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	Part No./Name	8 – Case Planning for the Foster Child
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I. STATEMENT OF POLICY

The Louisiana Children's Code provides for judicial review of all children adjudicated in "need of care" and placed in Department custody. The Children's Code requires:

* Case Review Hearings – the purpose of the Case Review Hearings is for the court to review: continuing necessity for and appropriateness of child's placement; progress toward mitigating causes necessitating placement in foster care; safety of the child; extent of case plan compliance by parents and DCFS; and likely date by which child may achieve permanency. This hearing is conducted three months after the Disposition Hearing if the child was removed prior to the disposition or within six months after the Disposition Hearing if the child was removed at the disposition, but in no case more than six months after removal of the child from his/her parent(s), and at least once every six months thereafter; and

Permanency Hearings – the purpose of the Permanency Hearings is for the court to review: continuing necessity for and appropriateness of child's placement; progress toward mitigating causes necessitating placement in foster care; safety of the child; extent of case plan compliance by parents and DCFS; and likely date by which child may achieve permanency. This hearing is ** conducted within nine months after the Disposition Hearing if the child was removed prior to the disposition or within twelve months if the child was removed at the disposition, but in no case more than twelve months after the removal and at least once every twelve months thereafter.


Case Review Hearings and Permanency Hearings are held in the court of jurisdiction regardless of the parish of placement of the child or parish of residence of the parents. Courts may schedule Case Review Hearings, Permanency Hearings, and/or other court hearings to be heard simultaneously so long as the record reflects the appropriate findings and orders are made accordingly.

In addition to Case Review and Permanency Hearings, *** * Ch. C. Art 672 ** grants the court authority to hold a contradictory hearing when there is good cause to believe it is not in the best interests of the child to remain in their current foster care setting. After the hearing, the court can order the Department to choose a more suitable foster care setting with reasons supporting their decision. During this hearing, the department shall have the burden of articulating how the child's foster care setting is the most appropriate care setting for the child. Refer to [6-300](#).

Per the *** * Ch. C. Art. 1051, ** a motion may be filed requesting the restoration of the parental rights or contact for a parent whose rights have been terminated.

II. PROCEDURES

DCFS staff prepares for and participates in court hearings pertaining to Child in Need of Care * (CINC) proceedings in accordance with legal mandates and DCFS policy.

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A. JUDICIAL HEARING FOR CASE REVIEW

The Case Review Hearing is held three months after the Disposition Hearing if the child is removed prior to disposition or within six months after the Disposition Hearing if the child was removed at disposition, but in no case more than six months after removal of the child from his parents. This **Case Review Hearings shall be** held at least once every six months thereafter until the child's permanent plan is achieved. The purpose of the Case Review Hearing is to review the case plan, **which must include:**


- Continuing necessity for and the appropriateness of placement;
- Extent of compliance with the previous case plan;
- Extent and progress made toward alleviating or mitigating the causes necessitating placement in foster care; and
- Likely date the child's permanent plan will be achieved.

Case Review Hearing court orders must clearly indicate the appropriate judicial determinations, findings and orders made during the hearing, and must be child specific. The judicial determination must specifically name the child for whom the determination is made. Each child in a sibling group must be named for whom the judicial determination is made.

At least 20 days prior to each Case Review Hearing, the Department shall give a Notice Letter via mail or hand delivery to any foster parent, pre-adoptive parent and relative providing care for the child of the right to be present and heard regarding the care and treatment of the child. The Notice Letter should include:

- The date, time, and location of the Case Review Hearing regarding the child in the foster caregiver's care; and
- The foster caregiver's right to attend and be heard at the hearing (but that their attendance is not mandatory), including a brief explanation of how they can exercise their right to be heard by speaking at the hearing and/or by giving the Foster Parent Caregiver Progress Form (but that the form is not required) to their FC case worker who will then submit the form to the court.

If the foster caregiver chooses to submit the Foster Caregiver Progress Form, it must be scanned, emailed, or provided (i.e., physically given at a visit, etc.) to the Foster Care case worker at least 15 days prior to the hearing. The Foster Care case worker must ensure that the Foster Care Progress Form is attached to the all Court Reports filed with the court. If a hearing does not require a court report or when the Foster Care Progress Form is not received prior to

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filing the court report, the case worker shall provide to all parties with the Foster Caregiver Progress Form during the court hearing.

