



LOUISIANA STATE LAW INSTITUTE

PAUL M. HEBERT LAW CENTER, ROOM W127

UNIVERSITY STATION

BATON ROUGE, LA 70803-1016

OFFICE OF
THE DIRECTOR
(225) 578-0200

FAX: (225) 578-0211

EMAIL: LAWINSTITUTE@LSLI.ORG

February 1, 2016

Representative Taylor Barras
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

Senator John A. Alario, Jr.
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

RE: HCR 125 of 2015

Dear Mr. Speaker and Mr. President:

The Louisiana State Law Institute respectfully submits herewith its interim report to the legislature in response to 2015 House Concurrent Resolution No. 125, relative to continuing contact by parents and other relatives with children who are subjects of child in need of care proceedings.

Sincerely,


William E. Crawford
Director

WEC/puc
Enclosure

cc: Representative Frank Hoffman
Representative Sherman Q. Mack
Senator Fred H. Mills, Jr.
Senator Rick Ward, III

email cc: David R. Poynter Legislative Research Library
drplibrary@legis.la.us
Secretary of State, Mr. Tom Schedler
admin@sos.louisiana.gov

**LOUISIANA STATE LAW INSTITUTE
CHILDREN'S CODE COMMITTEE**

**INTERIM REPORT TO THE LEGISLATURE
IN RESPONSE TO HCR 125
OF THE 2015 REGULAR LEGISLATIVE SESSION**

Prepared for the Legislature on

February 1, 2016

Baton Rouge, Louisiana

LOUISIANA STATE LAW INSTITUTE

CHILDREN'S CODE COMMITTEE

Jan Byland, Baton Rouge

Andrea Carroll, Baton Rouge

Ernestine S. Gray, New Orleans

Margot E. Hammond, New Orleans

Kaaren Hebert, Lafayette

Joan E. Hunt, Baton Rouge

Carol Kolinchak, New Orleans

Nancy Amato Konrad, Metairie

Hector Linares, Baton Rouge

Lucy McGough, Baton Rouge

Martha Morgan, Baton Rouge

Richard Pittman, Baton Rouge

S. Andy Shealy, Ruston

Kristi Garcia Spinosa, Baton Rouge

Carmen D. Weisner, Baton Rouge

Karen Hallstrom

Isabel Wingerter

Co-Reporters

To: Representative Taylor Barras
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

Senator John A. Alario, Jr.
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

**INTERIM REPORT TO THE LEGISLATURE IN RESPONSE TO
HCR 125 OF THE 2015 REGULAR SESSION**

House Concurrent Resolution No. 125 of the 2015 Regular Session requests the Louisiana State Law Institute to study and make recommendations regarding Louisiana's laws and policies relative to continuing contact by parents and other relatives with children who are subjects of child in need of care proceedings. To that end, the Law Institute's Children's Code Committee and a special subcommittee have met numerous times.

The Committee has conducted research and identified issues and deficiencies under the current policies of the Department of Children and Family Services and in existing law. The Committee has made significant progress in formulating possible revisions, but the work is still ongoing. The Committee will continue meeting to complete its work.

A final report will be submitted to the Legislature once the Committee has received full approval from the Council of the Law Institute.

Respectfully submitted,

Isabel Wingerter and Karen Hallstrom, Reporters
Children's Code Committee
Louisiana State Law Institute

2015 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 125

BY REPRESENTATIVE HOFFMANN

A CONCURRENT RESOLUTION

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

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

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

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

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

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

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

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

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

percent; and

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

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

WHEREAS, R.S. 24:204 provides that among the purposes of the Louisiana State Law Institute are securing the better administration of justice, conducting scholarly legal research and scientific legal work, and promotion of better adaptation of Louisiana law to present social needs.

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

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

BE IT FURTHER RESOLVED that the Children's Code Committee shall 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 House

Committee on Health and Welfare, the Senate Committee on Health and Welfare, the House Committee on the Administration of Criminal Justice, and the Senate Committee on Judiciary A no later than sixty days prior to the convening of the 2016 Regular Session of the Legislature of Louisiana.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE