

ESTABLISHMENT OF CHILD PROTECTION DIVISION.

- A. **Policy.** The Court recognizes and affirms its responsibility to protect the rights of parties before the court and to ensure safe, permanent homes for abused and neglected children in the most lawful, time-efficient manner possible.
- B. **Establishment.** In order to discharge this function in the best interests of the children the Court seeks to protect, the Court establishes a “Child Protection Division.”
- C. **Jurisdiction.**
 - 1. Except as otherwise specified in any rule of the Court, the Child Protection Division shall have original jurisdiction over all matters and provisions of the Louisiana Children’s Code involving
 - a. Child in Need of Care cases;
 - b. Termination of Parental Rights cases;
 - c. Voluntary Surrender of Parental Rights cases that flow from underlying Child in Need of Care and/or Termination of Parental Rights cases; and
 - d. Adoption cases that flow from underlying Child in Need of Care and/or Termination of Parental Rights cases.
 - 2. Private adoptions, including adoptions originating with agencies other than the Louisiana Department of Social Services, Office of Community Services, shall remain within the general jurisdiction of the Court and be randomly allotted among sections of the Court outside of the Child Protection Division.

- D. **Composition.** The Child Protection Division shall be composed of [judges, sections]. The selection of these judges shall be accomplished by the action of the judges of this Court sitting en banc.
- E. **Effective Date.** This rule shall become effective on [date].
- F. **Procedure.** From and after the effective date of this rule, all cases filed within the purview of this rule shall be allotted on a lawful, random basis by the Clerk of Court to the judges of the Child Protection Division.
- G. **Transfer of existing cases.** Child protection cases falling within the purview of this rule and before judges not sitting in the Child Protection Division on the effective date of this rule shall be transferred to the Child Protection Division.
- H. **Allotment of Existing Cases Transferred to the Child Protection Division.** Existing cases transferred in accordance with this rule shall be lawfully and randomly allotted by the Clerk of Court to the judges of the Child Protection Division.

APPROVED AND ADOPTED BY THE COURT ON THIS [DATE].

FOR THE COURT:

CONTINUING AUTHORITY OF JUDGES IN CHILD PROTECTION CASES

A. Policy. The Court recognizes that a unique judicial perspective is developed by a single judge hearing all subsequent matters flowing from a child protection case. Additionally, a single judge may more appropriately manage case events and timelines to an expeditious conclusion, thereby reducing delays and getting children into safe, permanent homes in the shortest possible time.

B. Definition. For the purposes of this rule, “child protection case” is defined as any Child in Need of Care, Termination of Parental Rights, Voluntary Surrender of Parental Rights or Adoption case flowing from an underlying Child in Need of Care or Termination of Parental Rights case properly brought before the court pursuant to the provisions of the Louisiana Children’s Code.

C. Procedure.

All proceedings seeking the Termination of Parental Rights or Voluntary Surrender of Parental Rights relative to any child in a Child in Need of Care case shall be initiated by the filing of a petition, which shall then be consolidated with the pending Child in Need of Care proceeding, if any.

Likewise, any Voluntary Surrender of Parental Rights proceeding relative to any child in an original Termination of Parental Rights case shall be initiated by the filing of a supplemental petition in the pending Termination of Parental Rights proceeding.

Any Adoption proceeding involving a child who was the subject of an underlying Child in Need of Care and/or Termination of Parental Rights case shall be initiated by the filing of an original petition, which shall then be allotted to the Child Protection Division and consolidated with the underlying child protection case.

A judge may retain jurisdiction over any subsequent case event deemed to be in the best interest of the child(ren) and not contrary to law.

D. Applicability. The rule of one judge hearing all aspects of a child protection case shall be followed whenever possible, providing a more efficient system for both the family and the court by reducing the number of hearings on related matters as well as the risk of inconsistent resolutions and attempts to forum shop.

E. Effective Date. This rule shall become effective on [date].

APPROVED AND ADOPTED BY THE COURT ON [DATE].

