

CHAPTER 18: RIGHTS OF INCARCERATED PARENTS

A. INTRODUCTION

Federal laws regulate the rights of incarcerated parents whose children are in the child welfare system. In 1997, Congress passed the Adoption and Safe Families Act (“ASFA”)¹, a law making it much harder for incarcerated parents to keep their parental rights.² States have passed laws applying ASFA in different ways. This Chapter describes the custody and parental rights of incarcerated parents under Louisiana State law. It is important for you to also read Chapter 33 of the main JLM for information about your rights as an incarcerated parent under federal law.

Part B of this Chapter explains how you can defend against the involuntary placement of your child in foster care. Part C discusses the involuntary termination of your parental rights, a process that allows another person to adopt your child when he is in foster care. Part C also lists the steps you should take while your child is in foster care to make sure that your parental rights are not terminated. Appendices A and B of this Chapter provide the contact information for the Office of Community Services (OCS) regional and parish offices. You can contact these offices for more information about foster care and adoption services in Louisiana.

B. INVOLUNTARY PLACEMENT OF YOUR CHILD IN FOSTER CARE

Louisiana state law defines a “child in need of care” in a number of ways. If the state finds your child to be a victim of abuse or neglect or “without necessary food, clothing, shelter, medical care, or supervision because of the disappearance or prolonged absence of his parent,”³ your child may be found to be in need of care. Incarceration of a parent may result in a child being found to be a child in need of care.⁴ Child in need of care proceedings determine whether your child should be removed from your custody and placed in the foster care system. In these proceedings, the court will appoint a lawyer to represent your child.⁵ You also have a right to have a lawyer represent you in these hearings. If you cannot afford a lawyer, the court must appoint one for you.⁶

If your child is found to be a child in need of care, the Department of Children and Family Services (DCFS) may take custody of your child and place him in foster care in one of the following: (1) in the home of a relative or of a foster family, (2) in a child care facility, or (3) in another living arrangement approved by the state.⁷ Involuntary placement of your child in foster care can occur before, or as a result of, your incarceration.

This Part describes the process by which your child may be involuntarily placed in foster care. Section 1 describes when your child may be removed from your custody even *before* a court has determined that your child is a child in need of care. Section 2 describes the adjudication hearing, in which the court determines whether your child is a child in need of care. Section 3 discusses the disposition hearing. In this hearing, the court decides who should get custody of your child, for how long,

¹ ASFA can be found at 42 U.S.C. §§ 670–679c (2012).

² See, e.g., The Adoption and Safe Families Act of 1997: Its Impact on Prisoner Mothers and their Children, *available at* http://www.womenandprison.org/motherhood/view/the_adoption_and_safe_families_act_of_1997_its_impact_on_prisoner_mothers_a (last visited Feb. 25, 2014).

³ LA. CHILD. CODE ANN. art. 606. See, e.g., State In Interest of Quan v. Quan, 504 So. 2d 599, 600–601 (La. App. 4 Cir. 1987) *writ granted, judgment amended*, 508 So. 2d 576 (La. 1987) *judgment clarified*, 508 So. 2d 576 (La. 1987) (finding child who suffered from noncongenital rickets, caused by malnutrition or lack of sunshine, to be a child in need of care because development of the disease was due to neglect); State *ex rel.* S.D. v. D.M.D.B., 36,406, p. 14 (La. App. 2 Cir. 8/14/02); 823 So. 2d 1113, 1121 (finding children in need of care where mother had a history of leaving her children unsupervised for anywhere between forty-five minutes and three and a half hours at a time).

⁴ See, e.g., State *ex rel.* A.U.M., 46,082, pp. 5–6 (La. App. 2 Cir. 2/16/11); 62 So. 3d 185, 189 (finding a child in need of care where child’s only parent was convicted of murder and incarcerated for ten years).

⁵ LA. CHILD. CODE ANN. art. 607(A) (2017).

⁶ LA. CHILD. CODE ANN. art. 608(A)(4) (2017).

⁷ LA. CHILD. CODE ANN. art. 603(14) (2017).

and with what responsibilities after your child is determined to be a child in need of care. Section 4 describes the case plan, which is used to determine the placement of your child pending permanent placement. Finally, Section 5 discusses the permanency hearing, where the court determines the permanent placement of your child.

1. **Instantanter Orders and Continued Custody Hearings**

Before a court has determined that your child is a child in need of care, DCFS may believe that emergency removal of your child from your custody is necessary for your child's protection.⁸ DCFS may then seek an instanter order of custody from the court.⁹ An instanter order demands that your child be removed immediately from your custody and placed in the temporary custody of a suitable relative,¹⁰ a suitable individual who can protect the health and safety of your child, or the state, in that order of priority.¹¹

When determining whether to grant an instanter order, the court must determine whether DCFS took reasonable efforts to prevent or eliminate the need to remove your child from your custody.¹² Reasonable efforts are defined as "the exercise of ordinary diligence and care by department caseworkers and supervisors."¹³ However, the court may still order removal of your child even if DCFS's efforts were not reasonable.¹⁴

A peace officer or probation officer may remove your child from your custody even without a court (instanter) order if the officer has reasonable grounds to believe that your child is endangered in his current surroundings and that emergency removal is necessary.¹⁵ The officer then must promptly release your child to the DCFS.¹⁶ DCFS must get an instanter order from the court before taking your child into custody.¹⁷

If your child is removed from your custody under an instanter order, the court must hold a continued custody hearing within three days.¹⁸ At this hearing, the state must prove that its continued custody of your child is necessary to ensure your child's health and safety.¹⁹ As with the instanter order, the court again must determine whether DCFS took reasonable efforts to prevent or eliminate the need to remove your child from your custody but may still order removal of your child even if DCFS's efforts were not reasonable.²⁰ If the state maintains custody of your child after the continued custody hearing, you must:

- 1) Cooperate in preparing a case plan to ensure that the needs of your child are met.
- 2) Assist with your child's adjustment to other caretakers if your child cannot return home safely.
- 3) Contribute to the costs of raising your child.

⁸ LA. CHILD. CODE ANN. art. 619 (2017).

⁹ LA. CHILD. CODE ANN. art. 619(A) (2017).

¹⁰ The juvenile court must determine that the relative is, in fact, suitable. *See, e.g., State ex rel. D.B. v. M.O.*, 2003-1408, p. 3 (La. App. 3 Cir. 4/14/04); 870 So. 2d 1143, 1144 (noting that the child's maternal grandparents were not suitable relatives because of past and pending criminal charges against the maternal grandfather); *State ex rel. T.M.*, 2003-929, pp. 14-18 (La. App. 3 Cir. 3/24/04); 869 So. 2d 339, 348-350 (placing the child with his foster parents, who were the aunt and uncle of his half-siblings, rather than with his maternal grandparents, where (1) child's maternal grandmother had expressed feelings of anger and hostility towards the child's father and foster parents in the child's presence, (2) OCS's goal was to keep the child together with his half-siblings, who were also in the care of his aunt and uncle, and (3) the child stated that he loved his foster parents and considered them his aunt and uncle).

¹¹ LA. CHILD. CODE ANN. arts. 619(C)(2), 622(B) (2017).

¹² LA. CHILD. CODE ANN. art. 619(B) (2017).

¹³ LA. CHILD. CODE ANN. art. 603(25) (2017).

¹⁴ LA. CHILD. CODE ANN. art. 619(B) (2017).

¹⁵ LA. CHILD. CODE ANN. art. 621(A) (2017).

¹⁶ LA. CHILD. CODE ANN. art. 621(A) (2017).

¹⁷ LA. CHILD. CODE ANN. art. 621(B) (2017).

¹⁸ LA. CHILD. CODE ANN. art. 624(A) (2017).

¹⁹ LA. CHILD. CODE ANN. art. 624(D) (2017).

²⁰ LA. CHILD. CODE ANN. arts. 626(B)-(D) (2017).

