2018 Regular Session

HOUSE BILL NO. 466

BY REPRESENTATIVE GISCLAIR

CHILDRENS CODE: Provides relative to court-appointed special advocates

AN ACT

To amend and reenact Children's Code Articles 424.2, 424.4(B), and 616(C) and (D), relative to court appointed special advocates; to provide authority to access the child's home; to provide relative to the attendance of certain hearings and meetings; to provide for screenings of CASA volunteers, staff members, and board of director members; to provide for contingent effective dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 424.2 and 424.4(B) are hereby amended and reenacted to read as follows:

Art. 424.2. CASA; order of assignment

To accomplish the assignment of a CASA volunteer, the court shall issue an order of assignment which shall grant the CASA volunteer the authority to review all relevant documents pursuant to Article 424.6 and to interview all parties and witnesses involved in the proceeding in which he is appointed. <u>The order may grant the CASA volunteer the authority to access the home in which a child is placed, unless prohibited by the court.</u>

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Art. 424.4. CASA; notice

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B. The CASA volunteer shall be notified by the department and shall be entitled to attend all ~~of all~~ administrative review hearings and family team meetings concerning the case to which he has been assigned~~.~~,unless the parent objects.

Section 2. Children's Code Article 616(C) is hereby amended and reenacted to read as follows:

Art. 616. Central registry; screening court-appointed special advocates volunteers, staff, and board members; confidentiality

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C. Upon the written request of the court during its evaluation of ~~an individual applying to work as a court-appointed special advocate~~ any of the following individuals who will have contact with children served by the court-appointed special advocate program, and with the consent of the ~~applicant~~ individual, the department shall search the central registry and report to the court any justified report of abuse or neglect alleging that the ~~applicant~~ individual is a perpetrator~~.~~:

(1) An individual applying to work as a court-appointed special advocate.

(2) A CASA staff member.

(3) A member of the CASA board of directors.

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Section 3. Children's Code Article 616(C) and (D) are hereby amended and reenacted as follows:

Art. 616. State repository; central registry; screening court-appointed special advocates volunteers, staff, and board members; confidentiality

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C. Except as provided in this Article or R.S. 46:56, all records of reports of child abuse or neglect are confidential. The department shall promulgate rules regarding the maintenance, deletion, and release of information in the state repository and central registry.

D. Upon the written request of the court during its evaluation of ~~an individual applying to work as a court-appointed special advocate~~ any of the

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following individuals who will have contact with children served by the court-appointed special advocate program, and with the consent of the ~~applicant~~ individual, the department shall search the central registry and report to the court any justified report of abuse or neglect alleging that the ~~applicant~~ individual is a perpetrator~~.~~:

(1) An individual applying to work as a court-appointed special advocate.

(2) A CASA staff member.

(3) A member of the CASA board of directors.

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Section 4. The provisions of Section 3 of this Act shall become effective upon promulgation and publication by the Department of Children and Family Services of the final rules to implement the provisions of this Act and Act No. 348 of the 2017 Regular Session of the Legislature.

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)]

HB 466 Reengrossed 2018 Regular Session Gisclair

Abstract: Grants authority to court appointed special advocate program (CASA) volunteers to access a child's home and to attend all administrative review hearings and family team meetings related to the case, and provides for the screening of CASA staff members or members of the board of directors.

Present law (Ch.C. Art. 424.2) allows CASA to review relevant documents and to interview parties and witnesses involved in the proceeding.

Proposed law retains present law and grants authority to CASA volunteers to access the child's home to evaluate the home for safety concerns, unless prohibited by the court.

Present law (Ch.C. Art. 424.4) requires CASA volunteers to be notified of all administrative review hearings related to the case.

Proposed law retains present law and requires that CASA volunteers be allowed to attend all family team meetings as well as administrative review hearings related to the case, unless the parent objects.

Present law (Ch.C. Art. 616) allows a court to screen individuals applying to work as a court appointed special advocate for any justified reports of abuse or neglect.

Proposed law retains present law and adds CASA program staff members and board of director members to those individuals who may be screened by a court for any justifiable reports of abuse or neglect, if any such individuals have contact with children served by CASA.

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(Amends Ch.C. Arts. 424.2, 424.4(B), 616(C) and (D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Allow the court to prohibit a CASA volunteer from accessing the home in which the child was placed.

2. Allow the parent to object to the CASA volunteer attending administrative review hearings and family team meetings.

3. Add a condition that the individual have contact with children in order for the court to search the central registry for CASA volunteers, staff members, and board members.

4. Make changes to present law as it currently reads and as it will read once a delayed effective date is triggered.

The House Floor Amendments to the engrossed bill:

1. Make technical changes by removing conflicting provisions relating to present law as it currently reads and as it will read once a delayed effective date is triggered.

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