

2026 Regular Session

SENATE BILL NO. 333

BY SENATOR CLOUD

CHILDREN. Provides relative to a caregiver providing care to a child in need of care proceedings. (8/1/26)

AN ACT

To enact Children's Code Art. 710.1, relative to child in need of care proceedings; to provide relative to disposition and permanency hearings; to provide relative to a caregiver providing care to a child in need of care proceedings in certain circumstances; to provide relative to notice requirements and right to be heard; to provide relative to civil procedure and evidence; to provide relative to written reasons for judicial findings; to provide for termination of parental rights in certain circumstances; to provide for definitions; to provide relative to rights, conditions, and limitations of a caregiver in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Art. 710.1 is hereby enacted to read as follows:

Art. 710.1. Disposition; permanency hearings; caregiver

A. As used in this Chapter, the following terms and phrases shall have the following meaning:

"Caregiver" means any person whether related to the child by blood, marriage, or adoption, including a grandparent, aunt, uncle, adult sibling, or other familial relation recognized under Louisiana law, foster parents, pre-

1 adoptive parents or nonrelative providing care who has physical custody of the
2 child pursuant to a court-approved placement.

3 B. The court shall give notice of a disposition and permanency hearing
4 to any caregiver provided for in this Article. The notice shall state the date,
5 time, and place of the disposition and permanency hearing and the recipient's
6 right to attend and be heard.

7 C. The court shall solicit testimony and consider information regarding
8 the care and treatment of the child from the caregiver who appears for the
9 hearing regarding the following:

10 (1) Child's safety and well-being.

11 (2) Stability of the current placement.

12 (3) Attachment and emotional development of the child.

13 (4) Determination of whether the conditions have been corrected that
14 require the child to be in care.

15 (5) Existence of any ongoing risk factors relevant to reunification.

16 D.(1) Upon motion of a caregiver, the court may grant limited
17 participatory status if the court finds that the caregiver has provided
18 continuous care to the child for at least six months and participation is in the
19 best interest of the child.

20 (2) A caregiver who has limited participatory status shall be allowed to
21 testify and present evidence regarding the child's safety and permanency
22 placement. A caregiver with limited participatory status shall not be considered
23 a party in the proceedings nor diminish the constitutional rights afforded a
24 parent.

25 (3) The court shall consider all relevant evidence presented by a
26 caregiver in the termination of parental rights. The court shall have discretion
27 to consider the evidence with a caregiver with limited participatory status in
28 determination of reunification and the termination of parental rights.

29 E. When a child has resided continuously with a caregiver for six months

1 or more, the court shall provide written reasons for its finding concerning
2 reunification including the following:

3 (1) Attachment and stability of the child in the current placement.

4 (2) Correction of conditions requiring the child to be in need of care.

5 (3) Substantial risk of harm in returning the child after consideration of
6 the child's need for safety and permanency.

7 F. Completion of services or technical compliance with a case plan shall
8 not create a presumption in favor of reunification absent a finding that the
9 underlying risk to a child in need of care has been eliminated.

10 G. The court shall have discretion for the termination of parental rights
11 of the parent of a child in need of care in placement pursuant to the provisions
12 of this Article.

13 H. Nothing in this Article shall be construed to supercede or conflict with
14 federal law, including the Adoption and Safe Families Act.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

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Proposed law defines "caregiver".

Proposed law provides that the court shall give notice of a disposition and permanency hearing to a caregiver. The notice shall state the date, time, and place of the disposition and permanency hearing and the recipient's right to attend and be heard.

Proposed law provides that the court shall solicit testimony and consider information regarding the care and treatment of the child from the caregiver who appears for the hearing regarding the following:

- (1) Child's safety and well-being.
- (2) Stability of the current placement.
- (3) Attachment and emotional development of the child.
- (4) Determination of whether the conditions have been corrected that require the child to be in care.
- (5) Existence of any ongoing risk factors relevant to reunification.

Proposed law provides that upon motion of a caregiver, the court may grant limited participatory status if the court finds that the caregiver has provided continuous care to the child for at least six months and participation is in the best interest of the child.

Proposed law provides that a caregiver who has limited participatory status shall be allowed to testify and present evidence regarding the child's safety and permanency placement. A caregiver with limited participatory status shall not be considered a party in the proceedings nor diminish the constitutional rights afforded a parent.

Proposed law provides that the court shall consider all relevant evidence presented by a caregiver in the termination of parental rights. The court shall have discretion to consider the evidence with a caregiver with limited participatory status in determination of reunification and the termination of parental rights.

Proposed law provides that when a child has resided continuously with a caregiver for six months or more, the court shall provide written reasons for its finding concerning reunification including the following:

- (1) Attachment and stability of the child in the current placement.
- (2) Correction of conditions requiring the child to be in need of care.
- (3) Substantial risk of harm in returning the child after consideration of the child's need for safety and permanency.

Proposed law provides that completion of services or technical compliance with a case plan shall not create a presumption in favor of reunification absent a finding that the underlying risk to a child in need of care has been eliminated.

Proposed law provides that the court shall have discretion for the termination of parental rights of the parent of a child in need of care in placement pursuant to the provisions of proposed law.

Proposed law provides that nothing in proposed law shall be construed to supercede or conflict with federal law, including the Adoption and Safe Families Act.

Effective August 1, 2026.

(Adds Ch.C. Art. 710.1)