- 4) Keep DCFS informed at all times of your most recent contact information.²¹

This last obligation is very important because custody hearings may be held in your absence if the state cannot determine where you are.²²

2. Adjudication Hearing

DCFS will only seek an instant order if it believes that emergency removal of your child from your custody is necessary for your child's protection. Otherwise, child in need of care proceedings may be brought while your child is still in your custody. To start child in need of care proceedings, the district attorney or DCFS must petition the court.²³

You can accept or deny the allegations, or claims of legal wrongdoing, in the petition. If you deny the allegations, the court will set up an adjudication hearing to determine whether your child is in need of care.²⁴ If you still have custody of your child, the adjudication hearing must begin within 105 days of the filing of the petition.²⁵ If your child is already in continued custody of the state, the hearing must begin within forty-five days of the filing of the petition.²⁶

At the adjudication hearing, you can present evidence, call and ask questions of witnesses, and testify on your own behalf.²⁷ It is the state's responsibility to prove the allegations in the petition.²⁸ After the adjudication hearing, the court must immediately decide whether your child is in need of care.²⁹ In "exceptional circumstances," the court may consider this matter for up to ten days.³⁰

If your child is already in continued custody of the state, you can tell the court that you agree that your child is in need of care without either accepting or denying the allegations in the petition.³¹ Agreeing that your child is in need of care does not mean that you agree to give up your parental rights permanently. It only means that you agree that you are unable to provide your child with the care you think he needs for the time being.

If you agree that your child is in need of care, the state will take legal custody of your child and will make sure that your child is living in a safe and healthy environment until you are able to properly care for your child. If you fulfill your foster care obligations and if you are released within a relatively short time, you will have a good chance of getting your child back. This is because the priority of the state is generally to return your child to your legal custody.³² However, if you are going to be in prison for more than twelve months, then agreeing that your child is in need of care may create a risk that the state will involuntarily terminate your parental rights. You should seriously consider your decision to place your child in foster care because the DCFS is *required* to petition for termination of your parental rights if your child has been in state custody for seventeen of the last twenty-two months, unless the case plan for your child offers a compelling reason why such termination is not in your child's best interests.³³

²¹ LA. CHILD. CODE ANN. art. 682(B), 684(E) (2017).

²² LA. CHILD. CODE ANN. art. 625(B)(3) (2017).

²³ LA. CHILD. CODE ANN. art. 631(A) (2017).

²⁴ LA. CHILD. CODE ANN. art. 649(A)(1) (2017).

²⁵ LA. CHILD. CODE ANN. art. 659(A) (2017).

²⁶ LA. CHILD. CODE ANN. art. 659(A) (2017).

²⁷ LA. CHILD. CODE ANN. art. 662 (2017).

²⁸ LA. CHILD. CODE ANN. art. 665 (2017).

²⁹ LA. CHILD. CODE ANN. art. 666(A) (2017).

³⁰ LA. CHILD. CODE ANN. art. 666(A) (2017).

³¹ LA. CHILD. CODE ANN. art. 647 (2017).

³² LA. CHILD. CODE ANN. art. 702(C)(1) (2017). *See State ex rel. S.R.*, 2000-1927, p. 4 (La. App. 4 Cir. 4/11/01); 788 So. 2d 503, 506 ("The first priority in permanently placing a child is the return of the child to the legal custody of the parents within a specified time period consistent with the child's age and need for a safe and permanent home.")

³³ LA. CHILD. CODE ANN. art. 1004.1 (2017). Note that the seventeen months do not have to be consecutive. *See, e.g., State ex rel. V.F.R.*, 2001-1041, pp. 5-6 (La. App. 3 Cir. 2/13/02); 815 So. 2d 1035, 1038, *writ denied*, 2002-0797 (La. 4/12/02); 813 So. 2d 412 (finding that the state was required to file a petition to terminate parental rights where the child was in state custody from June 1999 to September 2000 and again from January 2001 to March 2001).

3. Disposition Hearing

If the court decides that your child is in need of care, it must order a disposition hearing within thirty days.³⁴ At the disposition hearing, the court decides who should get custody of your child, for how long, and what responsibilities that person or agency has.³⁵ The court may decide to return your child to you under certain terms and conditions, to place your child in the custody of a relative or other suitable individual, or to place your child in foster care.³⁶ The court's main consideration when making its decision must be your child's health and safety.³⁷

The court cannot remove your child from your custody unless it determines that removal is necessary to protect your child's welfare.³⁸ The court must determine that DCFS has made reasonable efforts to prevent or eliminate the need for your child to be removed from your custody.³⁹ If your child is already in continued custody of the state, the court must determine that DCFS has made reasonable efforts to reunify you with your child or to finalize the placement of your child in a safe, permanent home.⁴⁰

If the court does remove your child from your custody, it must place your child in the custody of a relative unless doing so would not be in the best interests of your child.⁴¹ The court also must inform you about the following:

- 1) Case review and permanency review procedures. Section 4 of this Part, below, explains these procedures;
- 2) Your obligations to cooperate with DCFS and to follow the requirements of the case plan;
- 3) The possibility that you may lose your parental rights if you do not follow the requirements of the case plan;
- 4) Your obligation to keep DCFS informed about your most recent contact information;
- 5) Your obligations to contribute to the cost of care and treatment for your child.⁴²

4. Case Plans and Case Review Procedure

If the court places your child in the custody of a foster care agency, the agency must develop a case plan for your child.⁴³ The case plan describes the placement of your child until the agency can get permanent placement. The case plan should be designed to achieve placement for your child in the "least restrictive, most family-like, and most appropriate setting available"⁴⁴ and must be completed within sixty days after the agency gets custody of your child.⁴⁵

³⁴ LA. CHILD. CODE ANN. art. 678(A), (B) (2017).

³⁵ LA. CHILD. CODE ANN. art. 684(A)(1)–(3) (2017).

³⁶ LA. CHILD. CODE ANN. art. 681(A)(1)–(5) (2017).

³⁷ LA. CHILD. CODE ANN. art. 682(A) (2017).

³⁸ LA. CHILD. CODE ANN. art. 682(A) (2017).

³⁹ LA. CHILD. CODE ANN. art. 682(A) (2017).

⁴⁰ LA. CHILD. CODE ANN. art. 682(A) (2017); *see also* State *ex rel.* B.M.J.-C. v. K.J., 45,515, p. 9 (La. App. 2 Cir. 6/23/10); 42 So. 3d 1052, 1057–1058 (finding that the Department of Social Services made reasonable efforts to assist mother in removing impediments to her reunification with her children when it, *inter alia*, provided her with a detailed day-by-day case plan to improve her daily living skills, referred her to a training program that teaches daily living skills, and required her to submit to regular substance abuse and mental health assessments).

⁴¹ LA. CHILD. CODE ANN. art. 683(B) (2017); *see, e.g.*, State *ex rel.* A.L., 2009-1085, pp. 4–5 (La. App. 1 Cir. 10/27/09); 29 So. 3d 618, 620–621 (finding that it would not be in child's best interest to be placed with maternal grandmother where maternal grandmother had been investigated several times by OCS for her own parenting abilities and for mental and emotional instability).

⁴² LA. CHILD. CODE ANN. art. 682(B) (2017).

⁴³ LA. CHILD. CODE ANN. art. 673 (2017).

⁴⁴ LA. CHILD. CODE ANN. art. 675(A) (2017).

⁴⁵ LA. CHILD. CODE ANN. art. 673 (2017).

