

ACT No. 139

2026 Regular Session

HOUSE BILL NO. 224

BY REPRESENTATIVE MIKE JOHNSON

(On Recommendation of the Louisiana State Law Institute)

1 AN ACT

2 To amend and reenact Children's Code Articles 603(4)(a), (14), (15), (17)(l), and (20),
3 616(F), 622(B)(4), 623(A), (D), and (E), 624(B) and (C), 631(B), 646(A) and (C),
4 672.3(C)(3), 679(B) through (F), 690(B)(3), 694(A), 695(A), (C), and (D), 696(B),
5 702(D)(2)(c), 704(A), 705(A), (C), and (D), 706(B), 740, 1004(G), 1112(B), 1269.1,
6 1269.2(B) and (C), 1269.7, 1279.6(A)(1), (B), and (C), 1404(1), and
7 1427(C)(1)(introductory paragraph) and (a), to enact Children's Code Articles
8 603(33), 646(F), 658.1, and 1003(15), and to repeal Children's Code Articles 650,
9 697, and 707, relative to the continuous revision of the Children's Code; to provide
10 for definitions; to provide for a change in terminology; to provide with respect to
11 absent parents, children, foster caregivers, pre-adoptive parents, and relatives
12 providing care to a child; to require written findings of facts; to provide for
13 intervention; to require notice to intervenors; to provide for the exclusion of
14 intervenors; to provide for advising children and parents of their rights; and to
15 provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. Children's Code Articles 603(4)(a), (14), (15), (17)(l), and (20), 616(F),
18 622(B)(4), 623(A), (D), and (E), 624(B) and (C), 631(B), 646(A) and (C), 672.3(C)(3),
19 679(B) through (F), 690(B)(3), 694(A), 695(A), (C), and (D), 696(B), 702(D)(2)(c), 704(A),
20 705(A), (C), and (D), 706(B), 740, 1004(G), 1112(B), 1269.1, 1269.2(B) and (C), 1269.7,
21 1279.6(A)(1), (B), and (C), 1404(1), and 1427(C)(1)(introductory paragraph) and (a) are

1 hereby amended and reenacted and Children's Code Articles 603(33), 646(F), 658.1, and
2 1003(15) are hereby enacted to read as follows:

3 Art. 603. Definitions

4 As used in this Title:

5 * * *

6 (4)(a) "Caretaker" means any person legally obligated to provide or secure
7 adequate care for a child, including a parent, tutor, guardian, legal custodian, foster
8 ~~parent caregiver~~, an operator or employee of a residential or treatment facility
9 licensed by the ~~Department of Children and Family Services~~ department or the
10 Louisiana Department of Health, or other person providing a residence for the child.
11 "Caretaker" shall not include an operator or employee of a correctional facility,
12 detention facility, nonresidential school, or unlicensed residential or child care
13 provider.

14 * * *

15 (14) "Foster care" means ~~placement in~~ that the child is in the custody of the
16 department and the department is providing temporary services including care by a
17 ~~foster family home caregiver~~, a relative's home relative, a residential child caring
18 facility, or other living arrangement approved and supervised by the state ~~for~~
19 ~~provision of substitute care for a child in the department's custody.~~ Such placement
20 shall not include a detention facility.

21 (15) "Foster ~~parent caregiver~~" means an individual who provides ~~residential~~
22 ~~foster~~ a home and care with the approval and under the supervision of the department
23 for a child in its custody.

24 * * *

25 (17) "Mandatory reporter" is any of the following individuals:

26 * * *

27 (1) A foster ~~parent caregiver~~.

28 * * *

29 (20) "Other suitable individual" means a person, other than a relative, with
30 whom the child or parent enjoys a close, established, significant relationship, ~~yet not~~

1 a ~~blood relative~~; including a neighbor, godparent, teacher, ~~or close friend of the~~
2 parent, or similarly situated individual.

3 * * *

4 (33) "Intervention" means an action by which a relative or other suitable
5 individual may participate formally in a proceeding to facilitate permanency or to
6 present evidence that it would be in the best interest of a child for the intervenor to
7 be awarded custody of the child, visitation with the child, or another remedy.

8 * * *

9 Art. 616. Registry; screening of CASA volunteers, staff, and board members;
10 confidentiality

11 * * *

12 F. Information from investigations of reports that are inconclusive may be
13 disclosed, with the applicant's written consent, for the limited purposes of evaluating
14 the applicant to be a foster ~~parent~~ caregiver, an adoptive parent, or a caregiver
15 pursuant to R.S. 46:56(F)(11).