If the foster caregiver fails to appear at a Case Review Hearing, the Foster Care case worker shall report to the court whether notice was given, or if not, what diligent efforts were made to locate and notify the absent person. **

The court determines if the case plan is consistent with the health and safety and is in the best interest of the child. Ch. C. * Arts 677 and 700 require the court to review the case plan and render an order approving the plan or to provide the specific reasons for not approving the plan in writing.

The court should inform the parent in accordance with Ch. C. Art. 682 of the following:

- The case review and permanency review procedures.
- The parents' obligation to cooperate with the Department, comply with the requirements of the case plan, including their duty to keep the Department apprised of their current address, and correct conditions requiring the child to be in care; and
- A petition to terminate parental rights may be filed based upon their failure to comply with the requirements of the case plan, failure to make significant measurable progress toward achieving case plan goals and to correct the conditions requiring the child to be in care, or any other grounds authorized by Ch. C. Art 1015, the termination of parental rights statute.


Ch. C. Art 692 states that case reviews may be held by the court or an administrative review body.

B. JUDICIAL HEARING FOR PERMANENCY

At the Permanency Hearing, the ** Department shall have the burden of recommending and demonstrating the most appropriate permanency goal for the child based on the best interests of the child.

1. Permanency Hearings

In addition to six month Case Review Hearings, the Louisiana Children's Code requires Permanency Hearings be conducted. * Within nine months after the Disposition Hearing if the child was removed prior to disposition or within 12 months if the child was removed at disposition but in no case more than 12 months after removal. The Foster Care case worker

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shall address in-state and out-of- state placement considerations, as applicable, in the court report prepared for the 12-month Permanency Hearing. A Permanency Hearing shall be conducted at least once every 12 months thereafter for the duration of the jurisdiction of the court over the child.

Ch. C. Art. 672.1 allows the Department to file a motion at any time requesting a judicial determination that efforts to reunite the parent and child are not required considering the health and safety of the child and child's need for permanency. A Permanency Hearing may be conducted immediately and shall be conducted within 30 days of a judicial determination that efforts to reunify the parent and child are not required.


If reasonable efforts to reunify the child and family are not necessary because the case situation meets the criteria of Ch. C. Art. 672.1(C), the Department may file for immediate termination of parental rights. However, even if a case meets the criteria for immediate termination of parental rights, it can only be pursued if the court makes a judicial determination per Ch. C. Art. 672.1(C) or other applicable law.

At least 20 days prior to each Permanency Hearing, the Department shall give a Notice Letter using the same method as the case review hearing.

Per Ch. C. Art 702(C)(1-5), the purpose of a Permanency Hearing is for the courts ** to determine a permanent plan for the child within the following priorities of placement:

- a. Return the child to the legal custody of his parents within a specified time period consistent with the child's age and need for a safe and permanent home. For reunification to remain as the permanent plan for the child, the parent must be complying with the case plan and making significant, measurable progress toward achieving the case plan goals and correcting the conditions requiring the child to be in care;
- b. Adoption;
- c. Placement with a legal guardian. When guardianship is recommended as the permanent plan goal (regardless if to a relative, nonrelative, with or without a subsidy) a home study must be presented to the court at the time the recommendation is made.
- d. Placement in the legal custody of a relative who is willing and able to offer a safe, wholesome and stable home for the child; or
- e. Placement in the least restrictive, most family-like alternative permanent living arrangement. The Department shall document in the child's case plan and court report the compelling reasons for recommending this plan over the preceding alternatives when choosing other than return of child to parent, adoption, placement with legal guardian.

Other judicial determinations made at the Permanency Hearing include the following:

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- a. If the child is in an out-of-state placement, a judicial determination must be made at the first court hearing after the child is placed out-of-state and at least every 12 months thereafter while the child remains out-of-state. The judicial determination in the court order or court transcripts must address whether the placement is safe, appropriate and otherwise in the best interest of the child.
- b. Whether the Department has made reasonable efforts to reunify the parent and child or to finalize the child's placement in an alternative, safe and permanent home in accordance with the child's permanent plan. The child's health and safety shall be the paramount concern in the court's determination of the permanent plan.
- c. A judicial determination must be made concerning whether or not reasonable efforts were made to finalize a permanent plan **for the child**. This determination is required within 12 months of the date the child entered foster care and at least every 12 months thereafter, unless a court has determined reasonable efforts to reunite the child and family are not necessary, pursuant to Ch. C. **Art 672.1**.
- d. At the first court hearing after a child becomes 16 years old and at least every 12 months thereafter, a judicial determination must be made concerning whether or not independent living services were provided appropriately.

Permanency Hearing court orders must clearly indicate appropriate judicial determinations and findings. Orders made during the hearing must be child specific. The judicial determination must specifically name the child for whom the determination is made and detail the basis for the court's decision. Each child in a sibling group must be named for whom the judicial determination is made. When the court finding is the same for all members of a sibling group, an individual listing of the children in the heading of the court document will suffice.

When *** the court determines that** reunification is the permanent plan for the child, the court is responsible for advising the parents that it is their obligation to achieve the case plan goals and correct the conditions that require the child to be in care within the time period specified by the court. Otherwise, an alternative permanent plan for the child will be **ordered by the court** and a petition to terminate parental rights may be filed.

When **the court determines that** adoption is the permanent plan for the child, the court is responsible for advising the parent of his or her right to voluntarily surrender the child and to consent to the adoption prior to the filing of a petition to terminate parental rights.

When guardianship is recommended to the court as the permanent plan for the child, the Department shall complete a home study on the home of the prospective guardian **prior to the hearing. Findings of the home study shall be provided** in the court report, per Ch. C. **Art 721** and should include: ** ***

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- The moral and financial fitness of the proposed guardian;
- The conditions of the home of the proposed guardian with respect to health, adjustment, and other advantages or disadvantages for the child;
- The physical and mental condition of the child and his/her reaction to the proposed guardianship;
- The plan for the child if the proposed guardian becomes incapable of providing care; and,
- The Department's recommendation for the frequency and nature of future contact between the child and parents.


In accordance with * Ch. C. Art. 720, a motion for guardianship may be filed by the Department, parent or counsel for the child. The motion shall include:

- The name and gender of the child;
- The date and place of the child's birth;
- A description of the mental and physical health of the child;
- The current placement of the child and when it began;
- The name and address of the proposed guardian and any relationship to the child;
- The name and address of the parents of the child;
- A plain and concise statement of the facts on which the motion for guardianship is sought and why neither adoption nor reunification with a parent is in the best interest of the child; and
- If the location of the parents are unknown, the Department's efforts to locate them.

Per Ch. C. Art 724, a guardianship order may be modified or terminated if the court finds by clear and convincing evidence there has been a substantial and material change in the circumstances of the guardian or child because:

- The guardian no longer wishes to serve or can no longer serve as guardian of the child, or
- Continuation of the guardianship is so deleterious to the child as to justify a modification or termination of the relationship or the harm likely to be caused from a change in the guardianship is substantially outweighed by the advantages to the child of the modification.

A modification or termination of a guardianship agreement must be filed with the court which heard the CINC Proceedings. Pursuant to Ch. C. Art 723, the program that represented the indigent parents during the CINC proceedings shall provide representation in the guardianship proceedings.

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C. RESTORATION OF PARENTAL RIGHTS

If the parent's rights were previously terminated consideration of restoration of parental rights may be discussed with the child as a case plan goal, when appropriate. The child must be at least age 15, with no reasonable expectation of achieving custody to a caregiver, adoption, or guardianship. There should also be evidence to support a change in the circumstances of the parent that removed the safety/risk factors that necessitated termination of parental rights. Consideration of this permanency option should only be presented to the youth after a staffing has occurred with the Foster Care case worker, case supervisor and Child Welfare Manager where it is determined that restoration of parental rights would be in the best interest of the child and is a feasible pursuit. If the child is in treatment at the time such option is considered, the treatment provider should be consulted regarding the discussion of restoration of parental rights as an option to the child and the potential impact on the child's well-being.


If the youth has been freed for adoption and is over the age of 15, the court is responsible for advising the youth, at the permanency review hearing, of the provisions of Chapter 11 of Title X of the Children's Code, Articles 1051-53 and Article 1146 (E), which allows for restoration of parental rights or contact with a parent whose rights were previously terminated. The Foster Care case worker is also responsible for discussing the option of restoration of parental rights with the youth as a potential permanency goal as part of the case planning process.

