on behalf of a minor biological sibling or descendant of the adopted person
  
- II. That petitioner requests the following information from the adoptive record (include the information that you are requesting and provide the name(s) of the adoptive parent(s), date of birth of the adopted person, date of the adoption and any other pertinent information regarding the adopted person and his/her birth and adoption):

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That petitioner requests disclosure for the following compelling necessity (**explain your response to (a) and/or (b) below and attach an additional sheet and documentation, if necessary**):

[A] Inheritance rights which are or may be due from the biological parents of the adopted person in accordance with the Civil Code

[B] There is a medical necessity requiring information about the biological family of the adopted person or his own preadoption health history in order to treat the adopted person, his siblings or his descendants.

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[C] Both the adopted person, or the adoptive parent of a minor or a deceased adoptive person, or a descendant of a deceased adopted person, or his parent if a minor, and a person reasonably believed to be his biological parent or biological sibling, or a parent, sibling, or descendant, or his parent if a minor, of a deceased biological parent have registered with the department pursuant to Chapter 15 of this Title.

[D] The information is otherwise required to be disclosed by federal or state law (Please specify below)

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III. Upon a motion by an adopted person, or if a minor, his legal representative, seeking disclosure from the records of the court of nonidentifying medical or genetic information acquired from a physician, agency, or any other source, the court shall order the clerk to make the information available.

**WHEREFORE**, petitioner requests that this Court order the disclosure of the  
above requested information.

**RESPECTFULLY SUBMITTED,**

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Petitioner, Legal Representative of Minor Adoptee  
or Attorney for Petitioner

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Address

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City, State/Zip Code

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Phone Number

**ORDER**

**CONSIDERING** the above and foregoing Petition

[ ] **IT IS ORDERED** that the Petition for Disclosure be heard on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_ A.M.

[ ] **IT IS FURTHER ORDERED** that \_\_\_\_\_ is hereby appointed as curator ad hoc to:

[ ] verify a match of voluntary registration pursuant to Chapter 15 of this Title or other information required by law. The curator shall be allowed to review the adoption record and original birth certificate of the above named adopted child and report back to the court with any findings within thirty (30) days of the acceptance of appointment.

[ ] verify the compelling necessity of inheritance rights or medical necessity and appear at the hearing set above to report to the Court any findings, objections and recommendations according to the provisions of Ch. C. Art. 1191.

\_\_\_\_\_, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
18<sup>th</sup> Judicial District Judge, Division \_\_\_\_\_

**PLEASE SERVE:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ALTERNATIVE ORDER**

**CONSIDERING** the above and foregoing Petition for Disclosure and the provisions of Louisiana Children’s Code Article 1127 and 1186, *et seq*, seeking disclosure from the records of the Court of non-identifying medical or genetic information acquired from a physician, agency, or any other source.

**IT IS ORDERED** that the above requested information by disclosed to Petitioner by the Clerk of Court without due delay.

\_\_\_\_\_, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_.

\_\_\_\_\_  
18<sup>th</sup> Judicial District Judge, Division \_\_\_\_\_

## LOUISIANA LAW APPLICABLE TO ADOPTION DISCLOSURE

### **Ch.C. Art. 1186. Confidential adoption records; disclosure**

- A. All adoption records shall be retained in confidential files, and it shall be unlawful for anyone except the biological or adopting parent to disclose any identifying information concerning any individual adoption case, except upon order of the court, after giving proper notice as required in Article 1190 or as otherwise authorized by this Code, or for purposes directly connected with an adoption agency's responsibilities in relation to adoption work as permitted by its rules and regulations.
- B. If the agency, firm, or lawyer ceases to do business in this state, it shall transfer its adoption records to the Department of children and Family Services or another transferee approved by the department. Thereafter, the transferee shall ensure the preservation and confidentiality of records required by Paragraph A of this Article and assumes responsibility for providing nonidentifying information as required by Articles 1127 and 1127.1.
- C. Any person who violates this requirement of confidentiality shall be fined not more than five hundred dollars or imprisoned for not more than ninety days, or both.

### **Ch.C. Art. 1187. Court records of proceedings**

All court records of adoption proceedings shall be confidential and shall not be open to inspection except on written authorization by the court and there shall be no publication thereof.

