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SUPREME COURT OF LOUISIANA

No. 2006-CJ-2380

STATE OF LOUISIANA IN THE INTEREST OF R.A.

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIRST CIRCUIT, PARISH OF EAST BATON ROUGE

Johnson, J. would deny the writ application for the following reasons:

The Department of Social Services’ (“the Department”) position is that pursuant to LSA-Ch.C. art. 672(A) it has sole authority over children committed to its custody. The Department has asked this Court to reaffirm the limits on the court’s authority to determine placement of a juvenile. I agree with the Juvenile Court that the Department has violated federal and state statutory mandates to achieve placement of juveniles in the *least restrictive, most family-like, and most appropriate setting*. The court was not satisfied that the Department had made any reasonable effort to comply with the court’s order. The Department’s search for a foster family was limited to East Baton Rouge Parish. The search for a group- home placement was statewide. (Hope Haven is in Jefferson Parish).

LSA-Ch. C. art. 675 provides, in pertinent part:

A. The case plan shall be designed to achieve placement in the least restrictive, most family-like, and most appropriate setting available, and in close proximity to the parents’ homes, consistent with the best interest and special needs of the child. The health and safety of the child shall be the paramount concern in the development of the case plan.

It is uncontroverted that at the August 24, 2006 case review hearing, R.A. was living in the Costello foster home and was adjusting well to this temporary placement. He was enrolled in high school and following the house rules. Despite a history of difficult placements in various group home settings, this evidence shows that R.A. was able to make a successful adjustment to a foster home. His behavior had

improved dramatically. Counsel for R.A.'s biological mother suggests: "At the August 24, 2006 court hearing, while R.A. was waiting in the hallway for his case to be heard, he was informed that he was being moved to Hope Haven Center in Marrero, Louisiana." He was in fact moved on August 31, 2006, despite the court's ruling.

Every child deserves a home. Louisiana seems to be one of the few places where case workers are still determined to institutionalize them. The Department has concluded that R.A. needs constant supervision and will only consider group placement for him. The Department has challenged the Juvenile Court's authority to determine the most appropriate placement, and which setting is in the best interest of the child. The Office of Community Services ("OCS") made no attempts to place R.A. in a "family setting." The Court specifically disapproved any group home placement, "specifically, Hope Haven." Hope Haven is a secure *locked*, therapeutic facility, the most restrictive placement available through the Department.

I fail to see the need for this supervisory writ, which was filed by the Department on September 29, 2006. The Department had defied the court's order on placement and was only concerned at that point, I suppose, with being found in contempt of court.

Do we still need Juvenile Judges to determine the best placement for children in need of care? In my opinion, the Department has usurped the court's role which is to determine what is *in the best interest of the child*.

The good news is that R.A., at age 16, will soon leave state supervision. The tragedy is that the state has failed to provide him with a foster home, when we could have done so. I agree with R.A.'s CASA volunteer "the system has failed him as he has been labeled 'group home material'."