HLS 18RS-231 ENGROSSED

2018 Regular Session

HOUSE BILL NO. 110

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BY REPRESENTATIVES HORTON AND STEFANSKI

CHILDREN/CUSTODY: Provides relative to the placement of children in the custody of the Dept. of Children and Family Services

AN ACT

2 To amend and reenact Children's Code Article 672(A), relative to the placement of children 3 in custody of the Department of Children and Family Services; to provide relative 4 to placement authority; to provide for the duties of the Department of Children and 5 Family Services; to provide for the duties of judges in child custody cases; and to 6 provide for related matters. 7 Be it enacted by the Legislature of Louisiana: 8 Section 1. Children's Code Article 672(A) is hereby amended and reenacted to read 9 as follows: 10 Art. 672. Care and treatment by department 11 A.(1) Whenever custody of a child is assigned to the Department of Children 12 and Family Services, the child shall be assigned to the custody of the department 13 rather than to a particular placement setting. The department shall have sole 14 authority over the placement within its resources and sole authority over the 15 allocation of other available resources within the department for children judicially 16 committed to its custody. 17 (2) However, upon motion of the court, for good cause shown, a 18 contradictory hearing shall be held and thereafter, the presiding judge shall have the 19 authority to disapprove a placement chosen by the department if it is not in the best

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

- 1 interest of the child and shall issue a written order that the department choose a more
- 2 suitable placement with reasons supporting the court's decision.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 110 Engrossed

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Horton

Abstract: Provides for a hearing with respect to the placement of a child in the custody of the Dept. of Children and Family Services.

<u>Present law</u> provides that the Dept. of Children and Family Services has sole authority over the placement of children within its custody.

<u>Proposed law</u> changes <u>present law</u> and provides that the department shall have authority over placement of children within its custody.

<u>Proposed law</u> adds that upon motion of the court, for good cause shown, a contradictory hearing shall be held and thereafter, the presiding judge shall have the authority to disapprove a placement chosen by the department if it is in the best interest of the child.

(Amends Ch.C. Art. 672(A))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Health and Welfare</u> to the <u>original</u> bill:

- 1. Give the department the authority to determine placement of children in its custody.
- 2. Add that upon motion of the court, for good cause shown, a contradictory hearing shall be held and thereafter, the presiding judge shall have the authority to disapprove a placement chosen by the department if it is in the best interest of the child.
- 3. Make technical changes.