### **Ch.C. Art. 1188. Motion for disclosure**

- A. An adopted person or, if still a minor, his legal representative on his behalf may file a motion for disclosure of information pertaining to his adoption pursuant to Article 1189. The action shall be styled: "In re the Adoption of \_\_\_\_\_."
- B. A biological sibling or descendant of an adopted person, or if still a minor, his legal representative on his behalf, may file a motion for disclosure pursuant to Article 1189.
- C. This action and the limited medical exception provision of Article 1127 shall be the exclusive means for gaining access to records of adoptions whether maintained by this court, some other court, an adoption agency, any state agency, or private individual, notwithstanding provisions of law to the contrary.

### **Ch.C. Art. 1189. Grounds for disclosure**

A motion for disclosure shall show compelling necessity overriding the general policy of confidentiality for adoption records by alleging any of the following:

- (1) There are inheritance rights which are or may be due from the biological parents of the adopted person in accordance with the Civil Code.
- (2) There is a medical necessity requiring information about the biological family of the adopted person or his own preadoption health history in order to treat the adopted person, his siblings, or his descendants.
- (3) Both the adopted person, or the adoptive parent of a minor or a deceased adoptive person, or a descendant of a deceased adopted person, or his parent if a minor, and a person reasonably believed to be his biological parent or biological sibling, or a parent, sibling, or descendant, or his parent if a minor, of a deceased biological parent have registered with the department pursuant to Chapter 15 of this Title.
- (4) The information is otherwise required to be disclosed by federal or state law.

**Ch.C. Art. 1190. Authority of the court**

- A. Upon reviewing a motion for disclosure on grounds of either inheritance rights or medical necessity, the court may deny it for lack of a proper showing of compelling necessity. Before granting a motion, the court may appoint a curator ad hoc and shall set the motion for a hearing.
- B. Written notice of the date, time, and place of any disclosure proceedings shall be served and a return made in the same manner as a petition on any custodian of records sought to be disclosed at least fifteen days prior to the hearing.
- C. Upon a motion by an adopted person, or if a minor, his legal representative, seeking disclosure from the records of the court of nonidentifying medical or genetic information acquired from a physician, agency, or any other source, the court shall order the clerk to make the information available.
- D. (1) The court shall grant a motion seeking nonidentifying medical or genetic information, a motion seeking information to verify a match of voluntary registration pursuant to Chapter 15 of this Title, or a motion seeking other information required by law to be disclosed.  
(2) The court may appoint a curator ad hoc to open and review the adoption record and original birth certificate. The curator shall report his findings in accordance with Article 1191.

**Ch.C. Art. 1191. Duties of a curator ad hoc**

Upon appointment, the curator ad hoc shall be responsible for:

- (1) Securing all records pertaining to the petitioner's request through subpoenas duces tecum or other discovery process, if necessary.
- (2) Reviewing all records pertaining to the adoption.
- (3) Reporting to the court any objections to disclosure which he may have received from a custodian of records.
- (4) Reporting his findings to the court within thirty days of the date of his acceptance of appointment or within an earlier time as ordered by the court due to exigent circumstances, recommending the granting or denial of the request of the mover, and particularizing the necessary scope of any disclosure order for the court's consideration.

**Ch.C. Art. 1192. Orders of disclosure**

After a hearing, the court may order disclosure to the extent necessary to satisfy the mover's demonstrated ground for disclosure. Insofar as possible, an order disclosing information from the court's own records or any records obtained by the curator ad hoc shall contain nonidentifying information about the biological family. If the court

determines that identifying information shall be disclosed, the court may release such information to the person requiring it and order that the confidentiality be maintained without disclosure to the mover.

**Ch. C. Art. 1127. Request for disclosure of nonidentifying medical records or genetic information**

- A. Any adopted person, or if still a minor, his legal representative on his behalf, or a surrendering biological parent, may, upon written request, obtain nonidentifying medical or genetic information from the agency, firm, or lawyer without the necessity of filing a motion for disclosure as required by the provisions of Chapter 5 of Title XII of this Code.
- B. Upon such a written request, the agency, firm, or lawyer shall make a good faith effort to review and abstract nonidentifying genetic or medical information from all available records and sources that are similar in content to the Statement of Family History.
- C. Such nonidentifying medical or genetic information shall be made available for a reasonable charge.
- D. For the purposes of this Article, an "agency, firm, or lawyer" shall include an agency, firm, or lawyer that is no longer licensed or authorized by the state for the placement of children for adoption, but was licensed or authorized by the state to perform such service at the time the child was surrendered.