You should cooperate with the DCFS in creating the case plan for your child. You also should follow the requirements in the case plan. You may lose your parental rights to your child if you fail to follow the case plan requirements and make significant progress toward achieving its goals.⁴⁶

The court must review the case plan regularly at case review hearings. At each case review hearing, the court may either approve the case plan or order DCFS to update the case plan as necessary.⁴⁷ If your child was already in continued custody before the disposition hearing, the first case review hearing must be held three months after the disposition hearing.⁴⁸ Otherwise, the first case review hearing must be held no more than six months after the disposition hearing.⁴⁹ The following case review hearings must be held at least once every six months until your child has been permanently placed.⁵⁰

5. Permanency Hearing

At a permanency hearing, the court determines the permanent placement plan for your child. Permanent placement can include: (1) return of custody of your child to you, (2) adoption, or (3) placement of your child with a legal guardian.⁵¹ The court must hold a permanency hearing within twelve months of your child's disposition hearing, or within nine months of the disposition hearing if your child had already been removed from your custody before the disposition hearing.⁵²

Generally, the priority of the state is to return your child to your legal custody.⁵³ However, in order for reunion to remain the permanent plan for your child, you must be following your child's case plan and making significant progress towards achieving its goals.⁵⁴ In order to show progress towards achieving the goals of your child's case plan, you must show a "significant, substantial indication of reformation . . . such as . . . [changing] in a significant way the behavior which served as a basis for the state's removal of a child from the home."⁵⁵ The following may show that there is not a reasonable expectation of significant improvement of your conduct in the near future: physical or mental illness, substance abuse, a pattern of repeated incarceration, or other behavior that reasonably suggests that you are unwilling or unable to provide an acceptable permanent home for your child.⁵⁶ Note that even though you must show significant progress, you do not need to have corrected all of the problems that previously existed.⁵⁷

As discussed in Part B(3) of this Chapter, DCFS must make reasonable efforts to reunite you and your child.⁵⁸ However, DCFS does not have to reunite you with your child if any of the following have happened:

⁴⁶ LA. CHILD. CODE ANN. art. 702(G) (2017). Part C of this Chapter discusses termination of parental rights.

⁴⁷ LA. CHILD. CODE ANN. art. 700(A) (2017).

⁴⁸ LA. CHILD. CODE ANN. art. 692(A) (2017).

⁴⁹ LA. CHILD. CODE ANN. art. 692(A) (2017).

⁵⁰ LA. CHILD. CODE ANN. art. 692(B) (2017).

⁵¹ LA. CHILD. CODE ANN. art. 603(22) (2017). *See, e.g., State ex rel. C.N. v. Harte*, 42,977, p. 3 (La. App. 2 Cir. 1/9/08); 974 So. 2d 143, 145 (affirming grant of guardianship to child's relative, where child "was thriving at [the relative's house], benefitted from being near his brother . . . , and was close to his grandfather and cousins").

⁵² LA. CHILD. CODE ANN. art. 702(B) (2017).

⁵³ LA. CHILD. CODE ANN. art. 702(C)(1), (D) (2017). *See State ex rel. S.R., 2000-1927*, p. 4 (La. App. 4 Cir. 4/11/01); 788 So. 2d 503, 506 ("The first priority in permanently placing a child is the return of the child to the legal custody of the parents within a specified time period consistent with the child's age and need for a safe and permanent home.").

⁵⁴ LA. CHILD. CODE ANN. art. 702(C)(1) (2017).

⁵⁵ *State ex rel. S.R., 2000-1927*, pp. 5–6 (La. App. 4 Cir. 4/11/01); 788 So. 2d 503, 506 (significant progress of mother in achieving goals of case plan not established where updated psychiatric and psychological reports were not provided, and where the only evidence of a modification in mother's abusive behavior was the case worker's testimony that she talked to the parent about the proper way to discipline children).

⁵⁶ LA. CHILD. CODE ANN. art. 1036(D) (2017).

⁵⁷ *State ex rel. S.R., 2000-1927*, p. 4 (La. App. 4 Cir. 4/11/01); 788 So. 2d 503, 506 ("A reasonable expectation of reformation exists when a parent has cooperated with state officials and has shown improvement, although all of the problems that exist have not been eliminated.").

⁵⁸ LA. CHILD. CODE ANN. art. 682(A) (2017).

- 1) The parent has displayed extremely shocking conduct, including but not limited to any of the grounds for certification for adoption under Article 1015.
- 2) The parent has committed murder or manslaughter of another child or has helped, planned, or asked someone else to commit this type of murder or manslaughter.
- 3) The parent has committed a felony that results in serious bodily injury to the child or another child of the parent.
- 4) The state has already removed parental rights for another child.⁵⁹

At any time during the process, DCFS can ask the court to decide that reunion efforts are not required.⁶⁰ If the court makes this decision, a permanency hearing must be held within 30 days.⁶¹

C. INVOLUNTARY TERMINATION OF YOUR PARENTAL RIGHTS

A court may terminate, or end, parental rights where parents are unwilling or unable to provide acceptable safety and care for their children.⁶² This Part describes the process that must be followed before your parental rights may be terminated. Section 1 describes the reasons for termination of parental rights. Section 2 discusses the petition, or paperwork, that begins termination of parental rights proceedings and the hearing in which you answer that petition. Section 3 describes the termination of parental rights hearing, where the court decides whether or not to terminate your parental rights. Section 4 explains the judgments that the court may reach in the termination of parental rights hearing and the consequences of those judgments. Section 5 describes ways in which you may recover your parental rights after they have been terminated.

In termination proceedings, the court will appoint a lawyer to represent your child.⁶³ You also have a right to have a lawyer represent you in these hearings.⁶⁴ If you cannot afford a lawyer, the court must appoint one for you.⁶⁵ The process of deciding termination of parental rights moves quickly because a speedy conclusion is important for the stability of your child. It is important that you follow these procedures closely, attend all hearings, and meet all deadlines that the court sets.

1. Grounds for Termination of Parental Rights

Article 1015 of the Louisiana Children’s Code lists the grounds for termination of parental rights.⁶⁶ This Section discusses several of these grounds in detail. In order to terminate parental rights, only one of these grounds needs to be proven by clear and convincing evidence.⁶⁷ The court must also find that termination of parental rights is in the best interests of the child.⁶⁸ Although the courts recognize

⁵⁹ LA. CHILD. CODE ANN. art. 672.1(C) (2017). Part C(1) of this Chapter discusses some of the grounds for certification of adoption pursuant to Article 1015.

⁶⁰ LA. CHILD. CODE ANN. art. 672.1(A) (2017).

⁶¹ LA. CHILD. CODE ANN. art. 672.1(D) (2017).

⁶² LA. CHILD. CODE ANN. art. 1001 (2017).

⁶³ LA. CHILD. CODE ANN. art. 1016(B) (2017).

⁶⁴ LA. CHILD. CODE ANN. art. 1016(A) (2017).

⁶⁵ LA. CHILD. CODE ANN. art. 1016(C) (2017).

⁶⁶ LA. CHILD. CODE ANN. art. 1015 (2017).

⁶⁷ LA. CHILD. CODE ANN. art. 1015, 1035(A) (2017); *see also, e.g., State ex rel. J.A.*, 99-2905, p. 9 (La. 1/12/00); 752 So. 2d 806, 811 (DSS sought termination of parental rights solely under LA. CHILD. CODE ANN. art. 1015(5), which allows involuntary termination of parental rights when at least one year has passed since the child was removed from his parent’s custody and the parent neither has complied with the child’s case plan nor has a reasonable expectation of future improvement); *State ex rel. J.T.C.*, 04-1096, p. 12 (La. App. 5 Cir. 2/15/05); 895 So. 2d 607, 615–616, *writ denied*, 2005-0466 (La. 4/8/05); 899 So. 2d 11 (granting termination of parental rights under LA. CHILD. CODE ANN. art. 1015(4) because the father failed to maintain significant contact with, and failed to provide significant contributions for, his children for six consecutive months after the petition was filed).

