

2017 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 56

BY REPRESENTATIVE ABRAHAM

A CONCURRENT RESOLUTION

To urge and request the Department of Children and Family Services to study and develop a procedure by which parents who are awaiting a criminal trial or sentencing can work with the department to access all necessary information, materials, and resources to develop a reasonable plan of appropriate care for their child, regardless of whether the child is currently in the custody of the department.

WHEREAS, pursuant to Louisiana law, an incarcerated parent of a child who is in the custody of the Department of Children and Family Services is required to provide a reasonable plan for the appropriate care of the child other than foster care; and

WHEREAS, the law further provides that failure of the incarcerated parent to provide an appropriate plan for the child's care may result in an action to terminate parental rights; and

WHEREAS, as stated by the authors of the Louisiana Children's Code Handbook, "Two of the strongest political and personal belief systems are that by instinct and acculturation, parents will safeguard their children and put their needs above the parent's own desires and needs; and that when a parent lapses in shouldering his or her responsibilities, reformation and redemption are always possible"; and

WHEREAS, in order to develop a reasonable plan for the appropriate care of his child, a parent must be allowed access to information, materials, and resources that are necessary for such purposes; and

WHEREAS, while Louisiana law currently provides a way by which an incarcerated parent of children who are in the custody of the Department of Children and Family Services can work with the department to develop a plan for the appropriate care of those children, there is currently no similar mechanism for parents who are awaiting a criminal trial or sentencing or for children who are not currently in the custody of the department.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Department of Children and Family Services to study and develop a procedure by which parents who are awaiting a criminal trial or sentencing can work with the department to access all necessary information, materials, and resources to develop a reasonable plan of appropriate care for their child, regardless of whether the child is currently in the custody of the department.

BE IT FURTHER RESOLVED that the Department of Children and Family Services study and develop a plan to address any barriers or complications that arise for inmates who, under current law, are required to provide a reasonable plan for the appropriate care of his child.

BE IT FURTHER RESOLVED that the Department of Children and Family Services consider the following in conducting its study:

(1) Procedural issues encountered by parents in submitting a plan of care for the child.

(2) Resources available through community alliances in major geographic areas to help parents develop and complete a plan of care for the child.

(3) Possible accommodations that may be available, but not currently authorized by law, that could be provided to parents in an effort to support them in completing and submitting a plan of care for the child.

(4) The anticipated impact of extending current services, including any changes considered in the study required by this Resolution, to parents who are not currently afforded these services under current law.

BE IT FURTHER RESOLVED that the secretary of the Department of Children and Family Services, or her designee appointed from within the department, lead the study with the assistance and input of the following stakeholders who work in conjunction with the Department of Children and Family Services to study and develop the plan as provided by this Resolution:

(1) The governor or his designee.

(2) The secretary of the Louisiana Department of Health or his designee.

(3) The secretary of the Department of Public Safety and Corrections or his designee.

(4) The president of the Louisiana District Judges Association or his designee.

(5) The executive director of the Louisiana Sheriff's Association or his designee.

(6) The executive director of the Louisiana District Attorneys Association or his designee.

(7) The president of the Children's Advocacy Centers of Louisiana or his designee.

(8) The president of the Louisiana Court Appointed Special Advocates for Children or his designee.

(9) One member appointed by the president of the Senate.

(10) One member appointed by the speaker of the House of Representatives.

BE IT FURTHER RESOLVED that the Department of Children and Family Services report its findings and any recommendations to the legislature, including recommendations for legislative action, on or before February 1, 2018, and that the department provide any necessary staff support needed to ensure timely compliance with the reporting requirements of this Resolution.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the Department of Children and Family Services, the governor's office, the Louisiana Department of Health, the Department of Public Safety and Corrections, the Louisiana District Judges Association, the Louisiana Sheriff's Association, the Louisiana District Attorneys Association, the Children's Advocacy Centers of Louisiana, and the Louisiana Court Appointed Special Advocates for Children.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE