2023 Regular Session

HOUSE BILL NO. 184

BY REPRESENTATIVES FRIEMAN, AMEDEE, BOYD, WILFORD CARTER, ECHOLS, EMERSON, GAROFALO, HODGES, JEFFERSON, MIKE JOHNSON, AND KNOX

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 Article 622(A) and to enact Children's Code Article
3	650, relative to the placement of a child removed from the care of a parent; to
4	provide for the intervention of an interested party to facilitate the placement of the
5	child; to permit a party to motion the court for a contradictory hearing to determine
6	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 Article 622(A) is hereby amended and reenacted and
9	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	* * *

1	Art. 650. Intervention
2	A. For good cause shown, the court may allow any family member or
3	interested person to intervene to facilitate the placement of the child and to ensure
4	that the best interests of the child are protected.
5	B. The court may limit the nature and extent of intervenor's participation in
6	the adjudication hearing.
7	C. For the purposes of this Section, "interested person" means any person
8	with whom the child enjoys a close, established, significant relationship, yet not a
9	blood relative, including a neighbor, godparent, teacher, or close friend of the parent.

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)]

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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.

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

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

<u>Proposed law</u> allows a family member or interested person to intervene in a child in need of care adjudication in a continued custody hearing.

Proposed law defines "interested person".

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

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Civil Law and</u> <u>Procedure to the original bill:</u>
- 1. Remove the <u>proposed law</u> authority of a party in a child in need of care proceeding to move that the court disapprove a DCFS placement.

The House Floor Amendments to the engrossed bill:

- 1. Remove that an organization may intervene to facilitate the placement of the child and add that a family member or interested person may intervene.
- 2. Define "interested person".