

2023 Regular Session

HOUSE BILL NO. 184

BY REPRESENTATIVE FRIEMAN

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

CHILDRENS CODE: Provides relative to a child in need of care

1 AN ACT

2 To amend and reenact Children's Code Articles 622(A) and 672(A)(2) and to enact
3 Children's Code Article 650, relative to the placement of a child removed from the
4 care of a parent; to provide for the intervention of an interested party to facilitate the
5 placement of the child; to permit a party to motion the court for a contradictory
6 hearing to determine the placement of a child; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Articles 622(A) and 672(A)(2) are hereby amended and
9 reenacted and Children's Code Article 650 is hereby enacted to read as follows:

10 Art. 622. Placement pending a continued custody hearing

11 A. Prior to the continued custody hearing required in Article 624, a suitable
12 relative or other suitable individual may intervene or seek and obtain an ex parte
13 court order to take provisional custody of the child pending the continued custody
14 hearing. The provisions of Code of Civil Procedure Article 3945 are inapplicable to
15 an ex parte order rendered pursuant to this Paragraph.

16 * * *

17 Art. 650. Intervention

18 A. For good cause shown, the court may allow any interested person, agency,
19 or organization to intervene to facilitate the placement of the child and to ensure that
20 the best interests of the child are protected.

1 B. The court may limit the nature and extent of intervenor's participation in
2 the adjudication hearing.

3 * * *

4 Art. 672. Care and treatment by department

5 A.

6 * * *

7 (2) Upon motion of the court or a party, for good cause shown, a
8 contradictory hearing shall be held and thereafter, the presiding judge shall have the
9 authority to disapprove a placement chosen by the department if it is not in the best
10 interest of the child and shall issue a written order that the department choose a more
11 suitable placement with reasons supporting the court's decision.

12 * * *

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 184 Original

2023 Regular Session

Frieman

Abstract: Permits the intervention of a family member or other interested party in a proceeding triggered by the removal of a child from his home including a child in need of care adjudication.

Present law allows a suitable family member or other interested party to obtain an ex parte court order to participate in a continued custody hearing.

Proposed law retains present law and permits a suitable family member or other suitable individual to intervene in a continued custody hearing.

Proposed law allows an interested person, agency, or organization to intervene in a child in need of care adjudication in a continued custody hearing.

Present law grants authority to the La. Department of Children and Family Service (DCFS) to place a child adjudicated in need of care after conducting a review of the available placements. The court may, upon motion, disapprove the placement.

Proposed law retains present law and adds that a party in a child in need of care proceeding may motion the court to consider disapproving a DCFS placement.

(Amends Ch.C. Art. 622(A) and 672(A)(2); Adds Ch.C. Art. 650)