

RÉSUMÉ DIGEST

ACT 350 (SB 143)

2021 Regular Session

McMath

Prior law provided for the placement of children into the custody of the Department of Children and Family Services (DCFS). New law provides that DCFS shall provide notice to the court of attempted relative searches 10 days before any scheduled disposition, case review, permanency hearing, or as otherwise required by the court. New law provides that a diligent search shall include, at a minimum, interviews with the child's parent, the child, identified relatives, and any other person who is likely to have information about the identity or location of adult relatives of the child or persons who have a significant relationship with the child and comprehensive searches of databases and other resources available to DCFS which may include school, employment, residence, utilities, vehicle registration, child support enforcement, law enforcement, corrections records, and any other records likely to result in identifying and locating the person being sought.

New law provides that all relatives of the child identified in the diligent search required by new law, subject to exceptions due to family or domestic violence or other safety concerns, shall be provided with a notice explaining the options a relative has to participate in the care and placement of the alleged dependent child and any options that may be lost by failing to respond to the notice.

New law provides that DCFS shall have a continuing duty to search for relatives or other persons who have demonstrated an ongoing commitment to a child and with whom it may be appropriate to place the child until the relatives or persons are located, the court excuses DCFS from conducting a diligent search, or permanency is achieved.

New law provides that the court may excuse DCFS from considering a relative as a placement if the relative fails, after ninety days from the date the relative receives the required notice, to demonstrate an interest in and willingness to provide a permanent home for a child.

Prior law provided that the court shall consider a child's need for continuing contact with any relative by blood, adoption, or affinity with whom the child has an established and significant relationship. New law provides in the case of a child under the age of six, the court may find that continuation of the child's placement with the current caregiver is in the child's best interest if the child is in a stable home environment where the child's physical and emotional needs are met by a person who has a significant relationship with the child, that no relative or other suitable caregiver has been identified as a concurrent plan caregiver as part of the child's case plan or report submitted to the court, and that it would be detrimental to the child's well-being if the child is removed from the current caregiver. New law provides that upon a finding by the court, the department shall not make any change in placement absent prior written notice to the court. New law provides that prior notice for a placement change is not required when necessary to ensure the safety of the child, when the current caregiver requests that the child be removed, or when a child is moving to the home of a parent for the purpose of a trial placement.

New law provides that in the event of removal from a placement with a current caregiver pursuant to new law, upon motion of the court, motion of the current caregiver, or motion of the child, which is filed within fifteen days of the change in placement, a contradictory hearing shall be held to determine whether removal was in the best interest of the child.

New law provides that for purposes of new law, a foster parent, relative or other suitable individual with whom a child under the age of six has resided continuously for nine months or more is a person who has a significant relationship with the child. New law provides that nothing in new law shall be construed to interfere with any rights afforded to biological parents.

Effective upon signature of the governor (June 17, 2021).

(Amends Ch.C. Art. 702(D); adds Ch.C. Art. 672.3)