

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)

1 AN ACT
2 To amend and reenact Children's Code Arts. 603(24) through (32), 623(A), (B), and (E),
3 679(D) and (F), 695(A) and (D), 705(A) and (D), 710(A)(2), and 1004.2 and to enact
4 Children's Code Arts. 581.1 through 581.4 and 603(33), relative to child in need of
5 care proceedings; to provide relative to disposition and permanency hearings; to
6 provide relative to a caregiver providing care to a child in need of care proceedings
7 in certain circumstances; to provide relative to notice requirements and right to be
8 heard; to provide relative to civil procedure and evidence; to provide relative to
9 written reasons for judicial findings; to provide for termination of parental rights in
10 certain circumstances; to provide for definitions; to provide relative to rights,
11 conditions, and limitations of a caregiver in certain circumstances; and to provide for
12 related matters.

13 Be it enacted by the Legislature of Louisiana:

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

1 Art. 581.1. Contractual agreement; Title IV-E eligible legal representation

2 costs; claims

3 A. Definitions

4 For purposes of this Article:

5 (1) "Department" means the Department of Children and Family
6 Services.

7 (2) "Legal representation agency" includes the office of the state public
8 defender, office of the district attorney, Louisiana Bar Foundation, Mental
9 Health Advocacy Service, and any other entity providing legal representation
10 to children, parents, or caregivers eligible for Title IV-E eligible legal
11 representation costs.

12 (3) "Title IV-E eligible legal representation costs" refers to federal
13 financial participation for the legal representation costs necessary for the
14 proper and efficient administration of the Title IV-E plan as provided in 45
15 C.F.R. 1356.60(c).

16 Art. 581.2 Contractual agreement; duty to negotiate

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

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

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

26 (4) A legal representation agency seeking initial Title IV-E
27 reimbursement shall submit notice to the department by August first of each
28 year for inclusion in the next fiscal year. A new agreement shall not take effect
29 before July first of the following fiscal year. The department shall exercise good

1 faith in limiting the number of new agencies receiving Title IV-E
2 reimbursement each year based on capacity.

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

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

6 (2) A process by which the legal representation agency shall submit the
7 billing for reimbursement.

8 (3) A requirement that the legal representation agency provide
9 documentation to substantiate the billing reimbursement claim.

10 (4) A procedure for processing and disbursing the funds received as
11 reimbursement.

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

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

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

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

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

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

27 Art. 583.4. Promulgation of rules

28 The department shall promulgate policies and rules necessary to
29 implement the provisions of Articles 581.1 through 581.3 no later than July first

1 **of the year following its enactment.**

2 * * *

3 Art. 603. Definitions

4 As used in this Title:

5 * * *

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

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

17 (25)(26) "Protective capacity" means the cognitive, behavioral, and emotional
18 knowledge, abilities, and practices that prevent or control threats of danger to
19 children.

20 (26)(27) "Reasonable efforts" means the exercise of ordinary diligence and
21 care by the department throughout the pendency of a case pursuant to the obligations
22 imposed on the state by federal and state law to provide services and supports
23 designed and intended to prevent or eliminate the need for removing a child from the
24 child's home, to reunite families after separation, and to achieve safe permanency for
25 children. Reasonable efforts shall be determined by the particular facts and
26 circumstances of each case, including the individualized needs of each child and the
27 family, the imminence and potential severity of the threat of danger, the strengths of
28 each child and the family, and the community of support available to the family. In
29 making reasonable efforts, the health, welfare, and safety of the child shall be the

1 paramount concern.

2 ~~(27)~~(28) "Relative" means an individual with whom the child has established
3 a significant relationship by blood, adoption, or affinity.

4 ~~(28)~~(29) "Removal" means placing a child in the custody of the state or with
5 someone other than the parent or caretaker during or after the course of an
6 investigation of abuse and neglect to secure the child's health, welfare, and safety.

7 ~~(29)~~(30) "Safe" and "safety" mean the condition of not being unsafe. Whether
8 a child is unsafe shall be determined by the particular facts and circumstances of
9 each case, including consideration of the threat of danger to the child, whether the
10 child is vulnerable to the threat, and the parent's or caretaker's protective capacity to
11 manage or control the threat.

12 ~~(30)~~(31) "Safety plan" means a plan for the purpose of assuring a child's
13 health, welfare, and safety by imposing conditions for the child to safely remain in
14 the home, or, after a child has been removed from the home, for the continued
15 placement of the child with a custodian and terms for contact between the child and
16 the child's parents or other persons.

17 ~~(31)~~(32) "Threat of danger" exists when the behavior of a parent or caretaker
18 or the family situation indicates serious harm, in the near future, to the child's
19 physical, mental, or emotional health, welfare, and safety.

20 ~~(32)~~(33) "Vulnerable" means the inability to protect oneself from identified
21 threats of danger.

22 * * *

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

24 * * *

25 A.(1) The department shall give notice of any order regarding the child issued
26 in accordance with Article 619(C) or 620 to the child's parents, the district defender
27 or other entity designated for the jurisdiction by the Indigent Parents' Representation
28 Program for representing parents, the entity designated for the jurisdiction by the
29 Louisiana Supreme Court to provide qualified, independent counsel for the child, and

1 other parties.

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

4 (3) The department shall notify the court of each party's address and shall
5 have a continuing duty to provide current information to the court about each party's
6 whereabouts.

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

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

13 * * *

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

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

28 * * *

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

* * *

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

* * *

~~F.(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. 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~~

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

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

13 * * *

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

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

18 * * *

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

27 (2) The information provided by the foster parent, pre-adoptive parent,
 28 or relative shall be limited to personal knowledge, defined as firsthand
 29 observations of the child's daily care, functioning, development, behavior,

Proposed law provides that the department shall, in good faith, negotiate contractual agreements with legal representation agencies operating within the state to allow the agencies to claim reimbursement for Title IV-E eligible legal representation costs as provided for in proposed law.

Proposed law provides that the department shall provide technical assistance to a legal representation agency to ensure compliance with federal requirements to make a claim for Title IV-E eligible legal representation costs.

Proposed law provides that the department shall have the right to incorporate a reasonable administrative fee in the agreement as needed.

Proposed law provides that a legal representation agency seeking initial Title IV-E reimbursement shall submit notice to the department by August 1st of each year for inclusion in the next fiscal year. A new agreement shall not take effect before July 1st of the following fiscal year. Further provides that the department shall exercise good faith in limiting the number of new agencies receiving Title IV-E reimbursement each year based on capacity.

Proposed law provides that the contractual agreement shall include provisions for the following:

- (1) Title IV-E eligible legal representation cost reimbursement methodology and rates consistent with standard legal representation billing.
- (2) A process by which the legal representation agency shall submit the billing for reimbursement.
- (3) A requirement that the legal representation agency provide documentation to substantiate the billing reimbursement claim.
- (4) A procedure for processing and disbursing the funds received as reimbursement.
- (5) A requirement that the legal representation agency timely complete orders to determine Title IV-E eligibility of the client.
- (6) A requirement that the legal representation agency remain in full compliance with all of the Title IV-E program requisites.
- (7) The right of any state or federal partner agency to audit the performance or billing of the legal representation agency pursuant to the agreement.

Proposed law provides that a legal representation agency that obtains Title IV-E eligible legal representation costs pursuant to proposed law (Art. 581.2) shall retain all of the funds.

Proposed law provides that the funds received as reimbursement shall not be subject to reallocation or reduction by the department or any other state agency and shall remain available to the legal representation agency to support and enhance legal representation services provided for children, parents, caregivers, or the state in foster care and adoption proceedings.

Proposed law provides that the department shall promulgate policies and rules necessary to implement the provisions of proposed law (Arts. 581.1 through 581.3) no later than July 1st of the year following the enactment of proposed law.

Present law (Ch.C. Art. 603) defines "prenatal neglect"; "protective capacity"; "reasonable efforts"; "relative"; "removal"; "safe" and "safety"; "safety plan"; "threat of danger"; and "vulnerable".

Proposed law defines "pre-adoptive parent" as an individual who has been identified in the child's case plan or permanency plan as the prospective adoptive parent or to whom a court has granted custody of the child when the child's permanency plan is adoption pursuant to an order of a court.

Present law (Ch.C. Art. 623) provides that the department shall give notice of any order regarding the child issued in accordance with present law (Art. 619(C) or 620)) to the child's parents, the district defender or other entity designated for the jurisdiction by the Indigent Parents' Representation Program for representing parents, the entity designated for the jurisdiction by the La. Supreme Court to provide qualified, independent counsel for the child, and other parties. Proposed law retains present law.

