

RÉSUMÉ DIGEST

ACT 758 (SB 333)

2026 Regular Session

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New law provides that for purposes of proposed law the following terms have the following meaning:

- (1) "Department" means the Department of Children and Family Services.
- (2) "Legal representation agency" includes the office of the state public defender, office of the district attorney, Louisiana Bar Foundation, Mental Health Advocacy Service, and any other entity providing legal representation to children, parents, or caregivers eligible for Title IV-E eligible legal representation costs.
- (3) "Title IV-E eligible legal representation costs" refers to federal financial participation for the legal representation costs necessary for the proper and efficient administration of the Title IV-E plan as provided in 45 C.F.R. 1356.60(c).

New 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 new law.

New 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.

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

New 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.

New 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.

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

New 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.

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

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

New 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.

Existing law (Ch.C. Art. 623) provides that the department shall give notice of any order regarding the child issued in accordance with existing 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. New law retains existing law.

Existing 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. New law retains existing law and clarifies that the notice shall be in writing.

Existing 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. New law retains existing law.

Existing 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 existing law (Art. 620(B)), and any order issued by the court. New law retains existing law.

Existing 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.

New 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.

New 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.

Existing 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. New law retains existing law and clarifies that the notice shall be in writing.

New 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.

Existing 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.

New 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.

New 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.

Existing 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. New law retains existing law and clarifies that the notice shall be in writing.

Existing 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.

New 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.

New 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.

Existing 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. New law retains existing law and clarifies that the notice shall be in writing.

Existing 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.

New 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.

New 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.

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

New law retains existing 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 existing law (Art. 702 (C)), including the basis for the permanent plan determination of the child.

Existing 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. New law retains existing 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))