

1 (1) The child has been subjected to abuse or neglect after the child is
2 returned to the parent's care and custody while under department supervision, and
3 termination is authorized by Article 1015~~(3)(j)~~(4)(j).

4 (2) The parent's parental rights to one or more of the child's siblings have
5 been terminated due to neglect or abuse and prior attempts to rehabilitate the parent
6 have been unsuccessful, and termination is authorized by Article 1015~~(3)(k)~~(4)(k).

7 (3) The child has been abandoned and termination is authorized by Article
8 1015~~(4)~~(5).

9 (4) The child has been placed in the custody of the state and termination is
10 authorized by Article 1015~~(5)~~(6).

11 (5) The child is in foster care because the parent is incarcerated and
12 termination is authorized by Article 1015~~(6)~~(7).

13 * * *

14 F. By special appointment for a particular case, the court or the district
15 attorney may designate private counsel authorized to petition for the termination of
16 parental rights of the parent of the child on the ground of abandonment authorized
17 by Article 1015~~(4)~~(5).

18 * * *

19 I. When a child is conceived as the result of a sex offense as defined in R.S.
20 15:541, the victim of the sex offense ~~who is the custodial parent~~ may petition to
21 terminate the rights of the perpetrator of the sex offense. Termination shall result in
22 the loss of custody, visitation, contact, and other parental rights of the perpetrator
23 regarding the child, but shall not affect the inheritance rights of the child. The
24 perpetrator shall be cast in judgment for court costs.

25 * * *

26 Art. 1035. Burden of proof

27 * * *

1 PLEASE BE ADVISED OF THE FOLLOWING:

2 Louisiana law provides that you may name a person who is willing and able to serve
3 as the custodian of your child(ren) and to offer a wholesome and stable environment for your
4 child(ren). Failure to furnish a reasonable plan for the appropriate care of your child(ren)
5 may result in the termination of your parental rights.

6 Please refer to Louisiana Children's Code, Title X, Articles 1001 to 1043, especially
7 Articles 1015~~(6)~~(7) and 1036(E), for the details of Louisiana law regarding the termination
8 of parental rights. A copy of the law is attached to this notice.

9 You are hereby notified that Louisiana law requires that you provide a reasonable
10 plan for the appropriate care of your child(ren), other than continued foster care, within sixty
11 (60) days of your receipt of this notice, which date is _____. Your
12 plan shall include the names, addresses, cellular numbers, telephone numbers, and other
13 contact information of every suitable alternative caregiver. You may provide additional
14 information by filling out this form and mailing it in the stamped, self-addressed envelope
15 given to you by the department before _____. If you fail or refuse to
16 do so, you may lose all rights to your child(ren). Your plan will be examined to determine
17 if it is reasonable and appropriate. Please provide your plan in detail no later than
18 _____ to the following person:

19 NAME: _____
20 ADDRESS: _____
21 CITY/STATE/ZIP: _____
22 TELEPHONE: _____

23 NOTE: IF YOU HAVE ANY QUESTIONS OR NEED ANY ASSISTANCE, CONTACT
24 THE ABOVE PERSON OR YOUR ATTORNEY IMMEDIATELY.

25 Copy of the law, La. Ch.C. Arts. 1001 - 1043, Attached. PLEASE READ.

26 I, _____, hereby certify that a copy of this notice with
27 La. Ch.C. Arts. 1001-1043 attached, was delivered to _____ on
28 _____ by personal delivery at the following location
29 _____.

1 DATE: _____

2 _____

3 Signature of caseworker

4 I, _____, have received a copy of this notice, together
5 with the attached laws (La. Ch.C. Arts. 1001-1043), and acknowledge that I understand fully
6 that my rights may be terminated and my child(ren) adopted by others if I do not provide a
7 reasonable plan of appropriate care while I am incarcerated, other than continued foster care,
8 within sixty (60) days of my receipt of this notice on _____.

9 _____

10 Signature of parent

11 Witness: _____ Date: _____

12 Section 2. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

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)]

HB 343 Engrossed 2017 Regular Session Franklin

Abstract: Amends Children's Code Articles regarding termination of parental rights to make technical corrections, and provides relative to grounds for termination when the child is conceived as a result of a sex offense.

Present law includes numerous articles of the Children's Code which reference Article 1015 of the Children's Code.

Proposed law makes technical corrections to these articles to reflect the changes made to Children's Code Article 1015 from the 2016 Regular Session.

Present law, regarding termination of parental rights, authorizes the victim of a sex offense who is the custodial parent to petition to terminate the rights of a perpetrator of a sex offense.

Proposed law removes the requirement that the victim of the sex offense be the custodial parent in order to petition to terminate the rights of the perpetrator of the sex offense.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends Ch.C. Arts. 1004(B), (D), (F), and (I), 1035(B), 1036(C)(intro. para.), (D)(intro. para.), and (E), and 1036.2(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Eliminates the requirement that the victim of the sex offense be the custodial parent in order to petition to terminate the parental rights of the perpetrator of the sex offense.