

2019 Regular Session

SENATE BILL NO. 109

BY SENATORS BARROW, ALARIO, BISHOP, BOUDREAUX, CARTER, CHABERT,  
CLAITOR, COLOMB, CORTEZ, ERDEY, GATTI, HEWITT, JOHNS,  
LONG, LUNEAU, MARTINY, MILLS, MIZELL, MORRELL, PRICE,  
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Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CHILDREN/FAMILY SERVICES DEPT. Provides relative to youth in the foster care program. (gov sig)

AN ACT

To amend and reenact the chapter heading of Chapter 3 of Title III of the Children's Code, the heading of Children's Code Art. 303 and R.S. 46:56(F)(7)(c) and 1403.1, to enact Children's Code Art. 303(12) and Subpart D-4 of Part II of Chapter 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:288.1 through 288.10, and to repeal R.S. 46:286.24, relative to youth in the foster care program; to provide for exclusive court jurisdiction; to provide for the release of certain information regarding the foster child; to provide for extended stay in foster care while in a transitional placing program; to provide for an extended foster care program; to provide for definitions; to provide for program eligibility; to provide for a voluntary placement agreement; to provide for a written court report; to provide for court jurisdiction; to provide for internal administrative reviews; to provide for program participation termination; to provide for extension of an adoption or guardianship subsidy; to provide for rulemaking; to provide for the repeal of extended foster care for high school students; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislative of Louisiana:

1 Section 1. The chapter heading of Chapter 3 of Title III of the Children's Code and  
2 the heading of Children's Code Art. 303 are hereby amended and reenacted and Children's  
3 Code Art. 303(12) is hereby enacted to read as follows:

4 CHAPTER 3. JURISDICTION OVER CHILDREN, **YOUTH**, AND MINORS

5 Art. 303. Exclusive jurisdiction over children, **youth**, and minors; exceptions

6 A court exercising juvenile jurisdiction shall have exclusive original  
7 jurisdiction over:

8 \* \* \*

9 **(12) Extended foster care proceedings as provided for by R.S. 46:288.1**  
10 **et seq., to review the written report and make a determination whether it is in**  
11 **the youth's best interest to continue in extended foster care in a voluntary**  
12 **placement. For purposes of this Paragraph, "youth" shall have the same**  
13 **meaning as provided for by R.S. 46:288.2(3).**

14 Section 2. R.S. 46:56(F)(7)(c) and 1403.1 are hereby amended and reenacted, and  
15 Subpart D-4 of Part II of Chapter 3 of the Louisiana Revised Statutes of 1950, comprised of  
16 R.S. 46:288.1 through 288.10, is hereby enacted to read as follows:

17 §56. Applications and client case records; definitions; confidentiality; waiver;  
18 penalty

19 \* \* \*

20 F. The following information shall not be subject to waiver and shall not be  
21 released to applicants, recipients, or outside sources, except those outside sources  
22 engaged in the administration of the programs of the department or when specifically  
23 authorized by law:

24 \* \* \*

25 (7)(a) \* \* \*

26 \* \* \*

27 (c) The department **or a department contractor**, with the **written** consent  
28 of the former foster child, may release information described in Paragraph (1) of this  
29 Subsection for the purpose of the education and training of foster **youth children** and

1 former foster youth children or to assist the former foster child in providing his  
2 perspective or foster care experience, to the extent the department in its  
3 discretion believes that the release of such information is in the best interest of  
4 the former foster child and is allowed by federal law. The information shall not  
5 include the identity of the birth parents or birth siblings of a former foster child or  
6 any information regarding the identity of the reporter in the case of abuse or neglect.

7 \* \* \*

#### 8 SUBPART D-4. EXTENDED FOSTER CARE PROGRAM

##### 9 §288.1. Short title

10 This Subpart shall be known and may be cited as the "Extended Foster  
11 Care Program Act".

##### 12 §288.2. Definitions

13 As used in this Subpart, the following terms shall have the following  
14 meanings:

15 (1) "Court" means the court that exercised juvenile jurisdiction over the  
16 child in need of care proceedings involving the youth prior to his eighteenth  
17 birthday.

