

SENATE BILL NO. 66

BY SENATORS BARROW AND THOMPSON

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

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AN ACT

To amend and reenact R.S. 36:4(B)(8) and R.S. 46:2402(3) and (6), 2403(A), (D)(1) and (E), 2404(A), (B), and (G), 2405, 2406(A), (B), (D), (E), (F) and (G), 2407, 2605(A)(6) and (B)(11), and 2607, to enact R.S. 46:2404(H), 2405.1, 2603(A)(7), and 2605(A)(7) and (B)(17), and to repeal R.S. 36:478(F) and (K) and 802.9 and R.S. 46:450.4, 2405(B), 2605(B)(12) and (31), and Chapter 62 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2801, relative to the Children's Cabinet, the Children's Trust Fund, and related governmental entities with functions pertaining to child welfare; to revise the termination date of the Children's Cabinet; to provide for the membership and duties of the Children's Cabinet Advisory Board; to provide for the repeal of the Child Poverty Prevention Council for Louisiana and the Community-based Family Center Program of the Louisiana Children's Trust Fund Board; to provide for the transfer of the Children's Trust Fund to the Children's Cabinet; to provide for duties of the Children's Cabinet relative to the Children's Trust Fund; to provide for Children's Trust Fund staff reallocation; and to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 36:4(B)(8) is hereby amended and reenacted to read as follows:

3 §4. Structure of executive branch of state government

4 * * *

5 B.

6 * * *

7 (8) The Children's Cabinet and the Children's Cabinet Advisory Board, as
8 more specifically provided in R.S. 46:2601 through 2607, **the Children's Trust**
9 **Fund, as more specifically provided in R.S. 46:2401 through 2407,** and the
10 Council on the Status of Grandparents Raising Grandchildren, as more specifically
11 provided in R.S. 46:2605.1 through 2605.3, shall be placed within the office of the
12 governor.

13 * * *

14 Section 2. R.S. 46:2402(3) and (6), 2403(A), (D)(1) and (E), 2404(A), (B), and (G),
15 2405, 2406(A), (B), (D), (E), (F) and (G), 2407, 2605(A)(6) and (B)(11), and 2607 are
16 hereby amended and reenacted and R.S. 46:2404(H), 2405.1, 2603(A)(7), and 2605(A)(7)
17 and (B)(17) are hereby enacted to read as follows:

18 §2402. Definitions

19 Except where the context clearly indicates otherwise, in this Chapter:

20 * * *

21 (3) ~~"Department" means the Department of Children and Family Services.~~
22 **"Cabinet" means the Children's Cabinet, as provided for in R.S. 46:2601 et seq.**

23 * * *

24 (6) "Office" means the office of ~~children and family services~~ **the governor.**

25 * * *

26 §2403. Creation of the Children's Trust Fund

27 A. There is hereby established a special fund in the state treasury to be known
28 as the "Children's Trust Fund", consisting of monies provided by the legislature and
29 monies received from any other sources, including funds derived from donations of
30 income tax refunds as provided in R.S. ~~47:120.33~~ **47:120.35** and funds derived from

1 fees as provided in Subsection B ~~hereof~~ **of this Section**. The legislature shall make
 2 yearly appropriations to the fund for the purposes set forth in this Chapter to the
 3 extent that state funds are available.

4 * * *

5 D.(1) The monies in the fund shall be used solely for programs designed to
 6 prevent the physical and sexual abuse and gross neglect of children. Disbursement
 7 of the amount appropriated each year shall be made as determined **by the Children's**
 8 **Cabinet with consideration of recommendations made** by the Children's Trust
 9 Fund Board. All unexpended and unencumbered monies in this fund at the end of the
 10 fiscal year shall remain to the credit of the fund.

11 * * *

12 E. The ~~board~~ **Children's Cabinet** shall determine the eligibility of programs
 13 to receive funding **based upon a nonbiased system of scoring by volunteer grant**
 14 **reviewers and recommendations by the Children's Trust Fund Board**, and the
 15 administration of the fund shall be exercised by the office ~~of children and family~~
 16 ~~services of the Department of Children and Family Services~~ in accordance with the
 17 directives of the ~~board~~ **cabinet** and the provisions of R.S. ~~36:802.9~~ **36:4(B)(8)** and
 18 R.S. 46:2407.

19 §2404. Louisiana Children's Trust Fund Board; created; membership

20 A. There is hereby established the Louisiana Children's Trust Fund Board
 21 within the office ~~of children and family services of the Department of Children and~~
 22 ~~Family Services~~, **which shall serve as a subcommittee of the Children's Cabinet.**

23 B.**(1)** The Louisiana Children's Trust Fund Board shall be composed of
 24 fifteen members as follows:

25 ~~(1) The secretary of the Department of Children and Family Services, or his~~
 26 ~~designee.~~ **(a) The executive director of the Children's Cabinet, or his designee.**

27 ~~(2)(b) The assistant secretary of the office of children and family services~~
 28 **child welfare** of the Department of Children and Family Services, **or his designee.**

29 **(c) The assistant secretary of the office of juvenile justice of the**
 30 **Department of Public Safety and Corrections, or his designee.**

1 ~~(3)~~**(d)** A representative of each of the following, appointed by the governor,
 2 subject to Senate confirmation:

3 ~~(a)~~**(i)** The Department of Education.

4 ~~(b)~~**(ii)** The religious community.

5 ~~(c)~~ The office of juvenile justice of the Department of Public Safety and
 6 Corrections:

7 ~~(d)~~**(iii)** The university community.

8 **(iv) The early childhood community.**

9 ~~(4)~~**(e)** One member appointed by the governor, subject to Senate
 10 confirmation, from each of ~~ten~~ **eight** lists of three names, one such list to be
 11 submitted by each of the following:

12 ~~(a)~~**(i)** The Louisiana State Medical Society.

13 ~~(b)~~**(ii)** The Louisiana Council of Juvenile and Family Court Judges.

14 ~~(c)~~**(iii)** The Louisiana State Bar Association.

15 ~~(d)~~**(iv)** The Louisiana Chapter of the National Association of Social
 16 Workers.

17 ~~(e)~~**(v)** The Louisiana Association of Chamber of Commerce Executives.

18 ~~(f)~~ The Louisiana Association for Education of Young Children.

19 ~~(g)~~**(vi)** The Louisiana Psychological Association.

20 ~~(h)~~**(vii)** The Louisiana State Conference of the National Association for the
 21 Advancement of Colored People.

22 ~~(i)~~**(viii)** The National Business League, New Orleans Chapter.

23 ~~(5)~~**(2)** In making his appointments **as provided in this Subsection**, the
 24 governor shall provide for geographic representation of all areas of the state and for
 25 representation of minority groups.

26 * * *

27 G. The board shall **make recommendations to the Children's Cabinet on**
 28 **the following**:

29 (1) ~~Promulgate rules~~ **Rules** and regulations necessary to implement the
 30 provisions of this Chapter.

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 for the board
29 who shall be in the unclassified service **and who shall report to the executive**
30 **director of the Children's Cabinet.**

1 C. The executive director of the board shall perform duties and functions
 2 as required by the board and under the direction of the executive director of the
 3 cabinet.

4 (1) ~~Prepare the annual budget request for the board for adoption by the board.~~

5 (2) ~~Act as agent for the board in the performance of its duties and subject to~~
 6 ~~its direction and serve as secretary of the board.~~

7 §2405.1. Louisiana Children's Trust Fund; transfer to Children's Cabinet;
 8 report to legislature

9 On or before August 1, 2019, the Children's Trust Fund coordinator and
 10 the executive director of the Children's Cabinet shall prepare and submit to the
 11 standing legislative committees on health and welfare a comparative analysis
 12 and report concerning the operations of the Children's Trust Fund during the
 13 period prior to, and during the period after, the enactment of the provisions of
 14 R.S. 46:2404(A) which transferred the Children's Trust Fund from within the
 15 Department of Children and Family Services to the Children's Cabinet.

16 §2406. Comprehensive state plan for child abuse prevention

17 A. The board shall ~~review and adopt~~ make recommendations to the cabinet
 18 regarding the comprehensive state plan ~~and any revision thereof, prior to transmittal~~
 19 ~~of the plan as provided in this Section~~ for child abuse prevention programs.

20 B. ~~On or before January 1, 1989, the board~~ The cabinet shall transmit the
 21 comprehensive state plan for child abuse prevention programs funded through the
 22 Children's Trust Fund to the governor, the president of the Senate, and the speaker
 23 of the House of Representatives every five years beginning on January 1, 2018,
 24 and shall review the plan for necessary changes annually.

25 * * *

26 D. The board shall ~~by rule~~ recommend rules to the cabinet that establish
 27 procedures for preparation and adoption of the plan.

28 E. Prior to adoption of the state plan, the ~~board~~ cabinet shall submit the plan
 29 it proposes to adopt to the ~~Committees on Health and Welfare~~ committees on health
 30 and welfare of the Senate and House of Representatives for ~~their~~ approval as

1 provided in R.S. 49:968. The comprehensive state plan shall be subject to approval
2 as provided in R.S. 49:968.

3 F. The board shall review the state plan at least biennially and ~~the board shall~~
4 ~~adopt~~ **make recommendations to the cabinet regarding** any needed revision.

