

SENATE BILL NO. 143

BY SENATORS MCMATH, ABRAHAM, ALLAIN, BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FIELDS, HENRY, HEWITT, JACKSON, LAMBERT, LUNEAU, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH AND WOMACK AND REPRESENTATIVES ADAMS, AMEDEE, BAGLEY, BRASS, BRYANT, BUTLER, GARY CARTER, ROBBY CARTER, CORMIER, COX, CREWS, DUBUISSON, DUPLESSIS, ECHOLS, EDMONDS, FARNUM, FIRMENT, FREEMAN, FREIBERG, GAINES, GLOVER, GOUDEAU, GREEN, HARRIS, HILFERTY, HORTON, HUGHES, ILLG, JAMES, JEFFERSON, TRAVIS JOHNSON, JONES, LANDRY, LARVADAIN, LYONS, MARCELLE, MARINO, MCFARLAND, MCKNIGHT, MCMAHEN, MOORE, NELSON, NEWELL, ORGERON, ROBERT OWEN, PRESSLY, RISER, ROMERO, SELDERS, THOMPSON, TURNER, WHEAT, WHITE, WILLARD AND WRIGHT

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

1 AN ACT

2 To amend and reenact Children's Code Article 702(D) and to enact Children's Code Article
3 672.3, relative to permanent placement of children in custody of the state; to provide
4 for a diligent search for relatives; to provide for notice to relatives; to provide for
5 priorities of placement; to provide for continuation of care in certain circumstances;
6 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(D) is hereby amended and reenacted and
9 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 who have a significant**
14 **relationship with the child. The diligent search shall be completed no later than**
15 **thirty days from the date the child was taken into custody and include, at a**
16 **minimum, all of the following:**

17 **(1) Interviews with the child's parent during the course of an**
18 **investigation, while child protective services are provided, and while the child**

1 is in care.

2 (2) Interviews with the child.

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

4 (4) Interviews with any other person who is likely to have information
5 about the identity or location of adult relatives of the child or persons who have
6 a significant relationship with the child.

7 (5) Comprehensive searches of databases and other resources available
8 to the Department of Children and Family Services, which may include searches
9 of schools, employment, residence, utilities, vehicle registration, child support
10 enforcement, law enforcement, and corrections records or any other records
11 likely to result in identifying and locating adult relatives of the child or persons
12 who have a significant relationship with the child.

13 (6) Appropriate inquiry during the course of hearings in the case in
14 accordance with Article 625(D).

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

17 B. The Department of Children and Family Services shall file with the
18 court information regarding attempts made pursuant to Paragraph A of this
19 Article ten days before any scheduled disposition, case review, permanency
20 hearing, or as otherwise required by the court. Any additional information
21 obtained by the department subsequent to the initial filing shall be disclosed to
22 the court during the hearing.

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

26 (1) Specifies that the child has been or is being removed from parental
27 custody.

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

1 **(3) Describes the process for becoming a licensed foster family home and**
 2 **the additional services and supports available for children placed in approved**
 3 **foster homes.**

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

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

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

17 * * *

18 Art. 702. Permanency hearing

19 * * *

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

25 **(2)(a) In the case of a child under the age of six, the court may find that**
 26 **continuation of the child's placement with the current caregiver is in the child's**
 27 **best interest if the child is in a stable home environment where the child's**
 28 **physical and emotional needs are met by a person who has a significant**
 29 **relationship with the child, that no relative or other suitable caregiver has been**
 30 **identified as a concurrent plan caregiver as part of the child's case plan or**

1 report submitted to the court, and that it would be detrimental to the child's
 2 well-being if the child is removed from the current caregiver. Upon such
 3 finding, the department shall not make any change in placement absent prior
 4 written notice to the court. Prior notice for a placement change is not required
 5 when necessary to ensure the safety of the child, when the current caregiver
 6 requests that the child be removed, or when a child is moving to the home of a
 7 parent for the purpose of a trial placement.

8 (b) In the event of removal from a placement with a current caregiver
 9 pursuant to Subparagraph (a) of this Paragraph, upon motion of the court,
 10 motion of the current caregiver, or motion of the child, which is filed within
 11 fifteen days of the change in placement, a contradictory hearing shall be held
 12 to determine whether removal was in the best interest of the child.

13 (c) For the purposes of Subparagraph (a) of this Paragraph, a foster
 14 parent, relative, or other suitable individual with whom a child under the age
 15 of six has resided continuously for nine months or more is a person who has a
 16 significant relationship with the child. Nothing in this Subparagraph shall be
 17 construed to interfere with any rights afforded to biological parents.

18 * * *

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

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____