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

DIGEST

SB 143 Engrossed

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 who have a significant relationship with 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 adult relatives of the child or persons who have a significant relationship with the child and comprehensive searches of databases available to DCFS which may include 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, that no relative caregiver has been identified as the concurrent plan caregiver as part of the child's case submitted to the court, 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 without a contradictory hearing at which the department overcomes the rebuttable presumption and establishes that the removal is in the best interest of the child.

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)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Makes technical changes.
2. Specifies that inquiries regarding the location of relatives or other interested parties during court hearings shall be made in accordance with present law procedures.
3. Specifies that the results of the search for relatives or other caregivers shall be filed with the court in accordance with present law procedures.
4. Adds the requirement that no relative caregiver has been identified as the concurrent plan caregiver to the rebuttable presumption threshold test.
5. Clarifies that DCFS may only change the placement after a contradictory hearing at which the department overcomes the rebuttable presumption and establishes that the removal is in the best interest of the child.