⁶⁸ LA. CHILD. CODE ANN. art. 1039 (2017); *see also, e.g., State ex rel. J.A.*, 99-2905, p. 9 (La. 1/12/00); 752 So. 2d 806, 811 (“The State need establish only one ground [of LA. CHILD. CODE ANN. art. 1015] . . . , but the judge must also find that the termination is in the best interest of the child.”); *State ex rel. B.H. v. A.H.*, 42,864, p. 6 (La. App. 2 Cir. 10/24/07), 968 So. 2d 881, 885 (“Once a ground for termination has been established, the judge may terminate parental rights if the termination is in the best interest of the child.”); *State ex rel. J.T.C.*, 04-1096, p. 12 (La. App. 5 Cir.

that termination of your parental rights may be serious, they have decided that the child's best interest is the most important consideration.⁶⁹

a. Article 1015(5)—Intention to Permanently Avoid Parental Responsibility

Under Article 1015(5), your parental rights may be terminated if you “demonstrat[e] an intention to permanently avoid parental responsibility” by (1) failing to provide significant contributions to your child's care and support, or (2) failing to maintain significant contact with your child for any six months prior to the filing of the petition to terminate your parental rights.⁷⁰ For example, in one case, the court terminated an incarcerated father's parental rights where the father admitted that he provided no support for his children, had failed to provide significant contributions to his children's care and support for over one year, and had not provided any financial support for his children for more than six consecutive months.⁷¹

Note that “the conviction and sentencing of a parent for a significant period of time could demonstrate ‘an intention to permanently avoid parental responsibility’” under Article 1015(5) when grouped “with a failure to pay support or a failure to maintain contact with the child for a period of six months.”⁷² Incarceration is not a recognized defense for the failure to support your child or to maintain contact with your child if the incarceration is shown to be a result of your actions.⁷³

The court also may consider the amount of *effort* you put into staying in contact with your child when deciding whether Article 1015(5) grounds have been met. For example, one court noted that an incarcerated father “failed to [actively] . . . pursue or discover his rights” after being notified that his children were placed in foster care.⁷⁴ The court went on to decide that “the father failed to provide support and/or that he abandoned the children under [Louisiana Children's Code] art. 1015(4)(b) and (c).”⁷⁵

b. Article 1015(6)—Child Removed and No Improvement in Your Condition

Under Article 1015(6), your parental rights may be terminated if (1) your child was removed from your custody at least one year ago because of a court order, (2) you have not significantly followed your child's case plan, and (3) there is no reasonable expectation that your condition or conduct will improve significantly in the near future.⁷⁶ This last requirement can be met just by evidence that you have been in prison several times and cannot care for the child for an extended period of time.⁷⁷

c. Article 1015(7)—Foster Care While Incarcerated and Without Plan for Care

Under Article 1015(7), your parental rights may be terminated if (1) your child is in foster care, (2) you have been convicted and your sentence will be long enough that you will not be able to care for

2/15/05); 895 So. 2d 607, 615, *writ denied*, 2005-0466 (La. 4/8/05); 899 So. 2d 11 (“The State need establish only one ground under [Louisiana Children's Code] art. 1015 upon which to base the termination of parental rights In addition, the trial judge must also find that the termination is in the best interest of the child.”).

⁶⁹ State *ex rel.* J.T.C., 04-1096, p. 11 (La. App. 5 Cir. 2/15/05); 895 So. 2d 607, 614, *writ denied*, 2005-0466 (La. 4/8/05); 899 So. 2d 11.

⁷⁰ LA. CHILD. CODE ANN. art. 1015(5)(b), (c) (2017).

⁷¹ State *ex rel.* C.M.O., 2004-1780, p. 3 (La. App. 4 Cir. 4/13/05); 901 So. 2d 1168, 1170–1171.

⁷² LA. CHILD. CODE ANN. art. 1015 (2017) (2003 comment).

⁷³ See State *ex rel.* A.T.C., 06-562, p. 5 (La. App. 5 Cir. 11/28/06), 947 So. 2d 71, 75 (upholding termination of parental rights where mother failed to support minor children for over six months and sporadic contact was only after petition for termination was filed).

⁷⁴ State *ex rel.* J.T.C., 04-1096, p. 12 (La. App. 5 Cir. 2/15/05); 895 So. 2d 607, 616, *writ denied*, 2005-0466 (La. 4/8/05); 899 So. 2d 11 (emphasis in original).

⁷⁵ State *ex rel.* J.T.C., 04-1096, p. 12 (La. App. 5 Cir. 2/15/05); 895 So. 2d 607, 616, *writ denied*, 2005-0466 (La. 4/8/05); 899 So. 2d 11.

⁷⁶ LA. CHILD. CODE ANN. art. 1015(6) (2017).

⁷⁷ LA. CHILD. CODE ANN. art. 1036(D)(2) (2017).

your child for an extended period of time, and (3) you have not provided a reasonable plan of care for your child other than foster care.⁷⁸

Louisiana courts have not clearly explained how long an “extended period of time” is. Article 1036(E) of the Louisiana Children’s Code says that a five-year sentence is an “extended period of time.” But, the Code says that your parental rights will not be taken away just because you are in prison.⁷⁹ One Louisiana court has said in a case that one year is not an “extended period of time.”⁸⁰ In that case, the father regularly kept in touch with the Department of Social Services about keeping in contact with his son, the father wrote many letters to his son while in prison, the son expressed a desire to see his father, and the father was to be reviewed for possible release within a year.⁸¹ The court held that termination of the father’s parental rights was not in the best interest of the child, even though the father was in prison.⁸² Therefore, you should keep as much contact as you can with your child while you are in prison.

Courts also look at your child’s age and need for a “safe, stable, and permanent home” when deciding what an “extended period of time” is in your case.⁸³ Also, if your conviction has been overturned and you will have a new trial, the court cannot end your parental rights because you will be unable to care for your child for “an extended period of time.”⁸⁴

Within thirty days after your child is placed in foster care, a representative of the DCFS must visit you. DCFS must give you written notice that you must give a reasonable plan for the care of your child.⁸⁵ At that time, you must give DCFS the contact information of every possible person who can take care of your child.⁸⁶ Then, within sixty days after DCFS gave you notice, you must give DCFS your proposed plan of care for your child.⁸⁷ During this sixty day period before the plan is due, you may send DCFS additional information or names of other possible caregivers using the form attached to the notice.⁸⁸ Your plan of care does not need to be the best plan possible, as long as the plan is a reasonable alternative to foster care.⁸⁹ Even if you list close relatives that your children could live with while you are in prison, the court still may find that your plan is unreasonable. For example, the court in one case found the incarcerated father’s proposed plan that his children live with his wife was unreasonable. The father had an eighteen-year sentence, his wife did not know the children, and the children were already living with foster parents who had bonded with the children and wanted to adopt them.⁹⁰ In another case, the incarcerated father proposed that his children live with his aunt. The aunt said she would not care for the children at that time and had already returned the children once to the Department of Social Services.⁹¹

⁷⁸ LA. CHILD. CODE ANN. art. 1015(7) (2017); *see also* State *ex rel.* R.C. v. Everett, 34,986, p. 6 (La. App. 2 Cir. 5/9/01); 787 So. 2d 530, 534–535 (finding unreasonable the incarcerated father’s proposed plan that his children live with his wife, where the father was serving an eighteen-year sentence, his wife was a stranger to the children, and the children were already living with foster parents who had significantly bonded with and expressed a desire to adopt the children); In Interest of Gogreve, 556 So. 2d 967, 969 (La. App. 3 Cir. 1990) (upholding termination of incarcerated mother’s parental rights because her proposed plan to place her child with certain relatives was unreasonable, where relatives had twice received negative recommendations from DSS, were not blood relatives, lacked the financial capacity to care for the child, and failed to remain in contact with the child while the child was in foster care).

⁷⁹ LA. CHILD. CODE ANN. art. 1036(E) (2017) (emphasis added).

⁸⁰ C.D. v. L.C., 01-0663, p. 3 (La. App. 3 Cir. 10/3/01); 796 So. 2d 844, 846, *writ denied*, 2001-2986 (La. 11/20/01); 801 So. 2d 1079.

⁸¹ C.D. v. L.C., 2001-0663, p. 7 (La. App. 3 Cir. 10/3/01); 796 So. 2d 844, 848–849, *writ denied*, 2001-2986 (La. 11/20/01); 801 So. 2d 1079.

⁸² C.D. v. L.C., 2001-0663, p. 9 (La. App. 3 Cir. 10/3/01); 796 So. 2d 844, 850, *writ denied*, 2001-2986 (La. 11/20/01); 801 So. 2d 1079.

⁸³ LA. CHILD. CODE ANN. art. 1015(7) (2017).