1. Motion to Restore Parental Rights

If a child in foster care is over the age of 15, the child's attorney or the Department's attorney may file a motion to restore the parental rights or parental contact with either one or both parents whose rights have been terminated. The motion shall be filed in the court in which Permanency Hearings for the child are being conducted.

When the motion is filed by the child's attorney, DCFS shall be served. When the motion is filed by the DCFS Bureau of General Counsel (BGC), a copy of the motion and order will be sent to the parents, foster parents and CASA volunteer of the child. The parents, foster parents and CASA volunteer shall have a right to be heard at the hearing, but are not parties. The motion hearing may be conducted in the absence of the parent, foster parents and/or CASA volunteer. If the parent cannot be located, the motion shall be dismissed by the court. The court may not grant the relief requested in the motion without the consent of the parent. Restoration of parental rights should not be pursued if the parent is not in agreement with the plan.

Prior to requesting motion be filed by BGC, the Foster Care case worker and supervisor shall discuss the child's foster care/adoption history and reason that restoring the parental rights may be in the best interest of the child. Documentation of the discussion shall be included in a case documentation notes entry in the child's record. An adoption worker retains the case until parental rights are restored. Once parental rights are restored and ongoing work with the family is necessary, the record shall be transferred to a Foster Care case worker.

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The Foster Care case worker shall notify the parent via letter of the effects of the restoration, including the obligation to pay child support or parental contribution. The notice to the parent shall contain a copy of the motion showing the time and date of the hearing. If the parent's whereabouts are unknown, the Foster Care case worker shall make diligent efforts to locate the parent.

Within forty-five days after the date the motion is filed by the child's or Department's attorney, or by an earlier date as set by the court, the Foster Care case worker shall prepare and submit a confidential court report to the court. A home study should be conducted with the parent prior to preparing the confidential report to obtain verifications and aid in gathering information regarding the ability and willingness (both legal and physical) of the parent to be involved in the life of the child as a [Permanent Connection](#) or accept restoration of parental rights and physical custody of the youth. The format of the Confidential Report differs from that of the court report, described in Section D below, for other judicial hearings.

The confidential report shall include findings regarding:

- (1) A summary of the reasons the parental rights were terminated and the date of the judgment;
- (2) The willingness of the parent to resume contact with the child and to have parental rights restored.
- (3) The willingness of the child to resume contact with the parent and to have parental rights restored.
- (4) The change in circumstances since the certification for adoption.
- (5) The ability and willingness of the parent to be involved in the life of the child and to accept physical custody of the child.
- (6) If parent is not willing to accept physical custody/restoration of parental rights, but is willing to become a Permanent Connection for the child, describe the type and frequency of contact the parent is willing to commit to.
- (7) Other relevant information, including:
 - A summary of the parent's support system;
 - A description/summary of any interaction the child and parent have had since the Termination of Parental Rights;
 - Summary of any other permanent connection resources the child has; and
 - A description of diligent efforts made to locate the parent(s), if the parent's whereabouts are unknown at the time the Confidential Report is written.

If, despite a diligent effort, the Foster Care case worker is unable to complete the Confidential Report required by Ch. C. [Art. 1052](#) within the prescribed time, and upon the Department showing such as good cause, the court may continue the hearing for up to thirty additional days. Case documentation note entries should reflect the FC caseworker's diligent efforts to complete the Confidential Report in a timely manner.

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A hearing may not be required if the Department, counsel for the child, CASA volunteer (if appointed) and the parent stipulate that restoration of parental rights or parental contact is in the best interest of the child. The court is not required to change custody of the child based solely on a stipulation.

2. Hearing to Restore Parental Rights

At the hearing, the court may, if determined to be in the best interest of the child.

- Allow contact between the parent and the child. If so, the conditions of contact should be specified in the order;
- Restore the parental rights of the parent(s); or
- Place the child in the custody of the parent(s) with or without continuing supervision by the department. If the parent resides out of state, the court shall order compliance with the Interstate Compact on the Placement of Children (ICPC).

The restoration of parental rights and placement of the child in the custody of the parent without supervision is considered a permanent placement. Any other disposition by the court shall be made part of the case plan.

If the court does not restore parental rights, the court should continue to review the appropriateness of such judgment at future hearings with the child.

