HLS 17RS-1547 ENGROSSED

2017 Regular Session

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HOUSE CONCURRENT RESOLUTION NO. 56

BY REPRESENTATIVE ABRAHAM

CHILDREN/DCFS: Directs the Dept. of Children and Family Services to study and develop a procedure by which parents who are awaiting a criminal trial or sentencing can develop a plan of care for their child

A CONCURRENT RESOLUTION

2	To authorize and direct the Department of Children and Family Services to study and
3	develop a procedure by which parents who are awaiting a criminal trial or sentencing
4	can work with the department to access all necessary information, materials, and
5	resources to develop a reasonable plan of appropriate care for their child, regardless
6	of whether the child is currently in the custody of the department.
7	WHEREAS, pursuant to Louisiana law, an incarcerated parent of a child who is in
8	the custody of the Department of Children and Family Services is required to provide a
9	reasonable plan for the appropriate care of the child other than foster care; and
10	WHEREAS, the law further provides that failure of the incarcerated parent to provide
11	an appropriate plan for the child's care may result in an action to terminate parental rights;
12	and
13	WHEREAS, as stated by the authors of the Louisiana Children's Code Handbook,
14	"Two of the strongest political and personal belief systems are that by instinct and
15	acculturation, parents will safeguard their children and put their needs above the parent's
16	own desires and needs; and that when a parent lapses in shouldering his or her
17	responsibilities, reformation and redemption are always possible"; and
18	WHEREAS, in order to develop a reasonable plan for the appropriate care of his
19	child, a parent must be allowed access to information, materials, and resources that are
20	necessary for such purposes; and

1	WHEREAS, while Louisiana law currently provides a way by which an incarcerated
2	parent of children who are in the custody of the Department of Children and Family Services
3	can work with the department to develop a plan for the appropriate care of those children,
4	there is currently no similar mechanism for parents who are awaiting a criminal trial or
5	sentencing or for children who are not currently in the custody of the department.
6	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
7	authorize and direct the Department of Children and Family Services to study and develop
8	a procedure by which parents who are awaiting a criminal trial or sentencing can work with
9	the department to access all necessary information, materials, and resources to develop a
10	reasonable plan of appropriate care for their child, regardless of whether the child is
11	currently in the custody of the department.
12	BE IT FURTHER RESOLVED that the Department of Children and Family Services
13	shall also study and develop a plan to address any barriers or complications that arise for
14	inmates who, under current law, are required to provide a reasonable plan for the appropriate
15	care of his child.
16	BE IT FURTHER RESOLVED that the Department of Children and Family Services
17	shall also consider the following in conducting its study:
18	(1) Procedural issues encountered by parents in submitting a plan of care for the
19	child.
20	(2) Resources available through community alliances in major geographic areas to
21	help parents develop and complete a plan of care for the child.
22	(3) Possible accommodations that may be available, but not currently authorized by
23	law, that could be provided to parents in an effort to support them in completing and
24	submitting a plan of care for the child.
25	(4) The anticipated impact of extending current services, including any changes
26	considered in the study required by this Resolution, to parents who are not currently afforded
27	these services under current law.
28	BE IT FURTHER RESOLVED that the secretary of the Department of Children and
29	Family Services, or her designee appointed from within the department, shall lead the study
30	with the assistance and input of the following stakeholders who shall work in conjunction

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1 with the Department of Children and Family Services to study and develop the plan as

- 2 provided by this Resolution:
- 3 (1) The governor or his designee.
- 4 (2) The secretary of the Louisiana Department of Health or her designee.
- 5 (3) The secretary of the Department of Public Safety and Corrections or his
- 6 designee.
- 7 (4) The president of the Louisiana District Judges Association or his designee.
- 8 (5) The executive director of the Louisiana Sheriff's Association or his designee.
- 9 (6) The executive director of the Louisiana District Attorneys Association or his
- designee.
- 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
- 14 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
- 17 to the Department of Children and Family Services, the governor's office, the Louisiana
- 18 Department of Health, the Department of Public Safety and Corrections, the Louisiana
- 19 District Judges Association, the Louisiana Sheriff's Association, and the Louisiana District
- 20 Attorneys Association.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Abraham

Directs the Dept. 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.

Requires the department to report its findings to the legislature no later than Feb. 1, 2018.