SLS 17RS-323

ENGROSSED

2017 Regular Session

SENATE BILL NO. 66

BY SENATOR BARROW

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CHILDREN. Provides relative to the Children's Cabinet and the Child Poverty Prevention Council of Louisiana. (8/1/17)

1	AN ACT
2	To amend and reenact R.S. 36:4(B)(8) and R.S. 46:2402(3) and (6), 2403(A), (D)(1) and (E),
3	2404(A), (B)(1) and (2) and (G), 2405, 2406(A), (B), (D), (E), (F) and (G), 2407,
4	2605(A)(6) and 2607, to enact R.S. 46:2404(H), 2603(A)(7) and 2605(A)(7), and to
5	repeal R.S. 36:478(F) and (K) and 802.9 and R.S. 46:450.4 and 2801, relative to the
6	Children's Cabinet; to provide for extension of the Cabinet; to provide for duties of
7	the Children's Cabinet Advisory Board; to provide for the repeal of the Child Poverty
8	Prevention Council for Louisiana; to provide for the transfer of the Children's Trust
9	Fund to the Children's Cabinet; to provide for duties of the Children's Cabinet
10	relative to the Children's Trust Fund; to provide for Children's Trust Fund staff
11	reallocation; and to provide for related matters.
12	Be it enacted by the Legislature of Louisiana:
13	Section 1. R.S. 36:4(B)(8) is hereby amended and reenacted to read as follows:
14	§4. Structure of executive branch of state government
15	* * *
16	В.
17	* * *

Page 1 of 9 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	(8) The Children's Cabinet and the Children's Cabinet Advisory Board, as
2	more specifically provided in R.S. 46:2601 through 2607, the Children's Trust
3	Fund, as more specifically provided in R.S. 46:2401 through 2407, and the
4	Council on the Status of Grandparents Raising Grandchildren, as more specifically
5	provided in R.S. 46:2605.1 through 2605.3, shall be placed within the office of the
6	governor.
7	* * *
8	Section 2. R.S. 46:2402(3) and (6), 2403(A), (D)(1) and (E), 2404(A), (B)(1) and (2)
9	and (G), 2405, 2406(A), (B), (D), (E), (F) and (G), 2407, 2605(A)(6) and 2607 are hereby
10	amended and reenacted and R.S. 46:2404(H), 2603(A)(7) and 2605(A)(7) are hereby enacted
11	to read as follows:
12	§2402. Definitions
13	Except where the context clearly indicates otherwise, in this Chapter:
14	* * *
15	(3) "Department" means the Department of Children and Family Services.
16	"Cabinet" means the Children's Cabinet, as provided for in R.S. 46:2601 et seq.
17	* * *
18	(6) "Office" means the office of children and family services <u>the governor</u> .
19	* * *
20	§2403. Creation of the Children's Trust Fund
21	A. There is hereby established a special fund in the state treasury to be known
22	as the "Children's Trust Fund", consisting of monies provided by the legislature and
23	monies received from any other sources, including funds derived from donations of
24	income tax refunds as provided in R.S. 47:120.33 47:120.35 and funds derived from
25	fees as provided in Subsection B hereof. The legislature shall make yearly
26	appropriations to the fund for the purposes set forth in this Chapter to the extent that
27	state funds are available.
28	* * *
29	D.(1) The monies in the fund shall be used solely for programs designed to

Page 2 of 9 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	prevent the physical and sexual abuse and gross neglect of children. Disbursement
2	of the amount appropriated each year shall be made as determined by the Children's
3	Cabinet with consideration of recommendations made by the Children's Trust
4	Fund Board. All unexpended and unencumbered monies in this fund at the end of the
5	fiscal year shall remain to the credit of the fund.
6	* * *
7	E. The board Children's Cabinet shall determine the eligibility of programs
8	to receive funding based upon a nonbiased scoring system by a volunteer grant
9	reviewer and recommendations by the Children's Trust Fund Board, and the
10	administration of the fund shall be exercised by the office of children and family
11	services of the Department of Children and Family Services the governor in
12	accordance with the directives of the board cabinet and the provisions of R.S.
13	36:802.9 <u>36:4(B)(8)</u> and R.S. 46:2407.
14	§2404. Louisiana Children's Trust Fund Board; created; membership
15	A. There is hereby established the Louisiana Children's Trust Fund Board
16	within the office of children and family services of the Department of Children and
17	Family Services the governor, which shall serve as a subcommittee of the
18	<u>Children's Cabinet</u> .
19	B. The Louisiana Children's Trust Fund Board shall be composed of fifteen
20	members as follows:
21	(1) The secretary of the Department of Children and Family Services, or his
22	designee. The executive director of the Children's Cabinet, or his designee.
23	(2) The assistant secretary of the office of children and family services of the
24	Department of Children and Family Services, or his designee.
25	* * *
26	G. The board shall make recommendations to the Children's Cabinet on
27	the following:
28	(1) Promulgate rules <u>Rules</u> and regulations necessary to implement the
29	provisions of this Chapter.

Page 3 of 9 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	(2) Review, evaluate, adopt, coordinate, and revise the The comprehensive
2	state plan for child abuse prevention, as provided in R.S. 46:2406 and funded
3	through the Children's Trust Fund.
4	(3) Have the authority to contract, in accordance with applicable provisions
5	of state law, for the provision of services needed to coordinate, develop, and write
6	a comprehensive state plan for child abuse prevention.
7	(4) Review, evaluate, and award grants Funding amounts of grant
8	proposals from the fund for child abuse and neglect prevention programs as
9	provided in R.S. 46:2407.
10	(5) Prepare and submit an annual report to the legislature and to the governor
11	sixty days prior to each regular legislative session.
12	(6)(4) Adopt the budget request Budget requests for the board that if
13	approved by the cabinet shall be presented by the executive director of the
14	cabinet to the and present it to the office of children and family services, the
15	governor and the executive budget office, and the Joint Legislative Committee on
16	the Budget.
17	(7)(5) Monitor, evaluate, and review the The development and quality of
18	services and child abuse prevention programs funded through the Children's Trust
19	Fund.
20	(8) Develop, implement, and administer a community-based family center
21	program in accordance with R.S. 46:450.4.
22	H. The board shall prepare and submit to the cabinet for review an
23	annual report regarding the status of the fund that, once approved by the
24	cabinet, shall be submitted to the legislature sixty days prior to each regular
25	legislative session.
26	§2405. Louisiana Children's Trust Fund Board; staff; duties
27	A. The board, with the approval of the secretary of the department executive
28	director of the Children's Cabinet, shall appoint an executive director a
29	<u>coordinator</u> for the board who shall be in the unclassified service <u>and who shall</u>

Page 4 of 9 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	report to the executive director of the Children's Cabinet.
2	B. The commissioner of administration shall make available one additional
3	position to the table of organization of the office of children and family services the
4	governor in order to provide for the position of executive director Children's Trust
5	Fund coordinator.
6	C. The director coordinator shall perform duties and functions as
7	required by the board and under the direction of the executive director of the
8	<u>cabinet.</u>
9	(1) Prepare the annual budget request for the board for adoption by the board.
10	(2) Act as agent for the board in the performance of its duties and subject to
11	its direction and serve as secretary of the board.
12	§2406. Comprehensive state plan for child abuse prevention
13	A. The board shall review and adopt make recommendations to the cabinet
14	regarding the comprehensive state plan and any revision thereof, prior to transmittal
15	of the plan as provided in this Section.
16	B. On or before January 1, 1989, the board The cabinet shall transmit the
17	comprehensive state plan for child abuse prevention programs funded through the
18	Children's Trust Fund to the governor, the president of the Senate, and the speaker
19	of the House of Representatives every five years beginning on January 1, 2018,
20	and shall be reviewed for necessary changes by the cabinet annually.
21	* * *
22	D. The board shall by rule recommend rules to the cabinet that establish
23	procedures for preparation and adoption of the plan.
24	E. Prior to adoption of the state plan, the board cabinet shall submit the plan
25	it proposes to adopt to the Committees on Health and Welfare of the Senate and
26	House of Representatives for their approval as provided in R.S. 49:968. The
27	comprehensive state plan shall be subject to approval as provided in R.S. 49:968.
28	F. The board shall review the state plan at least biennially and the board shall
29	adopt make recommendations to the cabinet regarding any needed revision.

Page 5 of 9 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	G. The Department of Children and Family Services, the Department of
2	Public Safety and Corrections, and the Department of Education shall participate and
3	cooperate in the development of the state plan as deemed necessary by the cabinet.
4	§2407. Funding of children's trust fund programs
5	A. The board in its annual budget request, <u>cabinet</u> shall identify the amount
6	of funds necessary for the implementation of this Chapter.
7	B. Monies appropriated or otherwise made available to the board <u>cabinet</u> to
8	implement the provisions of this Chapter shall be disbursed as follows:
9	(1) The board cabinet shall adopt a formula based on a recommendation
10	by the board for the distribution of funds from the Children's Trust Fund for
11	programs and services for child abuse prevention which shall provide for the
12	allocation of funds in each state planning district based upon the percentage of the
13	total state reported cases of abuse and neglect reported in the state planning district
14	and the percentage of the total state population under the age of eighteen years and
15	upon the service and program needs of the district, and after January 1, 1989, the
16	comprehensive state plan.
17	(2) Any funds which are not utilized within a state planning district shall be
18	reallocated to the remaining districts in accordance with the formula required by
19	Paragraph (1) of this Subsection.
20	(3) Ten percent of the amount appropriated to the board <u>cabinet</u> may be used
21	for administrative costs of the board. This ten percent limitation shall not apply to
22	costs for plan development and shall include provisions for staff support.
23	C. Appropriations made for distribution by the board cabinet for programs
24	and services shall be deposited in the fund and shall be disbursed by the office of the
25	governor in accordance with directives of the board <u>cabinet</u> .
26	D. The board shall develop and, once approved by the cabinet, publish
27	solicitations for grant proposals for grants to be funded from the Louisiana Children's
28	Trust Fund for child abuse prevention programs and services which are designed to
29	meet identified priorities.