⁸⁴ State *ex rel.* J.T.C., 04-1096, p. 12 (La. App. 5 Cir. 2/15/05); 895 So. 2d 607, 615–616, *writ denied*, 2005-0466 (La. 4/8/05); 899 So. 2d 11.

⁸⁵ LA. CHILD. CODE ANN. art. 1036.2(B) (2017).

⁸⁶ LA. CHILD. CODE ANN. art. 1036.2(B) (2017).

⁸⁷ LA. CHILD. CODE ANN. art. 1036.2(C) (2017).

⁸⁸ LA. CHILD. CODE ANN. art. 1036.2(C) (2017).

⁸⁹ State *ex rel.* R.C. v. Everett, 34,986, p. 4 (La. App. 2 Cir. 5/9/01); 787 So. 2d 530, 534; State *ex rel.* M.J.G., 01-1271, p. 4 (La. App. 3 Cir. 2/6/02); 815 So. 2d 955, 958.

⁹⁰ State *ex rel.* R.C. v. Everett, 34,986, p. 5 (La. App. 2 Cir. 5/9/01); 787 So. 2d 530, 534–535.

⁹¹ State *ex rel.* M.J.G., 2001-1271, p. 5 (La. App. 3 Cir. 2/6/02); 815 So. 2d 955, 958.

The court found that the plan was unreasonable. These cases show that just because you are related to someone does not mean they are a reasonable alternative to foster care. Instead, the court looks at the relative's relationship with your children, whether the relative is willing and able to take care of your children, and where your children are placed currently.

d. Other Grounds for Termination

While the above three grounds are common grounds for termination of parental rights, there are other ways that your parental rights can be terminated. For the complete list of the grounds of termination, *see* LA. CHILD. CODE ANN. art. 1015 (2017). Most of the other grounds involve convictions for certain serious crimes. Again, to terminate your parental rights, the court only needs to find one ground for termination under Article 1015 and that termination is in the best interest of your child.

2. Petition for Termination of Parental Rights

A petition for termination of parental rights is a formal way of asking the court to end your rights as a parent under Article 1015 (discussed above in Part C(1)). A petition must be filed to start termination proceedings.⁹² You should be served with notice and a copy of the petition.⁹³ The notice should state the date of your termination hearing.⁹⁴

A few different parties may petition for termination of your parental rights. The district attorney may petition for termination of your parental rights on any of the grounds listed in Article 1015 of the Louisiana Children's Code, including those discussed above in Part C(1) of this Chapter.⁹⁵ DCFS may petition for termination of your parental rights if termination is authorized under Article 1015(5), (6), or (7).⁹⁶ Also, DCFS is *required* to petition for termination of your parental rights if your child has been in state custody for seventeen of the last twenty-two months. The only exception is if the case plan for your child offers a compelling (or particularly good) reason why termination is not in your child's best interests.⁹⁷ Moreover, the lawyer appointed for your child may petition for termination of parental rights if the petition states a ground of termination under Article 1015(5), (6), or (7) and the district attorney or DCFS has not filed a petition within eighteen months after your child was found to be in need of care.⁹⁸ Foster parents who want to adopt your child may also petition for the termination of your parental rights if adoption is the permanent plan for your child, your child has been in state custody under the foster parent's care for seventeen of the last twenty-two months, and DCFS has not petitioned for termination of your parental rights.⁹⁹ Finally, the court may order the filing of a petition for termination of parental rights on its own.¹⁰⁰

You must attend a hearing to answer the petition to terminate your parental rights.¹⁰¹ You answer the petition by accepting or by denying the facts stated in it. If you deny any of the facts in the petition, you will be given a date to return for a termination of parental rights hearing.¹⁰²

The hearing to answer the petition must take place at least five days after you get the petition and no more than fifteen days after the petition is filed.¹⁰³ If you do not show up to this hearing, the court will set a date for a termination of parental rights hearing even though you were not at the hearing.¹⁰⁴

⁹² LA. CHILD. CODE ANN. arts. 1017–1019 (2017).

⁹³ LA. CHILD. CODE ANN. art. 1020 (2017).

⁹⁴ LA. CHILD. CODE ANN. art. 1020 (2017).

⁹⁵ LA. CHILD. CODE ANN. art. 1004(C) (2017).

⁹⁶ LA. CHILD. CODE ANN. arts. 1004(D)(3), (4), (5) (2017).

⁹⁷ LA. CHILD. CODE ANN. art. 1004.1 (2017). Note that the seventeen months do not have to be consecutive. *See, e.g.*, State ex rel. V.F.R., 2001-1041, p. 5 (La. App. 3 Cir. 2/13/02); 815 So. 2d 1035, 1038, *writ denied*, 2002-0797 (La. 4/12/02); 813 So. 2d 412 (finding that the state was required to file a petition to terminate parental rights where the child was in state custody from June 1999 to September 2000 and again from January 2001 to March 2001).

⁹⁸ LA. CHILD. CODE ANN. art. 1004(B) (2017).

⁹⁹ LA. CHILD. CODE ANN. art. 1004(G) (2017).

¹⁰⁰ LA. CHILD. CODE ANN. art. 1004(A) (2017).

¹⁰¹ LA. CHILD. CODE ANN. art. 1025.1 (2017).

¹⁰² LA. CHILD. CODE ANN. art. 1020 (2017).

3. Termination of Parental Rights Hearing

If you have denied any of the facts in the petition at the hearing to answer the petition, the court will hold a termination of parental rights hearing. At the termination of parental rights hearing, the court decides whether or not to terminate your parental rights. This hearing must be held within sixty days of the hearing to answer the petition.¹⁰⁵ It is very important that you go to the termination of parental rights hearing. If you do not go to this hearing, the hearing will still be held and your parental rights may be terminated without you.¹⁰⁶

At this hearing, the petitioner must prove each part of a ground for termination of your parental rights by clear and convincing evidence.¹⁰⁷ The clear and convincing evidence standard means that the petitioner must show that each of the conditions of the specific grounds for termination is “highly probable,” or very likely.¹⁰⁸ The clear and convincing evidence standard needs more proof than the preponderance of the evidence standard but is easier to meet than the beyond a reasonable doubt standard.¹⁰⁹ The preponderance of the evidence standard means that it is just barely more likely than not that the fact being proven is true. The beyond a reasonable doubt standard means that there can be no doubt in a reasonable person’s mind that the fact is true. The clear and convincing evidence standard means that the fact must be substantially more likely to be true than not.”¹¹⁰ In this hearing, you or the petitioner can bring evidence like an earlier court’s decision, your admission that your child needs care, or an instant or court order taking your child out of your custody.¹¹¹

Even if the court thinks the state has proved a ground for termination of parental rights, a court still will not terminate parental rights unless it finds that it is in your child’s best interests to terminate your parental rights.¹¹² The court must look at how close your child is to his or her current caretakers when the court decides your child’s best interests.¹¹³

4. Termination Judgment

The court must make a decision within thirty days after the termination of parental rights hearing ends.¹¹⁴ If the court finds that no ground of termination of parental rights has been met, or that termination of parental rights is not in the best interest of your child, it may take any of the following steps:

- 1) Dismiss (or reject) the petition for termination of your parental rights.

¹⁰³ LA. CHILD. CODE ANN. arts. 1021–1022 (2017) (service shall be made not less than five days prior to commencement of the hearing); LA. CHILD. CODE ANN. art. 1025.1 (2017) (parent must appear within fifteen days of the filing of the petition).

¹⁰⁴ LA. CHILD. CODE ANN. art. 1025.3(A) (2017).

¹⁰⁵ LA. CHILD. CODE ANN. art. 1031 (2017).

¹⁰⁶ LA. CHILD. CODE ANN. art. 1033 (2017).

¹⁰⁷ LA. CHILD. CODE ANN. art. 1035(A) (2017).

¹⁰⁸ See, e.g., *State ex rel. T.L.B.*, 2000-1451, p. 4 (La. App. 3 Cir. 4/4/01); 783 So. 2d 626, 629 (determining that there was no reasonable expectation of significant improvement in the parent’s physically and sexually abusive conduct towards his children, where he consistently denied abusive behavior despite overwhelming evidence to the contrary).