FOR THE COURT:

DIFFERENTIATED CASE MANAGEMENT PLAN

A. Purpose. The Differentiated Case Management Plan (DCM) adopted by the court is intended to permit the Child Protection Division of the court to manage its docket in the most effective manner and to avoid unnecessary delay in the processing of child protection cases. The overall goals of the plan shall be as follows:

1. Entry into care to permanency plan (365 days)
2. Entry into care to termination of parental rights (455 days).

B. Definitions.

1. Differentiated Case Management (DCM) is a plan providing for management of child protection cases based on case characteristics. This system is marked by the following features: the court reviews and screens child in need of care cases and channels cases to processing “tracks” which provide an appropriate level of judicial, staff, agency and attorney attention; cases having similar characteristics are identified, grouped, and assigned to designated tracks; each track employs a case management plan tailored to the general requirements of similarly situated cases; and provision is made for the initial track assignment to be adjusted to meet the special needs of any particular case.
2. Case Management Conference (CMC) is a conference normally conducted by the judge or his or her appointee within 15 days after the filing of the child in need of care petition.

3. Case Management Plan (CMP) is the joint plan prepared by the lawyers and approved by the judge or his or her appointee at the case management conference. The plan shall include the determination of track assignments, whether the case is suitable for reference to an alternative dispute resolution program (mediation/family conferencing), the type and extent of discovery, the setting of discovery cut-off date, and deadlines for other relevant procedures.

C. Effective Date. This rule shall be effective for all child in need of care petitions filed on or after January 1, 2000.

D. Risk Assessment Determination. The Court shall utilize a risk matrix (attached) to identify families at high risk of being unable to achieve successful reunification. Cases meeting the “high risk” criteria shall be identified by the court, with the assistance of OCS caseworkers, attorneys and others.

All cases shall then be assigned to differentiated case management tracks as follows.

E. DCM Tracks.

1. “At Risk” Track.

Cases with children taken into the custody of the Department of Social Services, Office of Community Services (OCS) that indicate a high risk of being unable to achieve successful reunification shall be assigned to the “At Risk” track. The judge holding the continued custody hearing shall inform the parents that parental rights will be placed on a concurrent timetable for reunification and termination of parental rights if

- (a) the court adjudicates the children to be in need of care, and
- (b) the parents fail to meet the requirements of the case plan developed by OCS and approved by the court.

2. Standard Track.

All other cases with children taken into the custody of OCS at the conclusion of the continued custody hearing shall be placed on a standard track.

F. DCM Functions and Procedures. The particular functions and procedures of each individual DCM case track shall be promulgated and issued by the judges of the Child Protection Division.

G. Timeframes. The Court shall utilize differentiated case management timeframe tracks with the followings goals:

1. “At Risk” Track

- a. Entry into care to continued custody hearing (3 days)
- b. Continued custody hearing to petition (20 days)
- c. Petition to adjudication (30 days)
- d. Adjudication to Disposition (15 days)
- e. Disposition to first case review (60 days)
- f. On-going case reviews (every 30 days)
- g. Disposition to dispositional review hearing (180 days)

2. Standard Track

- a. Entry into care to continued custody hearing (3 days)
- b. Continued custody hearing to petition (25 days)

- c. Petition to adjudication (30 days)
- d. Adjudication to Disposition (20 days)
- e. Disposition to first case review (60 days)
- f. On-going case reviews (every 90 days)
- g. Disposition to dispositional review hearing (180 days)

H. Time-certain Scheduling. Dates established and approved for key case events are firm dates.

I. Continuances. Continuances shall be granted only in the most extenuating or emergent circumstances. Continuances shall not be allowed because hearing dates prove inconvenient for attorneys or parties. Continuances shall not be granted upon the stipulation of the parties. The reason for any continuance shall be included in the court record.

CASE STATUS/AGE INFORMATION

A. Policy. In order to reduce delays and to assist in caseload management in child protection cases, the court requires regular information on pending caseloads, rates at which court events proceed, and trends in filings and dispositions.

B. Procedure. The [], with assistance from [], shall provide monthly reports in a format to be approved by the Court. These reports shall contain, at a minimum, the following information:

1. pending caseload information
2. age of pending caseload
3. monthly and cumulative aggregate data
4. evaluation measures of pending caseload (performance relative to legal and goal benchmarks)
5. prospective mandatory case events.

APPROVED AND ADOPTED BY THE COURT ON [DATE].

FOR THE COURT:

ESTABLISHMENT OF ONE FAMILY/ONE JUDGE POLICY

- 1. Purpose.** A unique judicial perspective is developed by a single judge hearing all matters related to a single family's court experience. Knowledge gained of family circumstances and responses to court orders may increase the quality of the response to family crises.
- 2. Policy.** To the extent possible, all cases related to a single family's court experience will be handled by one judge.
- 3. Procedure.** Upon the filing of any new petition in the Child Protection Division of the Court, the petitioner shall identify any other known cases, e.g. delinquencies, Families in Need of Services (FINS), etc., related to the individual (or his or her family) who is the subject matter of the petition. Upon such notice, the Clerk of Court is instructed to notify the judge of the related cases. The judge may then seek to consolidate the family's cases to the end that the best interest of the children involved is served.

