

2015 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 125

BY REPRESENTATIVE HOFFMANN

A CONCURRENT RESOLUTION

To urge and request the Children's Code Committee of the Louisiana State Law Institute to study laws and policies relative to continuing contact by parents and other relatives with children who are subjects of child in need of care proceedings, and to report to the legislature findings and recommendations for protecting and promoting the well-being and best interests of such children.

WHEREAS, Title VI of the Louisiana Children's Code provides for actions known as child in need of care proceedings, referred to hereafter as "CINC proceedings", which are brought by the state to protect children who are abused, neglected, abandoned, or endangered, and can result in a termination of parental rights and a complete and permanent separation of the parent from the child; and

WHEREAS, allegations that a child is in need of care must assert one or more of several grounds, including abuse of the child perpetrated, aided, or tolerated by the parent or caretaker, or by a person who maintains a dating relationship with the parent or caretaker; deprivation of the child of necessary food, clothing, shelter, or medical care; conviction of a parent of a crime against the child; and other grounds provided for in Children's Code Article 606; and

WHEREAS, if a child is adjudicated to be in need of care, the disposition order may leave the child in a parent's custody or give custody to some other individual, a private agency, or the state; and

WHEREAS, courts have the responsibility of determining the best interest of a child in need of care with respect to custody of the child; and

WHEREAS, as the state agency tasked with ensuring the safety of children, the Department of Children and Family Services, referred to hereafter as "DCFS", makes recommendations and decisions for child placement and custody based on the immediate and ongoing needs of the child for safety and permanency in order to secure the well-being of the child; and

WHEREAS, DCFS and the courts of this state make dedicated efforts to balance the safety, permanency, and well-being of children with the constitutionally protected rights of family privacy and parental decisionmaking; and

WHEREAS, the process of making child placement and permanency decisions is often extremely challenging for family members and other persons who are involved in the life of the child; and

WHEREAS, DCFS provides foster care services to over eight thousand children annually; and

WHEREAS, within the past three years, DCFS, through its Faith in Families Initiative, has exceeded national standards by improving the rate of children being reunified with their families within twelve months of entry into foster care from seventy-two percent to seventy-six and six-tenths percent, and also improving the rate of adoption of children within twenty-four months of entry into foster care from twenty-eight percent to forty-two percent; and

WHEREAS, while DCFS has demonstrated significant improvements in achieving permanency for children in foster care expeditiously, ongoing quality improvement is essential for the state to make further progress in achieving safe and permanent family placements for children in foster care; and

WHEREAS, in order to support continued improvement of the Louisiana child welfare system, it is prudent for the legislature to periodically call for a review of applicable laws and policies concerning child welfare to ensure that the state is as responsive as possible to the needs and best interests of our state's children; and

WHEREAS, R.S. 24:204 provides that among the purposes of the Louisiana State Law Institute are securing the better administration of justice, conducting scholarly legal research and scientific legal work, and promotion of better adaptation of Louisiana law to present social needs.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Children's Code Committee of the Louisiana State Law Institute to study laws and policies relative to continuing contact by parents and other relatives with children who are subjects of child in need of care proceedings.

BE IT FURTHER RESOLVED that the Children's Code Committee shall include in its study an examination of potential changes to laws and policies which could expedite permanency for children in foster care.

BE IT FURTHER RESOLVED that the Children's Code Committee shall report findings of its study and recommendations for any changes to laws and policies which would promote the safety and well-being of children to the House Committee on Health and Welfare, the Senate Committee on Health and Welfare, the House Committee on the Administration of Criminal Justice, and the Senate Committee on Judiciary A no later than sixty days prior to the convening of the 2016 Regular Session of the Legislature of Louisiana.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute and the secretary of the Department of Children and Family Services.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE