2018 Regular Session

HOUSE BILL NO. 110

BY REPRESENTATIVES HORTON AND STEFANSKI

CHILDREN/CUSTODY: Provides relative to the placement of children in the custody of the Dept. of Children and Family Services

1	AN ACT	
2	To amend and reenact Children's Code Article 672(A), relative to the placement of children	
3	in custody of the Department of Children and Family Services; to provide relative	
4	to placement authority; to provide for a hearing; to provide relative to evidence; to	
5	provide for factors used in determining placement; and to provide for related matters.	
6	Be it enacted by the Legislature of Louisiana:	
7	Section 1. Children's Code Article 672(A) is hereby amended and reenacted to read	
8	as follows:	
9	Art. 672. Care and treatment by department	
10	A. (1) Whenever custody of a child is assigned to the Department of Children	
11	and Family Services, the child shall be assigned to the custody of the department	
12	rather than to a particular placement setting. The department shall have sole	
13	authority over the placement within its resources and sole authority over the	
14	allocation of other available resources within the department for children judicially	
15	committed to its custody upon motion of a person with standing, the court shall	
16	conduct a hearing to determine the placement of the child.	
17	(2) After a motion for a hearing is filed, it shall be heard within thirty days	
18	of filing but may be continued with good cause for up to an additional thirty days.	
19	The department shall make recommendations for the placement and may present	
20	evidence in support of a preferred placement. Other potential placements may be	

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	offered by the parties, and evidence in support of or against may be offered by any
2	party with standing in the proceeding. Hearsay evidence shall not be admissible.
3	(3) Those considered for placement shall not include the father or mother of
4	the child, unless the court deems they have not committed an offense against the
5	child resulting in placement of the child with the department. If the placement of the
6	child in a home not recommended by the department results in a lack of resources
7	provided by the department or state, this information may be considered by the
8	presiding judge and shall be made known to the possible placement caretaker. The
9	presiding judge shall determine placement of the child in the custody of the
10	department based on the best interest of the child.
11	* * *

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 110 Original	2018 Regular Session	Horton

Abstract: Provides for a hearing with respect to the placement of a child in the custody of the Dept. of Children and Family Services.

<u>Present law</u> provides that the Dept. of Children and Family Services has sole authority over the placement of children within its custody.

<u>Proposed law</u> removes this provision and requires a judicial hearing to determine placement of a child under the custody of the Dept. of Children and Family Services. Provides for procedures and factors to be considered in determining placement. Requires the court to determine placement of a child based on the best interest of the child.

(Amends Ch.C. Art. 672(A))