Present law provides that the department shall also give notice regarding any child in foster care to any foster parent, pre-adoptive parent, and relative providing care. Proposed law retains present law and clarifies that the notice shall be in writing.

Present law provides that the department shall notify the court of each party's address and shall have a continuing duty to provide current information to the court about each party's whereabouts. Proposed law retains present law.

Present law provides that the notice shall state the date, time, and place of any scheduled hearing and inform the recipient of the right to attend and be heard. Further provides that the notice to the district defender and the entity designated for the jurisdiction by the La. Supreme Court to provide qualified, independent counsel for the child shall also include a copy of the verified complaint, the affidavit required in present law (Art. 620(B)), and any order issued by the court. Proposed law retains present law.

Present law provides that 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.

Proposed law provides that 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. Further provides that the court shall consider this information in conjunction with all other admissible evidence.

Proposed law provides that 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.

Present law (Ch.C. Art. 679) provides that the department shall give notice of the right to appear at the disposition hearing to any foster parent, pre-adoptive parent, or relative providing care for the child. Proposed law retains present law and clarifies that the notice shall be in writing.

Proposed law provides that the notice shall state the date, time, and place of any scheduled hearing and inform the recipient of the right to attend and be heard.

Present law provides that 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.

Proposed law provides that 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. Further provides that the court shall consider this information in conjunction with all other admissible evidence.

Proposed law provides that 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.

Present law (Ch.C. Art. 695) provides that the department shall give 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. Proposed law retains present law and clarifies that the notice shall be in writing.

Present law provides that 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.

Proposed law provides that 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. Further provides that the court shall consider this information in conjunction with all other admissible evidence.

Proposed law provides that 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.

Present law (Ch.C. Art. 705) provides that the department shall give notice of the right to appear at each permanency hearing to any foster parent, pre-adoptive parent, or relative providing care for the child. Proposed law retains present law and clarifies that the notice shall be in writing.

Present law provides that 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.

Proposed law provides that 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. Further provides that the court shall consider this information in conjunction with all other admissible evidence.

Proposed law provides that 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.

Present law (Ch.C. Art. 710) provides that in a written judgment, the court shall make certain findings of fact.

Proposed law retains present law and further requires the court to make findings of fact that the permanent plan that is most appropriate and in the best interest of the child in accordance with the priorities of present law (Art. 702 (C)), including the basis for the permanent plan determination of the child.

Present law (Ch.C. Art. 1004.2) provides that 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 17 of the last 22 months, unless the department has documented in the case plan a compelling reason why filing is not in the best interest of the child. Proposed law retains present law but reduces the time the child has been in state custody from 17 to 15 of the last 22 months.

Effective August 1, 2026.

(Amends Ch.C. Arts. 603(24) through (32), 623(A), (B), and (E), 679(D) and (F), 695(A) and (D), 705(A) and (D), 710(A)(2), and 1004.2; adds Ch.C. Arts. 581.1-581.4 and 603(33))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Authorize contractual agreement for Title IV-E eligible legal representation cost reimbursement claims.
2. Define "department"; "legal representation agency"; "Title IV-E eligible legal representation costs"; "pre-adoptive parent".
3. Require the department to negotiate contractual agreement with legal representation agencies to allow the agencies to claim Title IV-E eligible legal representation costs reimbursement and provide requirements.
4. Include required provisions of the contractual agreement.
5. Authorize Title IV-E eligible legal representation cost reimbursement and retention of the funds.
6. Require the department to promulgate rules no later than July 1st of the year following enactment of proposed law to implement the provisions of proposed law.
7. Allow a foster caregiver, pre-adoptive parent, or relative providing care to a child in need of care proceedings to be present at hearings and given a reasonable opportunity to be heard at disposition, case review, and permanency hearings.
8. Require the department to give a foster caregiver, pre-adoptive parent, or relative providing care to a child in need of care proceedings written notice of the disposition, case review, and permanency hearings.
9. Require the court to make findings of fact that the permanent plan is the most appropriate and in the best interest of the child, including the basis for the permanent plan determination of the child.

10. Reduce the time the child has been in state custody from 17 to 15 of the last 22 months, when the department pursues a judgment in the trial court to terminate parental rights.
11. Make technical changes.