

SENATE COMMITTEE AMENDMENTS

2026 Regular Session

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 333 by Senator Cloud

1 AMENDMENT NO. 1

2 On page 1, line 2, delete "enact Children's Code Art. 710.1," and insert the following:

3 "amend and reenact Children's Code Arts. 603(24) through (32), 623(A), (B), and (E),
4 679(D) and (F), 695(A) and (D), 705(A) and (D), 710(A)(2), and 1004.2 and to enact
5 Children's Code Arts. 581.1 through 581.4 and 603(33),"

6 AMENDMENT NO. 2

7 On page 1, delete lines 11 through 17, and insert the following:

8 "Section 1. Children's Code Arts. 603(24) through (32), 623(A), (B), and (E), 679(D)
9 and (F), 695(A) and (D), 705(A) and (D), 710(A)(2), and 1004.2 are hereby amended and
10 reenacted and Children's Code Arts. 581.1 through 581.4 and 603(33) are hereby enacted to
11 read as follows:

12 **Art. 581.1. Contractual agreement; Title IV-E eligible legal representation**
13 **costs; claims**

14 **A. Definitions**

15 **For purposes of this Article:**

16 **(1) "Department" means the Department of Children and Family**
17 **Services.**

18 **(2) "Legal representation agency" includes the office of the state public**
19 **defender, office of the district attorney, Louisiana Bar Foundation, Mental**
20 **Health Advocacy Service, and any other entity providing legal representation**
21 **to children, parents, or caregivers eligible for Title IV-E eligible legal**
22 **representation costs.**

23 **(3) "Title IV-E eligible legal representation costs" refers to federal**
24 **financial participation for the legal representation costs necessary for the**
25 **proper and efficient administration of the Title IV-E plan as provided in 45**
26 **C.F.R. §1356.60(c).**

27 **Art. 581.2 Contractual agreement; duty to negotiate**

28 **A.(1) The department shall, in good faith, negotiate contractual**
29 **agreements with legal representation agencies operating within the state to**
30 **allow the agencies to claim reimbursement for Title IV-E eligible legal**
31 **representation costs as provided for in this Article.**

32 **(2) The department shall provide technical assistance to a legal**
33 **representation agency to ensure compliance with federal requirements to make**
34 **a claim for Title IV-E eligible legal representation costs.**

35 **(3) The department shall have the right to incorporate a reasonable**
36 **administrative fee in the agreement as needed.**

37 **(4) A legal representation agency seeking initial Title IV-E**
38 **reimbursement shall submit notice to the department by August first of each**
39 **year for inclusion in the next fiscal year. A new agreement shall not take effect**
40 **before July first of the following fiscal year. The department shall exercise good**
41 **faith in limiting the number of new agencies receiving Title IV-E**
42 **reimbursement each year based on capacity.**

43 **B. The contractual agreement shall include provisions for the following:**

44 **(1) Title IV-E eligible legal representation cost reimbursement**
45 **methodology and rates consistent with standard legal representation billing.**

46 **(2) A process by which the legal representation agency shall submit the**
47 **billing for reimbursement.**

48 **(3) A requirement that the legal representation agency provide**
49 **documentation to substantiate the billing reimbursement claim.**

1 (4) A procedure for processing and disbursing the funds received as
2 reimbursement.

3 (5) A requirement that the legal representation agency timely complete
4 orders to determine Title IV-E eligibility of the client.

5 (6) A requirement that the legal representation agency remain in full
6 compliance with all of the Title IV-E program requisites.

7 (7) The right of any state or federal partner agency to audit the
8 performance or billing of the legal representation agency pursuant to the
9 agreement.

10 Art. 581.3. Reimbursement; legal representation costs; retention

11 A. A legal representation agency that obtains Title IV-E eligible legal
12 representation costs pursuant to Article 581.2 shall retain all of the funds.

13 B. The funds received as reimbursement shall not be subject to
14 reallocation or reduction by the department or any other state agency and shall
15 remain available to the legal representation agency to support and enhance legal
16 representation services provided for children, parents, caregivers, or the state
17 in foster care and adoption proceedings.

18 Art. 583.4. Promulgation of rules

19 The department shall promulgate policies and rules necessary to
20 implement the provisions of Articles 581.1 through 581.3 no later than July first
21 of the year following its enactment.

22 * * *

23 Art. 603. Definitions

24 As used in this Title:

25 * * *

26 (24) "Pre-adoptive parent" means an individual who has been identified
27 in the child's case plan or permanency plan as the prospective adoptive parent
28 or to whom a court has granted custody of the child when the child's
29 permanency plan is adoption pursuant to an order of a court.

