

2021 Regular Session

SENATE BILL NO. 143

BY SENATOR MCMATH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CHILDREN. Provides relative to permanent placement of children in custody of the state.
(gov sig)

1 AN ACT

2 To amend and reenact Children's Code Article 702(C)(2) and (D) and to enact Children's

3 Code Article 672.3, relative to permanent placement of children in custody of the

4 state; to provide for a diligent search for relatives; to provide for notice to relatives;

5 to provide for priorities of placement; to provide for continuation of care in certain

6 circumstances; to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Article 702(C)(2) and (D) are hereby amended and
9 reenacted and Children's Code Article 672.3 is hereby enacted to read as follows:

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

11 **A. Whenever custody of a child is assigned to the Department of**

12 **Children and Family Services, the department shall conduct a diligent search**

13 **for adult relatives of the child and for persons with a significant relationship to**

14 **the child to be completed no later than thirty days from the date the child was**

15 **taken into custody. A diligent search shall include, at a minimum, all of the**

16 **following:**

17 **(1) Interviews with the child's parent during the course of an**

1 investigation, while child protective services are provided, and while the child
2 is in care.

3 (2) Interviews with the child.

4 (3) Interviews with identified relatives throughout the case.

5 (4) Interviews with any other person who is likely to have information
6 about the identity or location of the person being sought.

7 (5) Comprehensive searches of databases available to the Department
8 of Children and Family Services including but not limited to searches of
9 employment, residence, utilities, vehicle registration, child support enforcement,
10 law enforcement, and corrections records or any other records likely to result
11 in identifying and locating the person being sought.

12 (6) Appropriate inquiry during the course of hearings in the case.

13 (7) Any other reasonable means that are likely to identify relatives or
14 other persons who have demonstrated an ongoing commitment to the child.

15 B. The Department of Children and Family Services shall file with the
16 court information regarding attempts made pursuant to Paragraph A of this
17 Article no later than thirty days from the date the child was removed from
18 home, or as otherwise required by the court, and at each periodic review
19 hearing.

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

24 (1) Specifies that an alleged dependent child has been or is being
25 removed from parental custody.

26 (2) Explains the options a relative has to participate in the care and
27 placement of the alleged dependent child and any options that may be lost by
28 failing to respond to the notice.

29 (3) Describes the process for becoming a licensed foster family home and

1 the additional services and supports available for children placed in approved
2 foster homes.

3 (4) Describes any financial assistance for which a relative may be
4 eligible.

5 D. After the completion of the diligent search required by this Article,
6 the Department of Children and Family Services shall have a continuing duty
7 to search for relatives or other persons who have demonstrated an ongoing
8 commitment to a child and with whom it may be appropriate to place the
9 alleged dependent child until the relatives or persons are found or until the
10 child is placed for adoption unless the court excuses the Department of Children
11 and Family Services from conducting a diligent search.

12 E. If a relative entitled to notice pursuant to this Article fails, after three
13 months from the date the relative receives the required notice, to demonstrate
14 an interest in and willingness to provide a permanent home for a child, the court
15 may excuse the Department of Children and Family Services from considering
16 the relative as a placement.

17 * * *

18 Art. 702. Permanency hearing

19 * * *

20 C. The court shall determine the permanent plan for the child that is most
21 appropriate and in the best interest of the child in accordance with the following
22 priorities of placement:

23 * * *

24 (2)(a) Adoption or kinship care with another member of the child's
25 extended family or a person who has a significant relationship with the child.

26 (b) For the purposes of this Subparagraph, a foster parent or kinship
27 caregiver with whom a child under age six has resided for six months or more
28 is a person who has a significant relationship with the child. Absent evidence to
29 the contrary, the court may presume that continuation of the child's placement

1 with the child's current caregivers is in the child's best interests pursuant to the
2 provisions of Paragraph D of this Article.

3 * * *

4 D.(1) The court shall consider a child's need for continuing contact with any
5 relative by blood, adoption, or affinity with whom the child has an established and
6 significant relationship in accordance with Article 1269.2 as one of several factors
7 in determining the permanent plan that is most appropriate and in the best interest
8 of the child.

9 (2) If the court finds that a child under age six has been living in a stable
10 home environment with the current caregivers for the past six months and that
11 removal of the child from the caregivers would be detrimental to the child's
12 emotional well-being, there shall be a rebuttable presumption that continuation
13 of the child's placement with the current caregivers is in the child's best
14 interests. The Department of Children and Family Services shall not make a
15 change of placement absent court approval upon good cause shown.

16 * * *

17 Section 2. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Brandi Cannon.

SB 143 Original

DIGEST
2021 Regular Session

McMath

Present law provides for the placement of children into the custody of the Department of Children and Family Services (DCFS). Proposed law provides that DCFS shall conduct a diligent search for adult relatives of the child and for persons with a significant relationship to the child no later than 30 days from the date the child was taken into custody. Proposed law provides that a diligent search shall include, at a minimum, interviews with the child's parent, the child, identified relatives, and any other person who is likely to have information about the identity or location of the person being sought and comprehensive searches of databases available to DCFS including but not limited to employment, residence, utilities, vehicle registration, child support enforcement, law enforcement, corrections records, and

any other records likely to result in identifying and locating the person being sought.

Proposed law provides that all relatives to the alleged dependent child identified in the diligent search required by proposed law, subject to exceptions due to family or domestic violence or other safety concerns, shall be provided with a notice explaining the options a relative has to participate in the care and placement of the alleged dependent child and any options that may be lost by failing to respond to the notice.

Proposed law provides that DCFS shall have a continuing duty to search for relatives or other persons who have demonstrated an ongoing commitment to a child and with whom it may be appropriate to place the alleged dependent child until the relatives or persons are found or until the child is placed for adoption unless the court excuses DCFS from conducting a diligent search.

Proposed law provides that the court may excuse DCFS from considering a relative as a placement if the relative fails, after three months from the date the relative receives the required notice, to demonstrate an interest in and willingness to provide a permanent home for a child.

Present law provides that the court shall determine the permanent plan for the child that is most appropriate and in the best interest of the child in accordance with enumerated priorities of placement. Proposed law provides that the priority placement of adoption shall include kinship care with another member of the child's extended family or a person who has a significant relationship with the child. Proposed law provides that a foster parent or kinship caregiver with whom a child under age six has resided for six months or more is a person who has a significant relationship with the child and that, absent evidence to the contrary, the court may presume that continuation of the child's placement with the child's current caregivers is in the child's best interests.

Present law provides that the court shall consider a child's need for continuing contact with any relative by blood, adoption, or affinity with whom the child has an established and significant relationship. Proposed law provides that if the court finds that a child under age six has been living in a stable home environment with the current caregivers for the past six months and that removal of the child from the caregivers would be detrimental to the child's emotional well-being, there shall be a rebuttable presumption that continuation of the child's placement with the current caregivers is in the child's best interests. Proposed law prohibits DCFS from making a change of placement absent court approval upon good cause shown.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends Ch.C. Art. 702(C)(2) and (D); adds Ch.C. Art. 672.3)