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

SB 143 Reengrossed

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 provide notice to the court of attempted relative searches ten days before any scheduled disposition, case review, permanency hearing, or as otherwise required by the court. 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 and other resources available to DCFS which may include school, 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 of the 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 child until the relatives or persons are located, the court excuses DCFS from conducting a diligent search, or permanency is achieved.

Proposed law provides that the court may excuse DCFS from considering a relative as a placement if the relative fails, after ninety days 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 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 in the case of a child under the age of six, the court may find that continuation of the child's placement with the current caregiver is in the child's best interest if the child is in a stable home environment where the child's physical and emotional needs are met by a person who has a significant relationship with the child, that no relative or other suitable caregiver has been identified as a concurrent plan caregiver as part of the child's case plan or report submitted to the court, and that it would be detrimental to the child's well-being if the child is removed from the current caregiver. Proposed law provides that upon a finding by the court, the department shall not make any change in placement absent prior written notice to the court. Proposed law provides that prior notice for a placement change is not required when necessary to ensure the safety of the child, when the current caregiver requests that the child be removed, or when a child is moving to

the home of a parent for the purpose of a trial placement.

Proposed law provides that in the event of removal from a placement with a current caregiver pursuant to proposed law, upon motion of the court, motion of the current caregiver, or motion of the child, which is filed within fifteen days of the change in placement, a contradictory hearing shall be held to determine whether removal was in the best interest of the child.

Proposed law provides that for purposes of proposed law, a foster parent, relative or other suitable individual with whom a child under the age of six has resided continuously for nine months or more is a person who has a significant relationship with the child. Proposed law provides that nothing in proposed law shall be construed to interfere with any rights afforded to biological parents.

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

(Amends Ch.C. Art. 702(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.

Senate Floor Amendments to engrossed bill

1. Provide that in making a diligent search for the relatives of the child the department will use databases and other resources and adds schools to the list of sources that may be searched.
2. Change the time frame for notice to the court of attempted relative searches from no

later than 30 days from the date the child was removed to ten days before any scheduled disposition, case review, permanency hearing, or as otherwise required by the court.

3. Provide that DCFS has a continuing duty to search for relatives of the child until the relatives are located, the court excuses DCFS from conducting a diligent search, or permanency is achieved.
4. Revise the provisions specific to children under age six to remove the rebuttable presumption that the child should not be removed with a prohibition on DCFS from moving the child from a person the child has a significant relationship with without prior written notice to the court, except when removal is necessary to ensure the safety of the child, if the current caregiver requests the removal, or when the child is removed to be with a parent.
5. Provide for a contradictory hearing upon motion of the court, motion of the current caregiver, or motion of the child, if the motion is filed within 15 days of change in placement of a child under the age of six to determine if removing the child was in the best interest of the child.
6. Changes the time frame for a caregiver forming a significant relationship with the child from six months to nine months.
7. Provide that nothing in proposed law shall be construed to interfere with any rights afforded biological parents.