30 (25) "Prenatal neglect" means exposure to chronic or severe use of alcohol
31 or the unlawful use of any controlled dangerous substance, as defined by R.S. 40:961
32 et seq., or in a manner not lawfully prescribed, which results in symptoms of
33 withdrawal in the newborn or the presence of a controlled substance or a metabolic
34 thereof in his body, blood, urine, or meconium that is not the result of medical
35 treatment, or observable and harmful effects in his physical appearance or
36 functioning.

37 ~~(25)~~ (26) "Protective capacity" means the cognitive, behavioral, and
38 emotional knowledge, abilities, and practices that prevent or control threats of danger
39 to children.

40 ~~(26)~~ (27) "Reasonable efforts" means the exercise of ordinary diligence and
41 care by the department throughout the pendency of a case pursuant to the obligations
42 imposed on the state by federal and state law to provide services and supports
43 designed and intended to prevent or eliminate the need for removing a child from the
44 child's home, to reunite families after separation, and to achieve safe permanency for
45 children. Reasonable efforts shall be determined by the particular facts and
46 circumstances of each case, including the individualized needs of each child and the
47 family, the imminence and potential severity of the threat of danger, the strengths of
48 each child and the family, and the community of support available to the family. In
49 making reasonable efforts, the health, welfare, and safety of the child shall be the
50 paramount concern.

51 ~~(27)~~ (28) "Relative" means an individual with whom the child has established
52 a significant relationship by blood, adoption, or affinity.

53 ~~(28)~~ (29) "Removal" means placing a child in the custody of the state or with
54 someone other than the parent or caretaker during or after the course of an
55 investigation of abuse and neglect to secure the child's health, welfare, and safety.

56 ~~(29)~~ (30) "Safe" and "safety" mean the condition of not being unsafe.
57 Whether a child is unsafe shall be determined by the particular facts and
58 circumstances of each case, including consideration of the threat of danger to the
59 child, whether the child is vulnerable to the threat, and the parent's or caretaker's
60 protective capacity to manage or control the threat.

61 ~~(30)~~ (31) "Safety plan" means a plan for the purpose of assuring a child's
62 health, welfare, and safety by imposing conditions for the child to safely remain in

1 the home, or, after a child has been removed from the home, for the continued
2 placement of the child with a custodian and terms for contact between the child and
3 the child's parents or other persons.

4 ~~(31)~~ **(32)** "Threat of danger" exists when the behavior of a parent or caretaker
5 or the family situation indicates serious harm, in the near future, to the child's
6 physical, mental, or emotional health, welfare, and safety.

7 ~~(32)~~ **(33)** "Vulnerable" means the inability to protect oneself from identified
8 threats of danger.

9 * * *

10 Art. 623. Notice; **presence at hearing; right to be heard**

11 * * *

12 A. **(1)** The department shall give notice of any order regarding the child issued
13 in accordance with Article 619(C) or 620 to the child's parents, the district defender
14 or other entity designated for the jurisdiction by the Indigent Parents' Representation
15 Program for representing parents, the entity designated for the jurisdiction by the
16 Louisiana Supreme Court to provide qualified, independent counsel for the child, and
17 other parties.

18 **(2)** The department shall also give **written** notice regarding any child in
19 foster care to any foster parent, pre-adoptive parent, and relative providing care.

20 **(3)** The department shall notify the court of each party's address and shall
21 have a continuing duty to provide current information to the court about each party's
22 whereabouts.

23 B. **(1)** The notice shall state the date, time, and place of any scheduled hearing
24 and inform the recipient of the right to attend and be heard.

25 **(2)** The notice to the district defender and the entity designated for the
26 jurisdiction by the Louisiana Supreme Court to provide qualified, independent
27 counsel for the child shall also include a copy of the verified complaint, the affidavit
28 required in Article 620(B), and any order issued by the court.