D. ROLE OF THE DEPARTMENT WITH ALL JUDICIAL REVIEWS


The Regional Administrator may assign court liaison duties in addition to other duties to a worker to coordinate the court review process. The court liaison duties of the worker may constitute only a portion of his duties. If there is not a court liaison worker, the Foster Care case worker is responsible for carrying out the court liaison duties. If there are multiple case workers, the SP case worker or assigned lead SP case worker is responsible for court liaison duties.

1. Duties Related to the Court

The case worker is responsible for overall coordination of the review process, and is to serve as a liaison between the court and the Department.

2. Notification of All Judicial Hearings

The Department shall give notice of any court hearing regarding the child to the child's parents and other parties of the CINC case. The notice shall state the date, time, and place of the

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hearing and inform the receipt of his right to attend and be heard. This notice shall be provided by certified mail at least two weeks prior to the scheduled hearing.

Ch. C. Arts. 623, 624, 679, 695, 698, 705, and 708, state that foster caregivers providing care for a child have the right to be present and heard regarding the care and treatment of the child at any court hearing involving a child in their care. DCFS shall give a Notice Letter via mail or hand delivery to the foster caregiver(s) before each court hearing involving a child in their care (but not before pre-hearing conferences and status and contradictory hearings).

The Notice Letter should be provided to the foster caregiver(s) per the following:

- **Continued Custody Hearing (CCH):** Prior to the CCH and within 24 hours of the child's placement in the foster caregiver's home, the foster care case worker will provide the foster caregiver(s) with the Notice Letter (with upcoming hearing information), Foster Caregiver Progress Form, and Court Process & Legal Rights Guide for Foster Caregivers. The foster care case worker will ensure that the foster caregiver understands the purpose of the documents and how and when to submit the form if they choose to do so before the CCH. The documents may be attached to the 98A Form (which serves as an agreement between DCFS and the foster caregivers with regard to that placement) that the foster care case worker gives to the foster caregiver. At least six copies of the Foster Caregiver Progress Form should be provided to the foster caregiver so that they have enough printed copies for subsequent hearings. The foster care case worker should also ensure the foster caregiver knows where to access the form on the DCFS website. If the foster care case worker does not know the date and time of the CCH when they provide the foster caregivers with the documents, they must provide that information when they acquire it.
- **Answer and Adjudication and Answer Hearings:** At least 10 days prior to the Answer and Adjudication Hearings, the foster care case worker will provide a Notice Letter (with upcoming hearing information) to the foster caregiver. If the foster caregiver chooses to submit the Foster Caregiver Progress Form for the Answer and/or Adjudication Hearings, it must be scanned, emailed, or provided (i.e., physically given at a visit, etc.) to the foster care case worker at least 10 days prior to the hearing.
- **Disposition Hearing, Case Review Hearings, and Permanency Hearings:** At least 20 days prior to the Disposition Hearing, Case Review Hearings, and Permanency Hearings, the foster care case worker will provide a Notice Letter (with upcoming hearing information) to the foster caregiver. If the foster caregiver chooses to submit the Foster Caregiver Progress Form, it must be scanned, emailed, or provided (i.e., physically given at a visit, etc.) to the foster care case worker at least 15 days prior to the hearing.

The Department shall also provide notice of any changes in the scheduled hearing to the child's parents, other parties, and the child's foster caregiver(s). If the hearing will be held via Zoom, the Zoom link should be sent to the child's parents, other parties, and the child's foster

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caregiver(s) prior to the hearing. Court reports shall include efforts to notify the child's parents, other parties, and the child's foster caregivers. All parties to the hearing shall be notified of the next court date in open court, if present, and if not, by subpoena. However, this does not relieve the Department of their responsibility to provide notice by mail as described herein.

3. Current Information

The Department shall notify the court of each party's address and shall have a continuing duty to provide current information to the court about each party's whereabouts.


4. Foster Caregiver Progress Form

While not parties, foster caregivers have a legal right to attend and be heard regarding the care and treatment of the child at any court hearing involving a child in their care. As the child's day-to-day caregiver, the child's foster caregiver likely has valuable information about how the child is doing to share with the court, parties, the Department, counsel of record, and CASA (if appointed).