¹⁰⁹ *Louisiana State Bar Ass’n. v. Edwins*, 329 So. 2d 437, 442 (La. 1976).

¹¹⁰ *State in Interest of B.K.F.*, 97-572, pp. 9–10 (La. App. 5 Cir. 11/25/97); 704 So. 2d 314, 318, *writ denied*, 97-3173 (La. 2/20/98); 709 So. 2d 779 (affirming that a schizophrenic mother who was unable to independently care for herself was unlikely to be able to independently care for her child in the near future).

¹¹¹ LA. CHILD. CODE ANN. art. 1036.1(A) (2017).

¹¹² See, e.g., *State ex rel. J.M.*, 2002-2089, p. 15 (La. 1/28/03); 837 So. 2d 1247, 1256 (finding that although mother with mild mental retardation loved and was willing to care for her six children, two of whom had special needs, she was incapable of providing such care, and it was therefore in the best interests of the children to terminate her parental rights as to three of the children); see also *C.D. v. L.C.*, 2001-0663, p. 4 (La. App. 3 Cir. 10/3/01), 796 So. 2d 844, 847, *writ denied*, 2001-2986 (La. 11/20/01), 801 So. 2d 1079 (finding termination to not be in best interests of child).

¹¹³ LA. CHILD. CODE ANN. art. 1037(B) (2017); see also, e.g., *State ex rel. R.C. v. Everett*, 34,986, p. 3 (La. App. 2 Cir. 5/9/01); 787 So. 2d 530, 533 (noting that the children had “significantly bonded with their foster parents who expressed a desire to adopt” as a factor supporting the conclusion that termination was in the children’s best interests).

¹¹⁴ LA. CHILD. CODE ANN. art. 1037(A) (2017).

- 2) Return your child to your full care and custody.
- 3) If another court had found your child to be in need of care, this court may reaffirm that decision.
- 4) Issue a judgment that your child is a child in need of care, if there are enough facts to do so.¹¹⁵

But, if the court finds that any ground for termination of parental rights is met, and that termination of parental rights is in the best interests of your child, it *must* issue a judgment ordering termination of your rights.¹¹⁶ If the judge issues a judgment ordering termination of your rights, custody of your child will go to DCFS, an adult relative who is willing to adopt your child without receiving an adoption subsidy, or another suitable person.¹¹⁷ If you and your child's other parent have both had your parental rights terminated, the judgment will mean your child can be adopted.¹¹⁸ Because your parental rights have been terminated, your child may be adopted without your consent.¹¹⁹ DCFS, and not the court, will determine the placement of your child.¹²⁰

If the court issues a judgment terminating your parental rights, the court may nevertheless order that you be allowed continued contact with your child while his final adoption is processing, if the court determines that contact with you is in your child's best interests. However, such an order may be changed, so your continued contact may be terminated at any time.¹²¹ Also, once your child has been adopted, the order for continued contact no longer remains in effect.¹²²

If your parental rights are terminated, you are permitted to use the services of the Louisiana Adoption Voluntary Registry.¹²³ This registry will allow your child to obtain information about you either through his adoptive parent or, after he turns eighteen, on his own.¹²⁴ To add your name to the registry, you must complete a series of registration forms and pay a registration fee of \$25.00. You must contact the registry to receive a registration packet.¹²⁵ If both you and your child register with the registry, you will each be required to complete an hour of counseling. The registry then will give your child's counselor your contact information, and the counselor will contact you and your child to give you the information to contact each other.¹²⁶

5. Restoring Your Parental Rights

Louisiana is one of only a handful of states with statutes that allow for parental rights to be restored.¹²⁷ If your child is in foster care and at least fifteen years old, your child's lawyer or DCFS may

¹¹⁵ LA. CHILD. CODE ANN. art. 1039(B) (2017).

¹¹⁶ LA. CHILD. CODE ANN. art. 1037(B) (2017).

¹¹⁷ LA. CHILD. CODE ANN. art. 1037(D) (2017).

¹¹⁸ LA. CHILD. CODE ANN. art. 1037(F) (2017).

¹¹⁹ LA. CHILD. CODE ANN. art. 1193 (2017).

¹²⁰ *State ex rel. C.J.K.*, 2000-2375, p. 12 (La. 11/28/00); 774 So. 2d 107, 117.

¹²¹ LA. CHILD. CODE ANN. art. 1037.1(C) (2017).

¹²² LA. CHILD. CODE ANN. art. 1037.1(B) (2017).

¹²³ LA. CHILD. CODE ANN. art. 1043 (2017).

¹²⁴ LA. CHILD. CODE ANN. arts. 1270(B)–(C) (2017); *see also* Adoption Reunion Registry, *available at* <http://www.dss.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=116> (last visited Sept. 17, 2017).

¹²⁵ Contact the registry at 1-888-LAHELP-U (1-888-524-3578) or by writing to The Louisiana Adoption Voluntary Registry, Post Office Box 3318, Baton Rouge, LA 70821. *See* Louisiana Department of Children & Family Services, Louisiana Adoption Voluntary Registry: Linking Adopted Persons and Birth Families (2012), *available at* <https://stellent.dcf.la.gov/LADSS/getContent?id=76566&docName=071392&rendition=web&mimeType=application/pdf> (last visited Sept. 16, 2017).

¹²⁶ *See* Louisiana Department of Social Services, Office of Community Services, Louisiana Adoption Voluntary Registry: Linking Adopted Persons and Birth Families (2012), *available at* <https://stellent.dcf.la.gov/LADSS/getContent?id=76566&docName=071392&rendition=web&mimeType=application/pdf> (last visited Sept. 16, 2017).

¹²⁷ CAL. WELF. & INST. CODE § 366.26(i)(3) (2017); HAW. REV. STAT. § 571–563 (2016); 705 ILL. COMP. STATE ANN. 405/2-34 (2013); LA. CHILD. CODE ANN. art. 1051 (2008); NEV. REV. STAT. ANN. §§ 128.170–180 (2007); N.Y. SOC. SERV. LAW § 384-b(13) (2015); WASH. REV. CODE § 13.34.215 (2007); *see also* Randi J. O'Donnell, Note, *A Second Chance for Children and Families: A Model Statute to Reinstate Parental Rights after Termination*, 48 FAM. CT. REV. 362, 370 (2010).

file a motion to restore your parental rights or to re-establish your contact with your child.¹²⁸ The court might choose to grant such a motion if it believes it is in your child's best interests, for example if your child has been in foster care placements for an extended period of time and you have demonstrated improvement in the conduct that led to your losing your parental rights in the first place.¹²⁹ You should receive a copy of the court's motion.¹³⁰ The court will hold a hearing between forty-five and sixty days after the motion is filed to decide whether to restore your parental rights.¹³¹ Although you have a right to speak at the hearing, the hearing may be held in your absence.¹³² However, your parental rights will not be restored without your consent.¹³³

D. CONCLUSION

Incarceration can place you at risk of losing custody of your child or even of losing your parental rights. The court cannot remove your child from your custody unless removal is necessary to protect your child's welfare. Similarly, the court cannot terminate your parental rights unless doing so is in the best interests of your child. Therefore, if you want to maintain your relationship with your child, it is important that you maintain contact with your child, your caseworker, and your child's temporary custodian; contribute to the costs of raising your child; and cooperate with creating and fulfilling your child's case plan. Such cooperation can provide evidence in your favor that the court may consider when making its decisions.

¹²⁸ LA. CHILD. CODE ANN. art. 1051(A) (2017).

¹²⁹ See, e.g., Randi J. O'Donnell, Note, *A Second Chance for Children and Families: A Model Statute to Reinstate Parental Rights after Termination*, 48 FAM. CT. REV. 362, 370 (2010).

¹³⁰ LA. CHILD. CODE ANN. art. 1051(C) (2017).

¹³¹ LA. CHILD. CODE ANN. art. 1051(B) (2017).