29 * * *

30 E. **(1)** ~~The court shall solicit and consider information regarding the care and~~
31 ~~treatment of the child from any foster parent, pre-adoptive parent, or relative~~
32 ~~providing care for the child who appears for the hearing. **The court shall provide**~~
33 ~~**any foster caregiver, pre-adoptive parent, or relative providing care for the**~~
34 ~~**child who appears at the hearing a reasonable opportunity to be heard**~~
35 ~~**regarding the care and treatment of the child and may receive evidence from**~~
36 ~~**each person. The court shall consider this information in conjunction with all**~~
37 ~~**other admissible evidence.**~~

38 **(2) The information provided by the foster parent, pre-adoptive parent,**
39 **or relative shall be limited to personal knowledge, defined as firsthand**
40 **observations of the daily care, functioning, development, behavior, activities,**
41 **health, education, and interactions of the child, including visitation,**
42 **communication with parents as it relates to the child, sibling relationships, and**
43 **any needs for services or support in the home of the caregiver.**

44 * * *

45 Art. 679. Notice; presence at disposition **hearing; right to be heard**

46 * * *

47 D. The department shall give **written** notice of the right to appear at the
48 disposition hearing to any foster parent, pre-adoptive parent, or relative providing
49 care for the child. **The notice shall state the date, time, and place of any**
50 **scheduled hearing and inform the recipient of the right to attend and be heard.**

51 * * *

52 F. **(1)** ~~The court shall solicit and consider information regarding the care and~~
53 ~~treatment of the child from any foster parent, pre-adoptive parent, or relative~~
54 ~~providing care for the child who appears for the hearing. **The court shall provide**~~
55 ~~**any foster caregiver, pre-adoptive parent, or relative providing care for the**~~
56 ~~**child who appears at the hearing a reasonable opportunity to be heard**~~
57 ~~**regarding the care and treatment of the child and may receive evidence from**~~
58 ~~**each person. The court shall consider this information in conjunction with all**~~
59 ~~**other admissible evidence.**~~

60 **(2) The information provided by the foster parent, pre-adoptive parent,**
61 **or relative shall be limited to personal knowledge, defined as firsthand**
62 **observations of the daily care, functioning, development, behavior, activities,**

health, education, and interactions of the child, including visitation, communication with parents as it relates to the child, sibling relationships, and any needs for services or support in the home of the caregiver.

* * *

Art. 695. Notice; ~~foster parents, pre-adoptive parents, relatives providing care;~~ **presence at case review hearing;** right to be heard

A. The department shall give written notice of the right to appear at each case review hearing to any foster parent, pre-adoptive parent, or relative providing care for the child.

* * *

~~D.(1) The court shall solicit and consider information regarding the care and treatment of the child from any foster parent, pre-adoptive parent, or relative providing care for the child who appears for the hearing. **The court shall provide any foster caregiver, pre-adoptive parent, or relative providing care for the child who appears at the hearing a reasonable opportunity to be heard regarding the care and treatment of the child and may receive evidence from each person. The court shall consider this information in conjunction with all other admissible evidence.**~~

(2) The information provided by the foster parent, pre-adoptive parent, or relative shall be limited to personal knowledge, defined as firsthand observations of the daily care, functioning, development, behavior, activities, health, education, and interactions of the child, including visitation, communication with parents as it relates to the child, sibling relationships, and any needs for services or support in the home of the caregiver.

* * *

Art. 705. Notice; **presence at permanency hearing;** right to be heard

A. The department shall give written notice of the right to appear at each permanency hearing to any foster parent, pre-adoptive parent, or relative providing care for the child.

* * *

~~D.(1) The court shall solicit and consider information regarding the care and treatment of the child from any foster parent, pre-adoptive parent, or relative providing care for the child who appears for the hearing. **The court shall provide any foster caregiver, pre-adoptive parent, or relative providing care for the child who appears at the hearing a reasonable opportunity to be heard regarding the care and treatment of the child and may receive evidence from each person. The court shall consider this information in conjunction with all other admissible evidence.**~~

(2) The information provided by the foster parent, pre-adoptive parent, or relative shall be limited to personal knowledge, defined as firsthand observations of the child's daily care, functioning, development, behavior, activities, health, education, and interactions of the child, including visitation, communication with parents as it relates to the child, sibling relationships, and any needs for services or support in the home of the caregiver.

* * *

Art. 710. Order; appeal

A. In a written judgment, the court shall make findings of fact regarding:

* * *

(2) The permanent plan that is most appropriate and in the best interest of the child in accordance with the priorities of Article 702 (C), **including the basis for the permanent plan determination of the child.**

* * *

Art. 1004.2. Termination of rights; children in state custody

The department shall file and pursue to judgment in the trial court a petition to terminate the parental rights of the parent or parents if the child has been in state custody for ~~seventeen~~ **fifteen** of the last twenty-two months, unless the department has documented in the case plan a compelling reason why filing is not in the best interest of the child.

* * *"

- 1 AMENDMENT NO. 3
- 2 Delete pages 2 and 3