APPROVED AND ADOPTED BY THE COURT ON [DATE].

FOR THE COURT:

APPOINTMENT OF COUNSEL IN CHILD PROTECTION CASES

- A. Policy.** The Court acknowledges that each party in a case should have access to competent, continuous, diligent representation throughout the life of the case.
- B. Appointment of Counsel for Parent(s) and Persons Exercising Custodial Control or Supervision.** Ideally, counsel should be appointed as early in the case as is practical.
- (1) At the continued custody hearing, the Court shall advise parent(s) of the right to court-appointed counsel if the parent(s) are indigent.
 - (2) The Court shall, in the interest of justice, appoint counsel for such indigent persons.
 - (3) The Court shall appoint a curator for any parent who is an absentee.
- C. Appointment of Counsel for Children.** The Court shall appoint counsel for the children in a child protection case at the continued custody hearing.
- D. Continuity of Representation.**
- (1) After counsel enters an appearance or accepts an appointment, representation shall continue through all stages of the proceedings until the case has been remanded from the docket.
 - (2) Whenever a parent in an action for involuntary termination of parental rights (TPR) moves the Court for appointment of counsel, the Clerk of Court shall bring the Court any related child in need of care (CINC) court file. If the appointment of counsel is appropriate, the Court shall

appoint the same counsel who represented the parent in the CINC proceeding, except where a compelling reason would preclude such appointment.

- E. Withdrawal of Counsel.** Counsel may be permitted to withdraw only with leave of Court in accordance with the Rules of Professional Responsibility. All parties shall be served with notice of counsel's request to withdraw.

APPROVED AND ADOPTED BY THE COURT ON [DATE].

FOR THE COURT:

SCHEDULING OF COURT DATES

- 1. Policy.** The Court acknowledges the importance of child protection cases moving through the judicial system in a timely manner. In order to achieve this goal, the Court recognizes the importance of holding hearings on the date that they are originally scheduled. To make this possible, attorneys and parties to litigation must understand that trial and hearing dates are firm.
- 2. Time-Certain Scheduling.** The Court shall make all parties and attorneys aware of the general timelines a case will take over the course of litigation, with special attention being given to the Court's expectations of how the case should progress to conclusion.
- 3. Setting Hearing Dates.** To the extent possible, the Court shall at the continued custody hearing or as soon thereafter as possible set future hearing dates in open court, with parties and attorneys receiving written notification specifying the date and time of the next hearing.

APPROVED AND ADOPTED BY THE COURT ON [DATE].

FOR THE COURT:

STATUS HEARINGS

- 1. Policy.** The primary purpose of a status hearing is to ensure that all parties are promptly notified. Status hearings are set when necessary parties are not present at the continued custody hearing in order to ensure that the adjudication in a child in need of care case will not be unduly delayed.
- 2. Procedure.** In the event that any necessary party is not present at the continued custody hearing in a child in need of care case, the Court may set a status hearing seven days from the date of the continued custody hearing.
- 3. Participants.** The Court may require any and all parties to be present in order to ensure the prompt resolution of notice issues and to obtain essential information about the case.
- 4. Scope.** The status hearing will focus on whether service has been completed on all necessary parties. In the event service on any party has not been attempted or has been unsuccessful, the Court or its designee will press for any necessary steps for its completion.

The Court may also inquire into issues and concerns raised at the continued custody hearing. For example, the Court may review and update issues regarding visitation; what OCS is doing to arrange a relative placement; OCS's current efforts to the return the child home, explore alternative, less restrictive placements, etc. Orders to participate in services may also be refined.

5. **New Parties.** If a new party is present, he or she is advised of his or her right to an attorney and, if qualified, one is appointed. The Court shall explain the possible disposition of the case and answer any questions or resolved any issues regarding the processing of the case.

APPROVED AND ADOPTED BY THE COURT ON [DATE].

FOR THE COURT:

**APPOINTMENT OF COURT APPOINTED SPECIAL ADVOCATES
(CASA)**

- A. Policy.** The Court acknowledges that the appointment of a Court Appointed Special Advocate (CASA) may be in the best interest of a child in child protection cases. Appointments will be made on the criteria that are, from time to time, established by the CASA Board of Directors and the Court.
- B. Procedure.** Ideally, a CASA should be appointed at the continued custody hearing or as soon thereafter as possible.
- C. Duty of CASA to Continue.** After a CASA accepts an appointment, representation shall continue through all stages of the proceedings until the case has been removed from the docket.

APPROVED AND ADOPTED BY THE COURT ON [DATE].

FOR THE COURT:

READINESS CONFERENCES/CALLS

- A. Policy.** In order avoid delays in the processing of child protection cases, the Court recognizes the value of readiness conferences or calls to ascertain that all attorneys are ready to move forward with scheduled case events.
- B. Setting of Conference.** The Court may set a readiness conference anytime prior to a scheduled case event. The readiness call may be presided over by a judge of the Court or his or her designee.
- C. Procedure.** All attorneys shall:
1. Begin preparation for a readiness conference immediately upon setting by the Court.
 2. Review case file and all records and reports of social workers and experts that have been previously submitted to the Court.
 3. Contact and speak directly to other counsel in the case prior to the readiness conference.
 4. Ascertain the need for any further discovery and make supplemental requests immediately.
 5. Identify exact issues that are in controversy and those which are NOT in dispute. Consult with attorneys for other parties.
 6. Review relevant code articles and case law that is relevant to the issues to be litigated.
 7. If an expert witness is to be called as a witness, consult with the expert prior to the readiness conference. A copy of the expert's curriculum vitae should be acquired, reviewed and copied, so that copies can be provided to the Court and all counsel at the readiness conference.
 8. Interview all anticipated witnesses, so that the content of the testimony is clear.
 9. Make sure that any scheduling conflicts for the week the trial is set, as well as the following week, are clear and can be presented to the court at the readiness conference.

D. Appearance at the Readiness Conference.

1. Appear promptly at the readiness conference with a typed readiness conference statement (To be developed). Also distribute a copy of the curriculum vitae of any expert that will be used at trial.
2. If there is a possibility of settlement, immediately inform all other counsel and the court clerk.
3. Consult with all other counsel about scheduling conflicts and possible stipulations before the case is called.
4. As soon as the case is called and you are requested to do so, give an estimate of the time required for trial and any scheduling conflicts.

E. Readiness Calls. The Court may designate an individual to make telephone contact with all parties and attorneys to assess their readiness to move forward with a case event or to ascertain such other information as the Court may direct.

APPROVED AND ADOPTED BY THE COURT ON [DATE].

FOR THE COURT:

**ADDITIONAL INFORMATION TO BE OBTAINED AT CONTINUED
CUSTODY HEARING**

- 1. Purpose.** In addition to the mandates of Article 624 of the Louisiana Children's Code, the Court may require additional information in order to expedite the case to a timely conclusion.
- 2. Differentiated Case Management (DCM) Plan.** The Court may require and order additional specific information necessary to make a decision regarding the proper DCM track on which the case will be placed. The order may require information about the family's prior history with the agency and/or other information to be used by the Court in completing its risk assessment to determine the proper DCM track.
- 3. Production of Information.** Any information required shall be produced to all parties to the litigation.

APPROVED AND ADOPTED BY THE COURT ON [DATE].

FOR THE COURT:

CONTINUANCES

A. Policy. Continuances are not acceptable and shall be granted only in the most extenuating or emergent circumstances. Continuances shall not be allowed because hearing dates prove inconvenient for attorneys or parties. Continuances shall not be granted upon the stipulation of the parties. The reason for any continuance shall be included in the court record.

B. Procedure. Continuances shall only be granted in accordance with the Louisiana Children's Code regarding continuances and delays in permanency proceedings (child in need of care, involuntary termination of parental rights and relevant adoptions), specifically the provisions of the following articles:

Art. 624	Continued custody hearing
Art. 632	Extension of time for filing petition
Art. 646	Appearance to answer
Art. 659	Time for adjudication hearing
Art. 666	Adjudication order
Art. 678	Disposition hearing
Art. 692	Case review hearing
Art. 702	Permanency hearing
Art. 1025.1	Appearance to answer petition for termination of parental rights
Art. 1031	Time for setting termination of parental rights hearing
Art. 1032	Continuances.

C. Reporting. In the event that a continuance is granted or a delay is permitted that exceeds the maximum allowable times established pursuant to the above articles, the judge granting such continuance or permitting such delay shall within ten (10) days of the proceeding in which the continuance or delay was permitted shall report to the Louisiana Supreme Court, through its Judicial Administrator, the reasons for the delay, with a copy of the order.