16 * * *

17 Art. 622. Placement pending a continued custody hearing

18 * * *

19 B. Unless the best interest of the child requires a different placement, a child
20 who appears to be a child in need of care and whose immediate removal is necessary
21 shall be placed, pending a continued custody hearing, in accordance with the
22 following priorities of placement:

23 * * *

24 (4) In foster care ~~under the supervision of the department~~ until further orders
25 of the court.

26 * * *

1 Art. 623. Notice; right to be heard

2 A. The department shall give notice of any order regarding the child issued
3 in accordance with Article 619(C) or 620 to the child's parents;; the district defender
4 or other entity designated for the jurisdiction by the Indigent Parents' Representation
5 Program for representing parents;; the entity designated for the jurisdiction by the
6 Louisiana Supreme Court to provide qualified, independent counsel for the child;;
7 and other parties. The department shall also give notice regarding any child in foster
8 care, to any foster ~~parent~~ caregiver, pre-adoptive parent, and relative providing care.
9 The department shall notify the court of each party's address and shall have a
10 continuing duty to provide current information to the court about each party's
11 whereabouts.

12 * * *

13 D. If a foster ~~parent~~ caregiver, pre-adoptive parent, or relative providing care
14 for the child fails to appear at a hearing, the department shall report to the court
15 whether notice was given or, if not, what diligent efforts were made to locate and
16 notify the absent person. The court may permit the hearing to be held in the person's
17 absence.

18 E. The court shall solicit and consider information regarding the care and
19 treatment of the child from any foster ~~parent~~ caregiver, pre-adoptive parent, or
20 relative providing care for the child who appears for the hearing.

21 Art. 624. Continued custody hearing; continued safety plan hearing; federal Indian
22 Child Welfare Act

23 * * *

24 B. After notice to all parties,; and when a child is in foster care, to any foster
25 ~~parent~~ caregiver, pre-adoptive parent, and relative providing care, and upon a
26 showing of good cause, the court may grant, deny, or condition a requested
27 continuance of the proceeding in accordance with the best ~~interests~~ interest of the
28 child. The hearing may be continued for up to three additional days. If a
29 continuance is granted, the court shall issue a written order identifying the mover and
30 reciting the particular facts justifying the continuance.

1 C.(1) If a parent is absent, the court shall make written findings of fact or
 2 include in the minutes whether notice of the date, time, and place of the hearing and
 3 the right to attend and be heard was properly provided by the department. If it
 4 appears from the record that, after diligent efforts by the department, the parent
 5 cannot be found or has been served a summons or notified by the department to
 6 appear at the continued custody or continued safety plan hearing and fails to appear
 7 at the hearing, ~~then~~ the court may permit the hearing may to be held in the parent's
 8 absence.

9 (2) If a foster ~~parent caregiver~~, pre-adoptive parent, ~~adoptive parent~~, or
 10 relative providing care for the child ~~fails to appear at the hearing, the department~~
 11 ~~shall report to~~ is absent, the court shall make written findings of fact or include in the
 12 minutes whether notice was given, or, if not, what of the date, time, and place of the
 13 hearing and the right to attend and be heard was properly provided by the
 14 department. If the court determines that diligent efforts were made by the
 15 department to locate and notify the absent person, ~~The~~ the court may permit the
 16 hearing to be held in the person's absence.

17 * * *

18 Art. 631. Authority to file petition; custody

19 * * *

20 B. At any time prior to adjudication, any person, including a relative of the
 21 child, may petition the court for the provisional ~~or permanent~~ legal custody of the
 22 child.

23 * * *

24 Art. 646. Answer; appearance; objection

25 A. The court shall require the parent to appear and to answer the petition at
 26 any time prior to the adjudication hearing but no later than fifteen days after the
 27 filing of the petition. If a parent is absent, the court shall make written findings of
 28 fact or include in the minutes whether notice of the date, time, and place of the
 29 hearing and the right to attend and be heard was properly served.

30 * * *

1 C. At the appearance, the court may either convene immediately a prehearing
2 conference authorized by Article 646.1; or set a date for the conference.

3 * * *

4 F. If a child is absent, the court shall make written findings of fact or include
5 in the minutes whether the attorney for a child who is twelve years of age or older
6 moved to waive the presence of the child or whether the attorney for the child or the
7 court requested the presence of a child who is under the age of twelve years. If
8 presence was not waived or the child is not present after a request, the custodian or
9 the department shall provide reasons for the absence of the child, and the court shall
10 determine on the record whether the hearing may proceed.

11 * * *

12 Art. 658.1. Motion for intervention

13 A. At any stage of a proceeding, upon written motion to intervene and after
14 a contradictory hearing, the court may allow a relative or other suitable individual
15 to intervene on behalf of himself or a party if good cause is shown that intervention
16 is in the best interest of the child and, after adjudication, will facilitate permanency
17 for the child. The court may deny the motion to intervene or set a contradictory
18 hearing with notice to all parties.

19 B.(1) An intervenor is entitled to notice of any hearing and to present
20 evidence relevant to the best interest of the child.

21 (2) Unless good cause is shown, an intervenor shall not participate in or
22 present evidence at an adjudication hearing except when called as a witness by a
23 party. An intervenor shall not inspect or copy any record of the case before an in
24 camera inspection by the court and an opportunity to be heard by the parties.

25 C. The court may exclude an intervenor from any part of a hearing as
26 necessary to protect the privacy interests of the parent or child.

27 D. After a hearing, the court shall dismiss an intervention upon a
28 determination that the intervention is no longer in the best interest of the child.

1 E. This Article shall not be construed to require intervention for a relative
2 or other suitable individual to be awarded custody of the child, visitation with the
3 child, or another remedy.

4 * * *

5 Art. 672.3. Diligent search for relatives; notice; failure to respond

6 * * *

7 C. All relatives of the child identified in the diligent search required by this
8 Article, subject to exceptions due to family or domestic violence or other safety
9 concerns, shall be provided with a notice that does all of the following:

10 * * *

11 (3) Describes the process for becoming a licensed foster ~~family home~~
12 ~~caregiver~~ and the additional services and ~~supports~~ support available for children
13 ~~placed in approved foster homes~~ in foster care.

14 * * *

15 Art. 679. Notice; presence at disposition

16 * * *

17 B. If a parent is absent, the court shall make written findings of fact or
18 include in the minutes whether notice of the date, time, and place of the hearing and
19 the right to attend and be heard was properly served. The court shall permit a
20 disposition hearing to be held in the absence of a parent if it is established on the
21 record that the parent was served but is not in attendance or that efforts to serve the
22 parent have been unsuccessful.

23 C. A child twelve years of age or older shall be present in court unless ~~his~~
24 the child's presence is waived by the court upon motion of the child's counsel. A
25 child below the age of twelve years shall be present in court upon the request of
26 counsel for the child or the court. If a child is absent, the court shall make written
27 findings of fact or include in the minutes whether the attorney for the child moved
28 to waive the presence or whether presence was requested. If presence was not waived
29 or the child is not present after a request, the custodian or the department shall
30 provide reasons for the absence of the child, and the court shall determine on the

1 record whether the hearing may proceed. ~~If the~~ A child is present in court, he may
 2 choose to testify as to his wishes, and the court shall consider ~~his~~ the child's
 3 testimony in the matter. Any testimony given by a child may be taken by a
 4 videotaped interview or by closed-circuit television, as authorized by Chapter 8 of
 5 Title III of this Code, or by an in-chambers conference attended only by the judge
 6 and court reporter and by counsel for the child, for the petitioner, and for the parents.

7 D. The department shall give notice of the right to appear at the disposition
 8 hearing to any foster ~~parent~~ caregiver, pre-adoptive parent, or relative providing care
 9 for the child.

10 E. If a foster ~~parent~~ caregiver, pre-adoptive parent, or relative providing care
 11 for the child ~~fails to appear at the disposition hearing, the department shall report to~~
 12 is absent, the court shall make written findings of fact or include in the minutes
 13 whether notice was given, or, if not, what of the date, time, and place of the hearing
 14 and the right to attend and be heard was properly provided by the department. If the
 15 court determines that diligent efforts were made by the department to locate and
 16 notify the absent person, ~~The~~ the court may permit the hearing to be held in the
 17 person's absence.

18 F. The court shall solicit and consider information regarding the care and
 19 treatment of the child from any foster ~~parent~~ caregiver, pre-adoptive parent, or
 20 relative providing care for the child who appears for the hearing.

