

2016 Regular Session

HOUSE BILL NO. 777

BY REPRESENTATIVE MORENO

CHILDREN/PARENTAL RIGHTS: Provides for the termination of parental rights in certain circumstances

1 AN ACT

2 To amend and reenact Children's Code Article 1004(B), (C), (D), (E), and (F) and to repeal
3 Children's Code Article 1004(G) and (H), relative to the termination of parental
4 rights; to provide relative to parties who may petition for termination of parental
5 rights; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Children's Code Article 1004(B), (C), (D), (E), and (F) are hereby
8 amended and reenacted to read as follows:

9 Art. 1004. Petition for termination of parental rights; authorization to file

10 * * *

11 B. Counsel appointed for the child pursuant to Article 607 may petition for
12 the termination of parental rights of the parent of the child if the petition alleges a
13 ground authorized by Article 1015(4), (5), or (6) and, although eighteen months have
14 elapsed since the date of the child's adjudication as a child in need of care, no
15 petition has been filed by ~~the district attorney~~ or the department.

16 C. ~~The district attorney may petition for the termination of parental rights of~~
17 ~~the parent of the child on any ground authorized by Article 1015.~~

18 ~~D.~~ The department may petition for the termination of parental rights of the
19 parent of the child when any of the following apply:

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 (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).

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

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

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

13 ~~E. When termination is authorized by Article 1015, other than on the~~
14 ~~grounds specified by Paragraph D of this Article, by special appointment, the district~~
15 ~~attorney may designate counsel for the department as a special assistant authorized~~
16 ~~to act in his stead in all such termination actions or in a particular case.~~

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

21 G.E. Foster parents who intend to adopt the child may petition for the
22 termination of parental rights of the foster child's parents when, in accordance with
23 Article 702(D), adoption is the permanent plan for the child, the child has been in
24 state custody under the foster parent's care for seventeen of the last twenty-two
25 months, and the department has failed to petition for such termination.

26 H.F. When termination is authorized by Article 1015(1) or (2) and no
27 petition is filed to terminate the parental rights of the surviving parent pursuant to
28 Paragraph A, ~~C,~~ or E of this Article after a written request to file such action is made
29 ~~to the district attorney by any interested person and no petition is filed within sixty~~

1 ~~days by the district attorney~~, that person may file suit to terminate the parental rights
2 of the surviving parent.

3 Section 2. Children's Code Article 1004(G) and (H) are hereby repealed in their
4 entirety.

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 777 Original

2016 Regular Session

Moreno

Abstract: Prohibits the district attorney from petitioning to terminate parental rights.

Present law allows the district attorney to petition for the termination of parental rights.

Proposed law removes the district attorney as a party to petition for the termination of parental rights.

(Amends Ch.C. Art. 1004(B),(C),(D),(E), and (F); Repeals Ch.C. Art. 1004(G) and (H))