

2015 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 125

BY REPRESENTATIVE HOFFMANN

CHILDREN/ABUSE: Requests a study on laws and policies relative to continuing contact by parents and other relatives with children in need of care

## 1 A CONCURRENT RESOLUTION

2 To urge and request the Children's Code Committee of the Louisiana State Law Institute to  
3 study laws and policies relative to continuing contact by parents and other relatives  
4 with children who are subjects of child in need of care proceedings, and to report to  
5 the legislature findings and recommendations for protecting and promoting the well-  
6 being and best interests of such children.

7           WHEREAS, Title VI of the Louisiana Children's Code provides for actions known  
8    as child in need of care proceedings, referred to hereafter as "CINC proceedings", which are  
9    brought by the state to protect children who are abused, neglected, abandoned, or  
10   endangered, and can result in a termination of parental rights and a complete and permanent  
11   separation of the parent from the child; and

WHEREAS, allegations that a child is in need of care must assert one or more of several grounds, including abuse of the child perpetrated, aided, or tolerated by the parent or caretaker, or by a person who maintains a dating relationship with the parent or caretaker; deprivation of the child of necessary food, clothing, shelter, or medical care; conviction of a parent of a crime against the child; and other grounds provided for in Children's Code Article 606; and

18           WHEREAS, if a child is adjudicated to be in need of care, the disposition order may  
19   leave the child in a parent's custody or give custody to some other individual, a private  
20   agency, or the state; and

21 WHEREAS, courts have the responsibility of determining the best interest of a child  
22 in need of care with respect to custody of the child; and

1           WHEREAS, as the state agency tasked with ensuring the safety of children, the  
2 Department of Children and Family Services, referred to hereafter as "DCFS", makes  
3 recommendations and decisions for child placement and custody based on the immediate and  
4 ongoing needs of the child for safety and permanency in order to secure the well-being of  
5 the child; and

6           WHEREAS, DCFS and the courts of this state make dedicated efforts to balance the  
7 safety, permanency, and well-being of children with the constitutionally protected rights of  
8 family privacy and parental decisionmaking; and

9           WHEREAS, the process of making child placement and permanency decisions is  
10 often extremely challenging for family members and other persons who are involved in the  
11 life of the child; and

12           WHEREAS, DCFS provides foster care services to over eight thousand children  
13 annually; and

14           WHEREAS, within the past three years, DCFS, through its Faith in Families  
15 Initiative, has exceeded national standards by improving the rate of children being reunified  
16 with their families within twelve months of entry into foster care from seventy-two percent  
17 to seventy-six and six tenths percent, and also improving the rate of adoption of children  
18 within twenty-four months of entry into foster care from twenty-eight percent to forty-two  
19 percent; and

20           WHEREAS, while DCFS has demonstrated significant improvements in achieving  
21 permanency for children in foster care expeditiously, ongoing quality improvement is  
22 essential for the state to make further progress in achieving safe and permanent family  
23 placements for children in foster care; and

24           WHEREAS, in order to support continued improvement of the Louisiana child  
25 welfare system, it is prudent for the legislature to periodically call for a review of applicable  
26 laws and policies concerning child welfare to ensure that the state is as responsive as  
27 possible to the needs and best interests of our state's children in this state; and

28           WHEREAS, R.S. 24:204 provides that among the purposes of the Louisiana State  
29 Law Institute are securing the better administration of justice, conducting scholarly legal

1 research and scientific legal work, and promotion of better adaptation of Louisiana law to  
2 present social needs.

3 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
4 urge and request the Children's Code Committee of the Louisiana State Law Institute to  
5 study laws and policies relative to continuing contact by parents and other relatives with  
6 children who are subjects of child in need of care proceedings.

7 BE IT FURTHER RESOLVED that the Children's Code Committee shall include in  
8 its study an examination of potential changes to laws and policies which could expedite  
9 permanency for children in foster care.

10 BE IT FURTHER RESOLVED that the Children's Code Committee shall report  
11 findings of its study and recommendations for any changes to laws and policies which would  
12 promote the safety and well-being of children to the House Committee on Health and  
13 Welfare, the Senate Committee on Health and Welfare, the House Committee on the  
14 Administration of Criminal Justice, and the Senate Committee on Judiciary A no later than  
15 sixty days prior to the convening of the 2016 Regular Session of the Legislature of  
16 Louisiana.

17 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
18 director of the Louisiana State Law Institute and the secretary of the Department of Children  
19 and Family Services.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

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HCR 125 Original

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Hoffmann

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Requests that the committee include in its study an examination of laws and policies which could expedite permanency for children in foster care.

Requests the committee to report findings of its study and recommendations for any changes to laws and policies which would promote the safety and well-being of children to the legislative committees on health and welfare, the House Committee on the Administration of Criminal Justice, and the Senate Committee on Judiciary A no later than 60 days prior to the convening of the 2016 R.S.