21 * * *

22 Art. 690. Case review report purpose; contents

23 * * *

24 B. The case review report shall address the following:

25 * * *

26 (3) The extent of progress ~~which~~ that has been made toward alleviating or
 27 mitigating the causes necessitating ~~placement in~~ foster care.

28 * * *

29 Art. 694. Notice; absent parents

1 A. If a parent is absent, the court shall make written findings of fact or
 2 include in the minutes whether notice of the date, time, and place of the hearing and
 3 the right to attend and be heard was properly served. The court shall permit a case
 4 review hearing to be held in the absence of a parent if it is established on the record
 5 that the parent was served but is not in attendance or that efforts to serve the parent
 6 have been unsuccessful.

7 * * *

8 Art. 695. Notice; foster ~~parents~~ caregiver, pre-adoptive parents, relatives providing
 9 care; right to be heard

10 A. The department shall give notice of the right to appear at each case review
 11 hearing to any foster ~~parent~~ caregiver, pre-adoptive parent, or relative providing care
 12 for the child.

13 * * *

14 C. If a foster ~~parent~~ caregiver, pre-adoptive parent, or relative providing care
 15 for the child ~~fails to appear at a case review hearing, the department shall report to~~
 16 ~~is absent,~~ the court shall make written findings of fact or include in the minutes
 17 whether notice was given or, if not, what of the date, time, and place of the hearing
 18 and the right to attend and be heard was properly provided by the department. If the
 19 court determines that diligent efforts were made by the department to locate and
 20 notify the absent person, ~~The~~ the court may permit the hearing to be held in the
 21 person's absence.

22 D. The court shall solicit and consider information regarding the care and
 23 treatment of the child from any foster ~~parent~~ caregiver, pre-adoptive parent, or
 24 relative providing care for the child who appears for the hearing.

25 Art. 696. Rights of parties

26 * * *

27 B. A child twelve years of age or older shall be present in court unless ~~his~~
 28 the child's presence is waived by the court upon motion of the child's counsel. A
 29 child below the age of twelve years shall be present in court upon the request of
 30 counsel for the child or the court. If a child is absent, the court shall make written

1 findings of fact or include in the minutes whether the attorney for the child moved
 2 to waive the presence or whether presence was requested. If presence was not
 3 waived or the child is not present after a request, the custodian or the department
 4 shall provide reasons for the absence of the child, and the court shall determine on
 5 the record whether the hearing may proceed. ~~If the A child is present in court, he~~
 6 may choose to testify as to his wishes, and the court shall consider ~~his~~ the child's
 7 testimony in the matter. Any testimony given by a child may be taken by a
 8 videotaped interview or by closed-circuit television, as authorized by Chapter 8 of
 9 Title III of this Code, or by an in-chambers conference attended only by the judge
 10 and court reporter and by counsel for the child, for the petitioner, and for the parents.

11 * * *

12 Art. 702. Permanency hearing

13 * * *

14 D.

15 * * *

16 (2)

17 * * *

18 (c) For the purposes of Subsubparagraph (a) of this Subparagraph, a foster
 19 ~~parent~~ caregiver, relative, or other suitable individual with whom a child under the
 20 age of six has resided continuously for nine months or more is a person who has a
 21 significant relationship with the child. Nothing in this Subparagraph shall be
 22 construed to interfere with any rights afforded to biological parents.

23 * * *

24 Art. 704. Notice; absent parents

25 A. If a parent is absent, the court shall make written findings of fact or
 26 include in the minutes whether notice of the date, time, and place of the hearing and
 27 the right to attend and be heard was properly served. The court shall permit a
 28 permanency hearing to be held in the absence of a parent if it is established on the

1 record that the parent was served but is not in attendance or that efforts to serve the
2 parent have been unsuccessful.

3 * * *

4 Art. 705. Notice; right to be heard

5 A. The department shall give notice of the right to appear at each
6 permanency hearing to any foster ~~parent~~ caregiver, pre-adoptive parent, or relative
7 providing care for the child.

8 * * *

9 C. If a foster ~~parent~~ caregiver, pre-adoptive parent, or relative providing care
10 for the child ~~fails to appear at a permanency hearing, the department shall report to~~
11 is absent, the court shall make written findings of fact or include in the minutes
12 whether notice was given or, if not, what of the date, time, and place of the hearing
13 and the right to attend and be heard was properly provided by the department. If the
14 court determines that diligent efforts were made by the department to locate and
15 notify the absent person, ~~The~~ the court may permit the hearing to be held in the
16 person's absence.

17 D. The court shall solicit and consider information regarding the care and
18 treatment of the child from any foster ~~parent~~ caregiver, pre-adoptive parent, or
19 relative providing care for the child who appears for the hearing.

20 Art. 706. Rights of parties

21 * * *

22 B. A child twelve years of age or older shall be present in court unless ~~his~~
23 the child's presence is waived by the court upon motion of the child's counsel. A
24 child below the age of twelve years shall be present in court upon the request of
25 counsel for the child or the court. If a child is absent, the court shall make written
26 findings of fact or include in the minutes whether the attorney for the child moved
27 to waive the presence or whether presence was requested. If presence was not
28 waived or the child is not present after a request, the custodian or the department
29 shall provide reasons for the absence of the child, and the court shall determine on
30 the record whether the hearing may proceed. If the ~~A~~ A child is present in court, he

1 (8) The right to be free from discrimination based on race, religion,
2 disability, national origin, and sex.

3 (9) The right to be provided qualified interpretation, translation, and
4 language assistance services.

5 (10) The right to be provided reasonable accommodations for any disability.

6 (11) The right of the child to an adjudication hearing.

7 (12) The right of the child to have regular and meaningful communication
8 with the child's attorney in a way that is understandable to the child.

9 (13) The right of the child to have the child's attorney present the child's
10 case, including presenting the child's wishes.

11 (14) The right of the child to testify as to the child's wishes.

12 (15) The right of the parent to retain and be represented by an independent
13 and qualified attorney who shall have duties of loyalty, confidentiality, advocacy,
14 and competent representation.

15 B. If a petition seeking a formal adjudication is filed, the court shall appoint
16 independent legal counsel for the child; or refer the child for representation by the
17 district public defender. Neither the child nor anyone purporting to act on ~~his~~
18 of the child may be permitted to waive this right. If the court finds that the parents
19 of the child are financially able, it may order the parents to pay some or all of the
20 costs of the child's representation.

21 C. If a petition seeking a formal adjudication is filed, the court shall also
22 advise the child and parent of ~~his~~ the privilege against self-incrimination.

23 D. Written notice of the rights provided in Paragraph A of this Article shall
24 be given to the child and the parents and, if present at the hearing, foster caregivers,
25 pre-adoptive parents, and any relatives providing care to the child.

26 * * *

27 Art. 1003. Definitions

28 As used in this Title:

29 * * *

1 attend a nonpublic or parochial school, the ~~foster~~ child may attend the same
 2 nonpublic or parochial school if the department finds that it is in the best interest of
 3 the child; and if the child meets the admission requirements of the nonpublic or
 4 parochial school. The department shall not be directly responsible for paying for the
 5 expenses associated with such education.

6 C. When a child is ~~in the custody of the department and is placed with a~~
 7 foster ~~parents~~ caregiver who ~~have~~ has other children in the home who are
 8 participants in an approved home study program; pursuant to R.S. 17:236.1, the
 9 department may approve the placement of the ~~foster~~ child in an approved home study
 10 program if the department finds that it is in the best interest of the child. Home study
 11 programs approved by the Department of Education to educate ~~foster~~ children in
 12 foster care shall offer a sustained curriculum of quality at least equal to that offered
 13 by public schools at the same grade level; pursuant to R.S. 17:236.1(C)(1).
 14 Notwithstanding any other provision of law to the contrary, the Department of
 15 Education shall provide the department, upon request, verification that a home study
 16 program in which a ~~foster~~ child in foster care is participating has been approved
 17 pursuant to R.S. 17:236. The foster ~~parent~~ caregiver shall provide the department
 18 appropriate documentation, including but not limited to copies of standardized tests,
 19 to substantiate that the child is progressing on grade level and at a rate equal to one
 20 grade level for each year in the program.

21 * * *

22 Art. 1404. Definitions

23 As used in this Title:

24 (1) "Caretaker" means any person legally obligated to provide or secure
 25 adequate care for a child, including a parent, tutor, guardian, legal custodian, foster
 26 ~~home parent~~ caregiver, or other person providing a residence for the child.

27 * * *

28 Art. 1427. Authority to transport and detain

29 * * *

