

SENATE COMMITTEE AMENDMENTS

2017 Regular Session

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 81 by Senator Bishop

1 AMENDMENT NO. 1

2 On page 1, line 2, delete "Article 405(A) and (B)" and insert

3 "Articles 405(A) and (B), 1016(A), and 1025.4(A)(2),"

4 AMENDMENT NO. 2

5 On page 1, line 3, delete "Article 116(4.1)" and insert

6 "Articles 116(4.1), 643(C), 1004(D)(6), 1015(10), and 1023(C)"

7 AMENDMENT NO. 3

8 On page 1, line 4, after "fees;" delete the remainder of the line and insert

9 "to provide relative to unidentified parents; to provide relative to termination of
10 parental rights; to provide relative to right to counsel; to provide relative to
11 conference scheduling; and to provide for related matters."

12 AMENDMENT NO. 4

13 On page 1, line 6, delete "Article 405(A) and (B)" and insert

14 "Articles 405(A) and (B), 1016(A), and 1025.4(A)(2)"

15 AMENDMENT NO. 5

16 On page 1, line 7, delete "Article 116(4.1) is" and insert

17 "Articles 116(4.1), 643(C), 1004(D)(6), 1015(10), 1023(C) are"

18 AMENDMENT NO. 6

19 On page 2, after line 24, insert

20 "Art. 643. Service; absentee or unidentified parent; curator ad hoc

21 * * *

22 **C. If the father is unidentified, it is not necessary to appoint a**
23 **curator ad hoc for that parent. The father shall be considered**
24 **unidentified if the biological father's name is not provided on the birth**
25 **certificate, there is no presumed father, and no party to the proceedings**
26 **is able to provide a first and last name of a putative father or alias**
27 **sufficient to provide a reasonable possibility of identification and**
28 **location.**

29 * * *

30 Art. 1004. Petition for termination of parental rights; authorization to file

31 * * *

32 D. The department may petition for the termination of parental rights
33 of the parent of the child when any of the following apply:

34 * * *

1 (6) The child is in foster care and, despite diligent efforts by the
2 department to identify the child's father, his identity is unknown and
3 termination is authorized by Article 1015(10).

4 * * *

5 Art. 1015. Grounds

6 The grounds for termination of parental rights are:

7 * * *

8 (10) The child is in the custody of the department pursuant to a court
9 order for at least one year, unless sooner permitted by the court, and the
10 identity of the child's father remains unknown despite diligent efforts by
11 the department to identify and locate the father by the following:

12 (a) In the course of investigating the case and providing services
13 to the family the department has been unable to learn the identity of the
14 father.

15 (b) No party to the proceedings is able to provide a first and last
16 name of a putative father or alias sufficient to provide a reasonable
17 possibility of identification and location.

18 (c) A certified copy of the child's birth certificate with no one
19 indicated thereon as the father of the child, or the father listed has been
20 determined not to be the biological father of the child.

21 (d) A recent certificate from the putative father registry indicating
22 that no person is listed or registered as the child's father.

23 (e) A recent certificate from the clerk of court in the parish in
24 which the child was born indicating that no acknowledgment with
25 respect to this child has been recorded.

26 * * *

27 Art. 1016. Right to counsel

28 A. The child and the **identified** parent shall each have the right to be
29 represented by separate counsel in a termination proceeding brought under
30 this Title. Neither the child nor anyone purporting to act on his behalf may
31 be permitted to waive the child's right to counsel.

32 * * *

33 Art. 1023. Service; absentee parent; **unidentified father**

34 * * *

35 C. If the father is unidentified, it is not necessary to appoint a
36 curator ad hoc for that parent. The father shall be considered
37 unidentified if the biological father's name is not provided on the birth
38 certificate, there is no presumed father, and no party to the proceedings
39 is able to provide a first and last name of a putative father or alias
40 sufficient to provide a reasonable possibility of identification and
41 location.

42 * * *

43 Art. 1025.4. Prehearing and scheduling conference; order

44 A. At the appearance, on its own motion or on motion of counsel, the
45 court shall direct counsel for the petitioner, for the parents, and for the child
46 to appear before it for a conference to consider the following:

47 * * *

48 (2) Efforts to identify and locate an **unidentified or** absent parent and
49 relatives or other individuals willing and able to offer a wholesome and
50 stable home for the child.

51 * * *"