After placement and before the first CINC hearing, the case worker should have provided the foster caregiver with at least six blank Foster Caregiver Progress Forms and a copy of the Court Process & Legal Rights Guide for Foster Caregivers. The Court Process & Legal Rights Guide for Foster Caregivers provides an overview of the CINC court process and hearings and legal rights that foster caregivers do and do not have at CINC hearings. It also includes instructions on how foster caregivers can exercise their right to be heard at hearings, including further information completing and submitting the Foster Caregiver Progress Form.

The Foster Caregiver Progress Form is one of the ways foster caregivers can exercise their legal right to be heard at the hearing but is not required. Foster caregivers can submit the Foster Caregiver Progress Form to DCFS even though they may not attend the hearing. Instead of, or in addition to, attending the hearing and providing information about the care and treatment of the child verbally to the court, the foster caregiver may complete and submit the Foster Caregiver Progress Form to the case worker prior to the hearing. If the foster caregiver timely submits the Foster Caregiver Progress Form to the case worker, the case worker should take the following steps depending on the type of CINC hearing:

- Continued Custody Hearing, Answer Hearing, and Adjudication Hearing: For court hearings where a court report is not required, the Foster Care case worker shall provide the form to the CPS case worker (if the Foster Care case worker does not attend) to make copies of the form and be prepared to distribute them at the hearing to the court, counsel of record, unrepresented parties, and CASA (if appointed) upon approval of the court.
- Disposition Hearing, Case Review Hearings, and Permanency Hearings: The Foster Care case worker should attach the form to the court report, and copies should be provided to

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counsel of record, unrepresented parties, and CASA (if appointed) as required for court reports.

Upon completion by a foster caregiver, the Foster Caregiver Progress Form will contain hearsay information and, therefore, can only be accepted into evidence by the court where hearsay evidence is admissible. Be advised that in some CINC hearings (for example, at the Adjudication Hearing and hearings to Terminate Parental Rights), courts have to abide by the strict rules of evidence.

Even if a foster caregiver submits the Foster Caregiver Progress Form, they still have the right to attend and be heard at any hearing regarding a child in their care. Per Ch. C. Art. 623, if a foster caregiver attends the hearing, the court must solicit information from the foster caregiver about the “care and treatment of the child” even if they submitted a Foster Caregiver Progress Form.

5. Written Court Report


The Department is required to submit a detailed report on the status of the case to the court at least 10 calendar days before any scheduled Disposition, Permanency or Case Review Hearing. A copy of the court report shall be distributed to CASA prior to or at the same time the court report is filed and served upon counsel of record by mail or email and unrepresented parties by certified mail or email per Ch. C. Art. 689.

The assigned Foster Care case worker must collect the information needed for the report at least 30 calendar days prior to the review hearing to ensure the report is completed and submitted timely. The Family Connections Form shall be attached to all court reports. All court reports shall be typed.

In the case of multiple case workers, the case worker assigned to the parent's case is responsible for sending the court report information. If there is no parent's case, the Foster Care case worker, or Adoption case worker is responsible for sending the court report information directly to the court or court liaison worker in accordance with local office procedures. The assigned or court liaison worker is responsible for reviewing the court report to ensure all information required is included and is current, accurate and understandable. If additional information is needed or if modifications to the report are indicated, the assigned case worker or court liaison worker shall contact the appropriate case worker ** to secure the necessary changes.

* Per Ch. C. Art. 690, the court report shall review the status of the child and shall address the following:

- The continuing necessity for and appropriateness of the placement;
- The extent of compliance with the case plan;

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- The extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care; and
- A likely date by which the child may be returned to the home or placed for adoption or guardianship of the person of the child.

Per Ch. C. Art. Children's Code Article 675, the most recent Youth Transition Plan for the youth, beginning at age 14, must also be attached to every court report. The Foster Caregiver Progress Form and the most recent case plan should also be attached to the court report.

Please note that there are special requirements for a court report when guardianship is recommended as a permanency goal for the child as well as when a motion to restore parental rights is to be filed as found in B and C of this section of policy.

The Foster Care case worker shall address in-state and out-of-state placement considerations, as applicable, in the court report prepared for all Permanency Hearings. In discussing out-of-state placement considerations, the case worker must indicate whether the Interstate Compact on the Placement of Children (ICPC) process has been initiated to assess the safety of the family and appropriateness for placement of the child. If a home study has been completed, the case worker must redact the address of the family and attach a copy to the court report.


