

RÉSUMÉ DIGEST

ACT 278 (SB 245)

2015 Regular Session

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Prior law provided that for a child in the care of the state, a case plan shall be designed to achieve the best setting for the child.

New law requires that the case plan include a plan for assuring that the child is afforded the greatest opportunity for normalcy through engagement in age- or developmentally-appropriate activities on a regular basis. New law requires that the child be consulted in an age-appropriate manner about their interests and opportunities available to them.

Prior law required that no new contract for foster care services shall be awarded to any person who has not completed a training program approved by the Department of Children and Family Services (DCFS), including but not limited to the following areas:

- (1) Obtaining needed services for foster children.
- (2) Discipline and foster children.
- (3) Legal aspects of foster care.
- (4) Working with parents and the agency.

New law requires the required training program for a person who seeks a contract for foster care services also include knowledge and skills relating to the reasonable and prudent parent standard for participation by the child in age- or developmentally-appropriate activities.

New law adds the definitions for "age-or developmentally appropriate", "reasonable and prudent parent standard", and "caregiver".

New law does not authorize any decision that conflicts with the residual parental rights of a parent of a child as defined in the Children's Code.

New law requires that each caregiver use the reasonable and prudent parent standard in determining whether to give permission for a child living in foster care to participate in extracurricular, enrichment, cultural, social or sporting activities.

New law requires that when using the reasonable and prudent parent standard, the caregiver consider all of the following:

- (1) The child's age, maturity, and developmental level in order to maintain the overall health and safety of the child.
- (2) The potential risk factors and the appropriateness of the extracurricular enrichment, cultural, social or sporting activity.
- (3) The best interest of the child, based on information known by the caregiver.
- (4) The importance of encouraging the child's emotional and developmental growth.
- (5) The importance of providing the child with the most family-like living experience possible.
- (6) The behavioral history of the child and the child's ability to safely participate in the proposed activity.

New law requires that each child in foster care be allowed to travel out of state with his foster parent or another DCFS-approved adult according to certain restrictions.

New law requires that a foster caregiver who approves a foster child's participation in an age- and developmentally-appropriate extracurricular, enrichment, cultural, social or sporting activity is not liable for harm caused to the child at such activity, provided that the caregiver has acted in accordance with the reasonable and prudent parent standard. New law shall not be construed to remove or limit any existing liability protection afforded by law.

Effective upon signature of the governor (June 29, 2015).

(Amends Ch. C. Art. 675(B) and R.S. 46:283(C)(1); adds R.S. 46:283(D)-(G))