Page 6 of 9 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	(1) After January 1, 1989, these priorities Priorities shall be based upon
2	information contained in the comprehensive state plan.
3	(2) A priority ranking shall be made based upon the extent to which a

proposal meets identified needs, criteria for cost effectiveness, an evaluation
component providing outcome data, and a determination that the proposal provides
a mechanism for coordinating and integrating preventive services with other services
deemed necessary for working effectively with families who are at risk of child
abuse or neglect. Priority shall be given to primary and secondary prevention
programs and services.

10E. The office board shall review and evaluate all proposals submitted for11grants for children's trust fund programs funding and services and make12recommendations to the cabinet regarding grant awards. The cabinet will make13the final approval on grant awards.

14F. On and after January 1, 1989, all All budget requests submitted by any15private nonprofit agency to the legislature for funding of programs related to child16abuse prevention shall conform to the comprehensive state plan application process17and any subsequent revision of the plan adopted pursuant to the provisions of this18Chapter. The services and programs of the Department of Children and Family19Services or any other public agency shall not be subject to the provisions of this20Subsection.

* *

22 §2603. Children's Cabinet; powers and duties

A. In order to carry out the purposes of this Chapter and the purposes for
which it is created, the Children's Cabinet shall:

* *

(7) Administer the Children's Trust Fund provided for in R.S. 46:2401 et seq.

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29 §2605. Children's Cabinet Advisory Board

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1	A. The Children's Cabinet Advisory Board, hereinafter referred to as the
2	"advisory board", is hereby created. The purpose of the advisory board shall be to
3	provide information and recommendations from the perspective of advocacy groups,
4	service providers, and parents. Primary responsibilities of the Children's Cabinet
5	Advisory Board are:
6	* * *
7	(6) To make recommendations to the Children's Cabinet, through the
8	executive director, as to specific programs with the greatest potential for
9	reducing child poverty and funding opportunities for the implementation of
10	such programs.
11	(7) To make an annual report to the legislature, Senate Committee on Health
12	and Welfare, the House Committee on Health and Welfare, Select Committee on
13	Women and Children and any other legislative committee requesting a copy of the
14	annual report, by January thirty-first summarizing the well-being of Louisiana's
15	children, the accomplishments of the past year, and specific goals and priorities for
16	the next fiscal year.
17	* * *
18	§2607. Termination
19	The existence of the Children's Cabinet shall terminate, all legal authority
20	therefor shall cease, and this Chapter shall be repealed on August 15, 2018 August
21	<u>1, 2022</u> .
22	Section 3. R.S. 36:478(F) and (K) and 802.9 and R.S. 46:450.4 and 2801 are hereby
23	repealed.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

SB 66 Engrossed	DIGEST 2017 Regular Session	Barrow

<u>Proposed law</u> extends the termination date of the Children's Cabinet <u>from</u> August 15, 2018, <u>to</u> August 1, 2022, and provides for recommendations for programs to reduce child poverty.

<u>Proposed law</u> repeals the Child Poverty Prevention Council and transfers fulfillment of its mission to the Children's Cabinet Advisory Board.

Page 8 of 9

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SLS 17RS-323

<u>Present law</u> establishes the Children's Trust Fund in the Department of Children and Family Services and creates a board to administer the fund.

<u>Proposed law</u> transfers the Children's Trust Fund <u>from</u> the Department of Children and Family Services to the office of the governor and makes them answerable to the Children's Cabinet. <u>Proposed law</u> transfers all responsibilities of the fund to the Children's Cabinet and establishes advisory responsibilities for the board with final decision making authority by the Children's Cabinet.

Effective August 1, 2017.

(Amends R.S. 46:2605(A)(6) and 2607; adds R.S. 46:2605(A)(7); repeals R.S. 46:2801)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

- 1. Transfers the Children's Trust Fund and the Children's Trust Fund board <u>from</u> the Department of Children and Family Services <u>to</u> the office of the governor and makes them answerable to the Children's Cabinet.
- 2. Establishes a process whereby programs receiving funding from the Children's Trust Fund are determined based on a nonbiased scoring system by a volunteer grant reviewer and recommendation by the board.
- 3. Removes the assistant secretary of the Department of Children and Family Services as a trust fund board member and includes the executive director of the Children's Cabinet or his designee.
- 4. Deletes the requirement that budget requests of the board shall be presented to the Joint Legislative Committee on the Budget.
- 5. Requires the cabinet to submit their comprehensive state plan to the governor, president of the Senate and speaker of the House every five years beginning on January 1, 2018, and requires a minimum of annual review by the cabinet for necessary changes.
- 6. Provides that the cabinet has final approval on all grant awards.