

interstate placements, federal tax credits, custodial situations, required documentation, termination of all parental rights, intercountry placements, allowable birth parent living expenses, insurance coverage and Indian Child Welfare Act application. Additionally, attorneys should be mindful of issues touching on adoption law including gestational carrier contracts which are statutorily allowed and handled under the jurisdiction of Juvenile Courts (although not included in the Children's Code). To further complicate matters, adoption laws are amended frequently, and adoption practitioners must be vigilant to changes in the law.

There are attorneys and agencies across Louisiana who regularly handle adoption matters. While adoption law is not considered a legal specialization by the Louisiana Board of Legal Specialization, the American Academy of Adoption Attorneys is a national association comprised of attorneys who have distinguished themselves in the

adoption field and have been invited into the academy based on their adoption work. Presently, there are approximately 10 Louisiana attorneys who have membership in the Academy.

Adoption practice is not for the faint of heart. It is categorically not a form practice. It is rewarding yet challenging even for seasoned adoption attorneys. Lawyers are well advised to proceed with caution in adoption matters — the future of a child and his/her family is at stake.

Adoption Practice Pointers

- ▶ Learn all applicable law and policy, including, but not limited to, the provisions of the Children's Code.
- ▶ Enlist the assistance of a seasoned Louisiana adoption attorney.
- ▶ Attend specialized adoption training (see the Louisiana State Bar Association's Children's Law Committee webpage for scheduled events, www.lsba.org/childrenslaw).

FOOTNOTES

1. In all adoptions, the legal right of the child to inherit from birth parents is retained. Children's Code (Ch. C.) arts. 1218 and 1240. In a stepparent adoption, the relationship with the parent married to the stepparent is unaffected. Art. 1256.
2. La. Ch. C. art. 1170.
3. La. Ch. C. art. 1243 *et seq.*
4. La. Ch. C. art. 1198 *et seq.*
5. La. Ch. C. art. 1221 *et seq.*
6. La. Ch. C. art. 1281.1 *et seq.*
7. Public Law 112-276; 42 USC 14925.

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Children and Education: Access Articles Online

Neither the U.S. Constitution nor the Louisiana Constitution explicitly guarantees children a fundamental constitutional right to education. In a series of Supreme Court cases, beginning with *Brown v. Board of Education*, public education has been recognized as a legal entitlement that "is perhaps the most important function of state and local governments."¹ State statutes provide for compulsory school attendance and a system of public education. However, the exercise of state authority over educational matters has been limited by both federal law and by federal and state court decisions.

Education law involves a panoply of issues.

- ▶ Equal access to education for all children, including children with disabilities, at-risk children, homeless children and immigrant children.
- ▶ School safety concerns include

bullying, school fights and having weapons and drugs on school grounds.

- ▶ Control over student behavior through corporal punishment, use of restraints, suspension and expulsion.
- ▶ Privacy rights of students and educational records.
- ▶ Discrimination on the basis of race, ethnicity, religion or sexual orientation.
- ▶ Freedom of expression, including student appearance, publications, assembly and speech.

Posted on the Louisiana State Bar Association's Children's Law Committee website are several articles that provide additional information on many of these issues.

In her article on the "Educational Rights of At-Risk Children," Dr. Barbara Ferguson reviews federal and state laws that address the education of poor children.

Rebecca E. May-Ricks and Kellie Johnson Futrell provide guidance on the

"Federal Educational Rights of Children with Disabilities."

Pamela Toney Crawford's article on "Enrollment and Access to Education" references the statutory provisions by which non-parents without a custody order can enroll students in school.

Mark Simeon explains requirements relative to "Homelessness and Access to Education."

An article on "Locker Searches and Right to Privacy" by Pamela Toney Crawford highlights Louisiana law.

Information about "Corporal Punishment in Louisiana" is provided by Rebecca E. May-Ricks.

Access all articles at: www.lsba.org/ChildrensLaw/.

FOOTNOTE

1. 347 US 483 (1954).