¹³² LA. CHILD. CODE ANN. art. 1051(C) (2017).

¹³³ LA. CHILD. CODE ANN. art. 1051(D) (2017).

APPENDIX A

CONTACT INFORMATION FOR DCFS CHILD WELFARE REGIONAL OFFICES¹³⁴

Alexandria

Street Address

900 Murray Street
1st Floor, Room A-100
Alexandria, LA 71309

Mailing Address

P.O. Box 832
Alexandria, LA 71309-0832
Phone: (318) 487-5054
Fax: (318) 484-2178

Parishes served: Avoyelles, Catahoula, Concordia, Grant, La Salle, Rapides, Vernon, Winn

Lake Charles

Street Address

1919 Kirkman Street
Lake Charles, LA 70601

Mailing Address

P.O. Box 1487
Lake Charles, LA 70602
Phone: (337) 491-2470
Fax: (337) 475-3030

Parishes served: Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis

Baton Rouge

Street/Mailing Address

627 North 4th Street
Baton Rouge, LA 70802
Phone: (225) 925-6500
Fax: (225) 922-2922

Parishes served: East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, West Feliciana

Monroe

Street Address

24 Accent Drive, Suite 106
Monroe, LA 71202

Mailing Address

P.O. Box 3047
Monroe, LA 71210
Phone: (318) 362-5417
Fax: (318) 362-3013

Parishes served: Caldwell, East Carroll, Franklin, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll

Covington

Street/Mailing Address

351 Holiday Boulevard
Covington, LA 70433
Phone: (985) 893-6363
Fax: (985) 893-6366

Parishes served: Livingston, St. Helena, St. Tammany, Tangipahoa, Washington

Orleans

Street Address

1450 Poydras Street, Suite 1600
New Orleans, LA 70112

Mailing Address

1450 Poydras Street, Suite 1831
New Orleans, LA 70112
Phone: (504) 568-7413
Fax: (504) 568-7444

Parishes served: Orleans

¹³⁴ DCFS Regional Offices, available at

<http://www.dcfs.louisiana.gov/index.cfm?md=directory&search=1&catid=5&city=&zip=&parishID=0> (last visited Sept. 16, 2017).

Jefferson*Street Address*

800 West Commerce Road, Suite 500
Harahan, LA 70123

Mailing Address

P.O. Box 10009
Jefferson, LA 70181
Phone: (504) 736-7151
Fax: (504) 736-7161

Parishes served: Jefferson, Plaquemines, St. Bernard

Lafayette*Street Address*

825 Kaliste Saloom Road Brandywine 3
Room 212
Lafayette, LA 70508

Mailing Address

825 Kaliste Saloom Road Brandywine 2
Suite 150
Lafayette, LA 70508
Phone: (337) 262-5901
Fax: (337) 262-1092

Parishes served: Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, Vermilion

Shreveport*Street/Mailing Address*

1525 Fairfield Avenue, Room 850
Shreveport, LA 71101-4388

Phone: (318) 676-7100

Fax: (318) 676-7084

Parishes served: Bienville, Bossier, Caddo, Claiborne, De Soto, Jackson, Natchitoches, Red River, Sabine, Webster

Thibodaux*Street Address*

1416 Tiger Drive
Thibodaux, LA 70301

Mailing Address

1000-A Plantation Road
Thibodaux, LA 70301
Phone: (985) 447-0945
Fax: (985) 447-0875

Parishes served: Ascension, Assumption, Lafourche, St. Charles, St. James, St. John the Baptist, Terrebonne

APPENDIX B

CONTACT INFORMATION FOR DCFS CHILD WELFARE PARISH OFFICES¹³⁵

Acadia

Street Address

300 East First Street
Crowley, LA 70527

Mailing Address

P.O. Drawer 649
Crowley, LA 70527-0649
Phone: (337) 788-7503
Fax: (337) 788-7545

Allen

Street Address

213-A North First Street
Oberlin, LA 70655

Mailing Address

P. O. Drawer 280
Oberlin, LA 70655
Phone: (337) 639-2963
Fax: (337) 639-4052

Ascension

Street Address

1078 E. Worthy Street, 1st Floor
Gonzales, LA 70737
Phone: (225) 644-4603
Fax: (225) 647-9413

Assumption

Street Address

1416 Tiger Drive
Thibodaux, LA 70302
Phone: (985) 447-0945
Fax: (985) 447-0875

Madison

Street Address

1707 Felicia Drive
Tallulah, LA 71282
Phone: (318) 574-5201
Fax: (318) 574-2660

Morehouse

Street Address

1045 East Madison
Bastrop, LA 71220

Mailing Address

P. O. Box 1488
Bastrop, LA 71221
Phone: (318) 283-0820
Fax: (318) 283-0866

Natchitoches

Street Address

106 Charlene Street
Natchitoches, LA 71457
Phone: (318) 357-3128
Fax: (318) 357-3298

Orleans

Street Address

1450 Poydras Street, Suite 1831
New Orleans, LA 70112
Phone: (504) 680-9100
Fax: (504) 680-9103

¹³⁵ DCFS Parish Offices Acadia—Grant, *available at*

<http://www.dcfslouisiana.gov/index.cfm?md=directory&search=1&catid=6&city=&zip=&parishID=0> (last visited Mar. 12, 2014).

Avoyelles

Street Address
607 Tunica Drive West
Marksville, LA 71351
Phone: (318) 253-7734
Fax: (318) 253-5053

Beauregard

Street Address
1891 Hwy. 190 West
DeRidder, LA 70634
Mailing Address
P. O. Drawer 1117
DeRidder, LA 70634
Phone: (337) 463-2069
Fax: (337) 462-1473

Bienville

(This parish is served by the Webster office.)

Street Address
223 Pine Street
Minden, LA 71055
Phone: (318) 371-3004
Fax: (318) 371-3083

Bossier

Street Address
1525 Fairfield Avenue, Room 424
Shreveport, LA 71101
Phone: (318) 676-7323
Fax: (318) 676-7307

Caddo

Street Address
1525 Fairfield Avenue, Room 424
Shreveport, LA 71101
Phone: (318) 676-7323
Fax: (318) 676-7307

Ouachita

Street Address
1401 Stubbs Ave.
Monroe, LA 71201
Mailing Address
P. O. Box 2510
Monroe, LA 71207-2510
Phone: (318) 362-5417
Fax: (318) 362-3055

Plaquemines

(This parish is served by the Jefferson – West Office.)

Street Address
2150 Westbank Expressway, Suite 601
Harvey, LA 70058
Phone: (504) 361-6161
Fax: (504) 361-6105

Pointe Coupee

Street Address
1919 Hospital Road
New Roads, LA 70760
Mailing Address
P. O. Box 729
New Roads, LA 70760-0729
Phone: (225) 638-4846
Fax: (225) 638-9945

Rapides

Street Address
900 Murray Street, 2nd Floor
Alexandria, LA 71301
Mailing Address
P. O. Box 832
Alexandria, LA 71309
Phone: (318) 487-5054
Fax: (318) 487-5683

Red River

Street Address
106 Charlene Street
Natchitoches, LA 71457
Phone: (318) 357-3112
Fax: (318) 357-3298

Calcasieu*Street Address*

1919 Kirkman Street
Lake Charles, LA 70601

Mailing Address

P. O. Box 1487
Lake Charles, LA 70602
Phone: (337) 491-2470
Fax: (337) 491-3074

Caldwell

(This parish is served by the Ouachita office.)

Street Address

1401 Stubbs Avenue
Monroe, LA 71201

Mailing Address

P. O. Box 2510
Monroe, LA 71207-2510
Phone: (318) 362-5417
Fax: (318) 362-3055

Cameron

(This parish is served by the Calcasieu office.)

Street Address

1919 Kirkman Street
Lake Charles, LA 70601

Mailing Address

P. O. Box 1487
Lake Charles, LA 70602
Phone: (337) 491-2470
Fax: (337) 491-3074

Catahoula*Street Address*

124 Airport Road
Jonesville, LA 71343
Phone: (318) 339-6030
Fax: (318) 339-6049

Claiborne

(This parish is served by the Webster office.)

