New laws deal with adoptions

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Working with an attorney several years ago, the Ronald Rainyes got a baby girl 5 or 6 days old. For five months they loved and cared for the baby, expecting to adopt her.

One day they learned the biological mother wanted the child back. To the Rainyes' dismay, they learned they had never been granted legal custody.

“I knew nothing about adoption laws at that time. Real quick I was made aware that Louisiana had no laws governing private adoptions. ”

“The attorney called us and told us we did not have a legal stand... We talked with several other attorneys, a local judge, they told us the same thing thing...”

“We went into shock. You have a child that long, which may not sound long, but a baby in the house for five months, it's yours. Just like it's a natural birth. You would protect that child, let no harm come to it. To us this was trying to harm the child. We went into shock about it.”

The biological mother got the baby back and Rainey began working with state Sen. Kenneth Osterberger toward a law governing private adoptions.

The Rainyes have since adopted another daughter, this time through an agency. Courtney is 3½.

Osterberger began looking into existing law after Rainey came to him.

“He did not want the same thing to happen to others; it was so devastating to them,” the senator says.

“Insofar as private placement of children, there was very, very little in Louisiana statutes,” he adds. “We came out with a bill that I believe is in the best interests of the child, the biological parents and the adoptive parents.” It was passed in 1979.

Other recent legislation concerning adoptions, passed in the last legislative session, set up a voluntary registry in the Office of Human Development to match biological parents and adoptees.

The “vast majority” of adoptions are private placements through attorneys or physicians or between individuals, he says.

“The agency, in my opinion, is by far the best way to go in adopting a child, because it will a make thorough, lengthy study to obtain the best placement and match between child and prospective parents,” Osterberger says.

“However, private placement of children is more prevalent. In view of what happened to the Rainyes and others, a law was needed to protect all parties, even if not the best way to go.”

“I wish all children could be placed through an agency,” he says.

Agencies take care of all legal problems, but they are considerably more expensive than private adoptions, according to Rainey.

Osterberger points out the main features of the new law.

Previously, a mother-to-be could give her baby away before it was born. Under the new law the biological mother cannot sign any papers until five days after birth.

“It prevents the mother at a later date saying, I was under sedation, did not know what I was doing,” the senator says.