Per Ch. C. Art. 652, court reports shall not include any location or identification information regarding a victim of domestic abuse or dating violence. Refer to 1-520, Release in CINC or TPR Proceedings, and 1-525, Subpoenas and Court Orders for Case Record Information. The regional Bureau of General Counsel (BGC) attorney may be contacted if legal clarification or assistance is needed. Also, the foster caregiver's address should never be included in the court report.

6. Case Plan

Per Ch. C. Art. 674, a copy of the most recent case plan, including any disagreement with the plan noted by participants, shall be filed with the court at least ten days before any scheduled Disposition, Case Review, or Permanency Hearing. Upon filing the case plan with the court, the Department shall provide a copy of the case plan to counsel of record and any unrepresented parent. The copy of the case plan can be either mailed by certified mail or sent by email to the parents' designated addresses previously provided to the court. Service by email is complete upon transmission but is not effective if the serving party learns the transmission did not reach the party to be served. The case plan should be attached to the court report. The case plan shall include the content required in Ch. C. Art. 675.

7. Presence at Judicial Hearings

A child twelve years of age or older shall be present in court unless his or her presence is waived by the court upon motion of the child's counsel. A child below the age of twelve years shall be present in court upon the request of counsel for the child or the court or the child's

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wishes for involvement. If the child is present in court, the child may choose to testify as to the child's wishes through consultation between the child and the child's attorney. If the judge conducting the hearing does not want the child brought to court, the case worker shall document the reason in the case documentation notes.

The case worker is expected to facilitate a meeting/discussion between the child and child's attorney before the date of the hearing. If the meeting/discussion does not occur, the case manager shall document, in the next court report, efforts to facilitate such meeting/discussion. The case worker is also responsible for ensuring transportation for the child to the hearing.

Before the hearing, if a foster caregiver appears for the hearing, someone (i.e., case worker, the child's attorney, the parent's attorney, the bailiff, CASA, and/or the assistant district attorney) should let the judge know that the foster caregivers are present and whether they want to speak or not. Case workers should take the initiative to see if foster caregivers are present at the hearing and ask if they want to attend and speak.


If a foster caregiver providing care for the child fails to appear at a hearing, the Department shall report to the court whether notice was given or, if not, what diligent efforts were made to locate and notify the absent person. The court may permit the hearing to be held in the person's absence. **

III. FORMS AND INSTRUCTIONS

[Foster Care Court Report Format Guide / Instructions](#)
[Foster Care Case Plan](#)
[Youth Transition Plan / Instructions](#)

IV. REFERENCES

[P.L. 105-89 Adoption and Safe Families Act of 1997](#)
[P.L. 109-239 Safe and Timely Interstate Placement of Foster Children Act of 2006](#)
[LA R.S. 46:2132 Definitions](#)
[LA Ch. C. Chapter 11, Title X, Article 1051 Motion to restore parental rights](#)
[LA Ch. C. 1145 Registration](#)
[LA Ch. C. Chapter 11, Title X, Article 1052 Duties of Department](#)
[LA Ch. C. Chapter 11, Title X, 1053 Hearing](#)
[LA Ch. C. Article 677 Case Plan Review](#)
[LA Ch. C. Article 700 Order, appeal](#)
[Louisiana Children's Code Title X Chapter 11, Article 1146 \(E\)](#)
[Louisiana Children's Code Article 607](#)
[Louisiana Children's Code Article 608](#)
[Louisiana Children's Code Article 623](#)
[Louisiana Children's Code Article 652](#)
[Louisiana Children's Code Article 672.1](#)

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[Louisiana Children's Code Article 674 Filing](#)
[Louisiana Children's Code Article 675 Case Plan Purpose; contents](#)
[Louisiana Children's Code Article 682](#)
[Louisiana Children's Code Article 689 Case review reports; service](#)
[Louisiana Children's Code Article 690](#)
[Louisiana Children's Code Article 692](#)
[Louisiana Children's Code Article 695](#)
[Louisiana Children's Code Article 702](#)
[Louisiana Children's Code Article 720](#)
[Louisiana Children's Code Article 721](#)
[Louisiana Children's Code Article 723](#)
[Louisiana Children's Code Article 1051](#)