Street Address

223 Pine Street
Minden, LA 71055
Phone: (318) 371-3004
Fax: (318) 371-3083

Richland*Street Address*

111 Ellington Drive
Rayville, LA 71269
Phone: (318) 728-3037
Fax: (318) 728-4938

Sabine*Street Address*

195 Marthaville Road
Many, LA 71449

Mailing Address

P. O. Box 1507
Many, LA 71449
Phone: (318) 256-4104
Fax: (318) 256-4158

St. Bernard

(This parish is served by the Orleans office.)

Street Address

3510 General Meyer Avenue
Algiers, LA 70114
Phone: (504) 361-6800
Fax: (504) 361-6374 or (504) 361-6420

St. Charles

(This parish is served by the St. John office.)

Street Address

429 West Airline Highway, Suite M
LaPlace, LA 70068
Phone: (504) 652-2938
Fax: (985) 652-4074

St. Helena

(This parish is served by the Tangipahoa office.)

Street Address

606 South First Street
Amite, LA 70422
Phone: (985) 748-2001
Fax: (985) 748-2083

Concordia*Street Address*

1648 Carter Street
Vidalia, LA 71373
Phone: (318) 336-8611
Fax: (318) 336-8697

DeSoto*Street Address*

1525 Fairfield Ave, Room 424
Shreveport, LA 71101
Phone: (318) 676-7100
Fax: (318) 676-7084

East Baton Rouge*Street Address*

160 South Ardenwood
Baton Rouge, LA 70806

Mailing Address

P. O. Box 1588
Baton Rouge, LA 70821
Phone: (225) 925-6500
Fax: (225) 925-6800

East Carroll

(This parish is served by the Madison office).

Street Address

1707 Felicia Drive
Tallulah, LA 71282
Phone: (318) 574-5201
Fax: (318) 574-2660

East Feliciana*Street Address*

12476 Feliciana Drive
Clinton, LA 70722

Mailing Address

P. O. Box 8427
Clinton, LA 70722-8427
Phone: (225) 683-3734
Fax: (225) 683-9634

St. James

(This parish is served by the St. John office.)

Street Address

429 West Airline Highway, Suite M
LaPlace, LA 70068
Phone: (504) 652-2938
Fax: (985) 652-4074

St. John*Street Address*

429 West Airline Highway, Suite M
LaPlace, LA 70068
Phone: (504) 652-2938
Fax: (985) 652-4074

St. Landry*Street Address*

6069 I-49 S. Service Road, Suite C
Opelousas, LA 70570
Phone: (337) 942-0050
Fax: (337) 948-0233

St. Martin*Street Address*

1109 South Main Street, 2nd Floor
St. Martinville, LA 70582

Mailing Address

P. O. Box 259
St. Martinville, LA 70582
Phone: (337) 394-6081
Fax: (337) 394-6335

St. Mary*Street Address*

604 Second Street
Franklin, LA 70538
Phone: (337) 828-5278
Fax: (337) 828-5919

Evangeline*Street Address*

116 SW Railroad St., Ste A
Ville Platte, LA 70586
Phone: (337) 363-6011
Fax: (337) 363-7472

Franklin*Street Address*

2406 West Street
Winnsboro, LA 71295
Phone: (318) 435-2188
Fax: (318) 435-2177

Grant*Street Address*

602 Main Street
Colfax, LA 71417
Phone: (318) 627-3000
Fax: (318) 627-3508

Iberia*Street Address*

705 Bayard Street
New Iberia, LA 70560
Phone: (337) 373-0029
Fax: (337) 373-0150

Iberville*Street Address*

23075 Highway 1
Plaquemine, LA 70764
Mailing Address
P. O. Box 778
Plaquemine, LA 70764
Phone: (225) 687-4373
Fax: (225) 687-2129

St. Tammany*Street Address*

300 Covington Center – Suite 1
Covington, LA 70433
Phone: (985) 893-6225
Fax: (985) 893-6324

Tangipahoa*Street Address*

606 South First Street
Amite, LA 70422
Phone: (985) 748-2001
Fax: (985) 748-2083

Tensas

(This parish is served by the Madison office.)

Street Address

1705 Felicia Drive
Tallulah, LA 71282
Phone: (318) 574-5201
Fax: (318) 574-2660

Terrebonne*Street Address*

1012 West Tunnel Blvd.
Houma, LA 70360
Mailing Address
P.O. Box 3100
Houma, LA 70361
Phone: (985) 857-3630
Fax: (985) 873-2012

Union*Street Address*

206 East Reynolds Drive, Suite J
Ruston, LA 71270
Phone: (318) 251-4106
Fax: (318) 513-6828

Jackson

(This parish is served by the Webster office.)

Street Address

223 Pine Street
Minden, LA 71055
Phone: (318) 371-3004
Fax: (318) 371-3083

Jefferson – East*Street Address*

3510 General Meyer Avenue
Algiers, LA 70114
Phone: (504) 361-6800
Fax: (504) 361-6374 or (504) 361-6420

Jefferson – West*Street Address*

2150 Westbank Expressway, Suite 601
Harvey, LA 70058
Phone: (504) 361-6161
Fax: (504) 361-6105

Jefferson Davis*Street Address*

107 North Cutting Ave.
Jennings, LA 70546
Mailing Address
P. O. Box 1103
Jennings, LA 70546
Phone: (337) 824-9649
Fax: (337) 824-9526

Lafayette*Street Address*

825 Kaliste Saloom Road
Building II - Suite 104
Lafayette, LA 70508
Phone: (337) 262-5901
Fax: (337) 262-1179

Vermilion*Street Address*

2729 Veterans Memorial Drive
Abbeville, LA 70510
Mailing Address
P. O. Box 849
Abbeville, LA 70511-0849
Phone: (337) 898-1430
Fax: (337) 898-1413

Vernon*Street Address*

300 Vernon Street
New Llano, LA 71461
Mailing Address
P. O. Box 190
New Llano, LA 71461
Phone: (337) 238-7030
Fax: (337) 238-6494

Washington*Street Address*

1017 Ontario Ave.
Bogalusa, LA 70427
Phone: (985) 732-6800
Fax: (985) 732-6826

Webster*Street Address*

223 Pine Street
Minden, LA 71055
Phone: (318) 371-3004
Fax: (318) 371-3083

West Baton Rouge

(This parish is served by the Iberville office.)

Street Address

23075 Highway 1
Plaquemine, LA 70764
Mailing Address
P. O. Box 778
Plaquemine, LA 70764
Phone: (225) 687-4373
Fax: (225) 687-2129

Lafourche*Street Address*

1416 Tiger Drive
Thibodaux, LA 70302
Phone: (985) 447-0945
Fax: (985) 447-0875

LaSalle

(This parish is served by the Catahoula office.)

Street Address

124 Airport Road
Jonesville, LA 71343
Phone: (318) 339-6030
Fax: (318) 339-6049

Lincoln*Street Address*

200 East Reynolds Drive, Suite A-2
Ruston, LA 71270
Phone: (318) 251-4101
Fax: (318) 251-4104

Livingston*Street Address*

28446 Charley Watts Rd.
Livingston, LA 70754
Mailing Address
P. O. Box 267
Livingston, LA 70754
Phone: (225) 686-7257
Fax: (225) 686-9886

West Carroll

(This parish is served by the Richland office.)

Street Address

111 Ellington Drive
Rayville, LA 71269
Phone: (318) 728-3037 or (318) 728-3098
Fax: (318) 728-4938

West Feliciana

(This parish is served by the East Feliciana office.)

Street Address

12476 Feliciana Drive
Clinton, LA 70722
Mailing Address
P. O. Box 8427
Clinton, LA 70722-8427
Phone: (225) 683-3734
Fax: (225) 683-9634

Winn*Street Address*

1408 East Lafayette Street
Winnfield, LA 71483
Mailing Address
P. O. Box 231
Winnfield, LA 71483
Phone: (318) 648-6805
Fax: (318) 648-6905