5 G. The Department of Children and Family Services, the Department of
6 Public Safety and Corrections, and the Department of Education shall participate and
7 cooperate in the development of the state plan **as deemed necessary by the cabinet.**

8 §2407. Funding of children's trust fund programs

9 A. The ~~board in its annual budget request,~~ **cabinet** shall identify the amount
10 of funds necessary for the implementation of this Chapter.

11 B. Monies appropriated or otherwise made available to the ~~board~~ **cabinet** to
12 implement the provisions of this Chapter shall be disbursed as follows:

13 (1) The ~~board~~ **cabinet** shall adopt a formula **based on a recommendation**
14 **by the board** for the distribution of funds from the Children's Trust Fund for
15 programs and services for child abuse prevention which shall provide for the
16 allocation of funds in each state planning district based upon the percentage of the
17 total state reported cases of abuse and neglect reported in the state planning district
18 and the percentage of the total state population under the age of eighteen years and
19 upon the service and program needs of the district; and ~~after January 1, 1989,~~ the
20 comprehensive state plan.

21 (2) Any funds which are not utilized within a state planning district shall be
22 reallocated to the remaining districts in accordance with the formula required by
23 Paragraph (1) of this Subsection.

24 (3) Ten percent of the amount appropriated to the ~~board~~ **cabinet** may be used
25 for administrative costs **of the board.** ~~This ten percent limitation shall not apply to~~
26 ~~costs for plan development and shall include provisions for staff support.~~

27 C. Appropriations made for distribution by the ~~board~~ **cabinet** for programs
28 and services shall be deposited in the fund and shall be disbursed by the office in
29 accordance with directives of the ~~board~~ **cabinet.**

30 D.~~(1)~~ The board shall develop and, **once approved by the cabinet,** publish

1 solicitations for grant proposals for grants to be funded from the Louisiana Children's
2 Trust Fund for child abuse prevention programs and services which are designed to
3 meet identified priorities.

4 ~~(1)(2)~~ After January 1, 1989, these priorities **Priorities** shall be based upon
5 information contained in the comprehensive state plan.

6 ~~(2)(3)~~ A priority ranking shall be made based upon the extent to which a
7 proposal meets identified needs, criteria for cost effectiveness, an evaluation
8 component providing outcome data, and a determination that the proposal provides
9 a mechanism for coordinating and integrating preventive services with other services
10 deemed necessary for working effectively with families who are at risk of child
11 abuse or neglect. Priority shall be given to primary and secondary prevention
12 programs and services.

13 E. The ~~office~~ board shall review and evaluate all proposals submitted for
14 ~~grants for children's trust fund programs~~ **funding** and services **and make**
15 **recommendations to the cabinet regarding grant awards. The cabinet shall**
16 **make the final approval of grant awards.**

17 F. ~~On and after January 1, 1989, all~~ **All** budget requests submitted by any
18 private nonprofit agency to the legislature for funding of programs related to child
19 abuse prevention shall conform to the ~~comprehensive state plan~~ **application process**
20 and any subsequent revision of the plan adopted pursuant to the provisions of this
21 Chapter. ~~The services and programs of the Department of Children and Family~~
22 ~~Services or any other public agency shall not be subject to the provisions of this~~
23 ~~Subsection.~~

24 * * *

25 §2603. Children's Cabinet; powers and duties

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

28 * * *

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

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§2605. Children's Cabinet Advisory Board

A. The Children's Cabinet Advisory Board, hereinafter referred to as the "advisory board", is hereby created. The purpose of the advisory board shall be to provide information and recommendations from the perspective of advocacy groups, service providers, and parents. Primary responsibilities of the Children's Cabinet Advisory Board are:

* * *

(6) To make recommendations to the Children's Cabinet, through the executive director, as to specific programs with the greatest potential for reducing child poverty and funding opportunities for the implementation of such programs.

(7) To make an annual report to the legislature, the Senate Committee on Health and Welfare, the House Committee on Health and Welfare, the Select Committee on Women and Children, and any other legislative committee requesting a copy of the annual report; by January thirty-first ~~summarizing.~~ The report shall summarize the well-being of Louisiana's children, the accomplishments of the past year, and specific goals and priorities for the next fiscal year.

B. The advisory board shall be composed of the following members:

* * *

(11) ~~The deputy secretary of the office of children and family services~~ assistant secretary of child welfare of the Department of Children and Family Services.

* * *

(17) A representative of the Louisiana Policy Institute for Children.

* * *

§2607. Termination

The existence of the Children's Cabinet shall terminate, all legal authority therefor shall cease, and this Chapter shall be repealed on ~~August 15, 2018~~ August 1, 2022.

1 Section 3. R.S. 36:478(F) and (K) and 802.9 and R.S. 46:450.4, 2405(B),
2 2605(B)(12) and (31), and Chapter 62 of Title 46 of the Louisiana Revised Statutes of 1950,
3 comprised of R.S. 46:2801, are hereby repealed in their entirety.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____