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 the duties of the Department of Children and
5	Family Services; to provide for the duties of judges in child custody cases; and to
6	provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. Children's Code Article 672(A) is hereby amended and reenacted to read
9	as follows:
10	Art. 672. Care and treatment by department
11	A. $(1)$ Whenever custody of a child is assigned to the Department of Children
12	and Family Services, the child shall be assigned to the custody of the department
13	rather than to a particular placement setting. The department shall have sole
14	authority over the placement within its resources and sole authority over the
15	allocation of other available resources within the department for children judicially
16	committed to its custody.
17	(2) Upon motion of the court, for good cause shown, a contradictory hearing
18	shall be held and thereafter, the presiding judge shall have the authority to
19	disapprove a placement chosen by the department if it is not in the best interest of

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

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# 1 the child and shall issue a written order that the department choose a more suitable

## 2 placement with reasons supporting the court's decision.

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## 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 Reengrossed	2018 Regular Session	Horton
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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> changes <u>present law</u> and provides that the department shall have authority over placement of children within its custody.

<u>Proposed law</u> adds that upon motion of the court, for good cause shown, a contradictory hearing shall be held and thereafter, the presiding judge shall have the authority to disapprove a placement chosen by the department if it is in the best interest of the child.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Health and Welfare to</u> the <u>original</u> bill:

- 1. Give the department the authority to determine placement of children in its custody.
- 2. Add that upon motion of the court, for good cause shown, a contradictory hearing shall be held and thereafter, the presiding judge shall have the authority to disapprove a placement chosen by the department if it is in the best interest of the child.
- 3. Make technical changes.