18 (2) "Department" means the Department of Children and Family  
19 Services.

20 (3) "Youth" means an individual who was adjudicated as a child in need  
21 of care, was in foster care in the department's custody on the day before his  
22 eighteenth birthday, and is at least eighteen years of age but less than twenty-  
23 one years of age.

##### 24 §288.3. Eligibility; notice

25 A. The department may provide extended foster care services for a youth  
26 who satisfies one of the following conditions for eligibility:

27 (1) Completing secondary education or a program leading to an  
28 equivalent credential.

29 (2) Enrolled in an institution that provides postsecondary or vocational

1 education.

2 (3) Participating in a program or activity designed to promote  
3 employment or remove barriers to employment.

4 (4) Employed for at least eighty hours per month.

5 (5) Is incapable of doing any part of the activities in Paragraphs (1)  
6 through (4) of this Subsection due to a medical condition. A medical condition  
7 invoked pursuant to this Paragraph shall be documented and supported by  
8 regularly updated information in the youth's case plan.

9 B. The department shall notify all foster children and their foster parents  
10 or other custodians in writing of the availability of these benefits and services  
11 upon the foster child's seventeenth birthday, and every ninety days thereafter  
12 until the child's eighteenth birthday, unless the foster child and foster parents  
13 or other custodians have already consented in writing to participation in this  
14 program.

15 §288.4. Extended foster care voluntary placement agreement

16 A. If a youth chooses to participate in extended foster care services and  
17 meets the eligibility criteria set forth in R.S. 46:288.3(A), the department and  
18 the youth shall sign an extended foster care voluntary placement agreement that  
19 shall include, at a minimum, the following:

20 (1) The obligation for the youth to continue to meet the conditions for  
21 eligibility set forth in R.S. 46:288.3(A) for the duration of the voluntary  
22 extended foster care agreement.

23 (2) Any obligation considered necessary by the department for the youth  
24 to continue to receive extended foster care services provided the youth is  
25 eligible.

26 (3) Any obligation considered necessary by the department to facilitate  
27 the youth's continued success in the program.

28 (4) Termination of an extended foster care voluntary placement  
29 agreement and program participation as set forth in R.S. 46:288.8.

1           (5) The voluntary nature of the youth's participation in receiving  
2           extended foster care services.

3           (6) The opportunity for a fair hearing if the youth believes that he has  
4           been denied extended foster care services or that his request has not been acted  
5           upon with reasonable promptness.

6           B. Once the department determines that a youth is eligible and the youth  
7           signs the extended foster care voluntary placement agreement, the department  
8           may provide extended foster care services to the youth in accordance with this  
9           Subpart.

10          C. Acceptance of these benefits and services shall in no way deprive the  
11          youth in foster care of any rights or obligations conferred by attaining the age  
12          of majority.

13          §288.5. Written court report; filing

14          Within one hundred fifty days after the extended foster care voluntary  
15          placement agreement is signed, the department shall file with the court a  
16          written report that shall contain all of the following:

17                 (1) The youth's name, date of birth, race, gender, and current address.

18                 (2) A statement of facts that support the extended foster care voluntary  
19                 placement agreement and includes both of the following:

20                         (a) The reasonable efforts made to achieve the permanency goal of  
21                         independence for the youth.

22                         (b) The reasons why it remains in the youth's best interests to continue  
23                         in extended foster care in a voluntary placement.

24                 (3) A copy of the signed extended foster care voluntary placement  
25                 agreement.

26                 (4) Any other information the department or the youth wants the court  
27                 to consider.

28          §288.6. Jurisdiction; findings; closure of court case

29                 A. The court has jurisdiction to review the written report and make a

1 determination whether it is in the youth's best interest to continue in extended  
2 foster care in a voluntary placement.

3 B. Upon filing of the written report set forth in R.S. 46:288.5, the court  
4 shall open an extended foster care case for the purpose of determining whether  
5 continuing in extended foster care in a voluntary placement is in the youth's  
6 best interest. The court shall make a determination no later than twenty-one  
7 days after the date the report was filed.

8 C. Following the court's determination of whether continuing in  
9 extended foster care in a voluntary placement is in the youth's best interest, the  
10 court shall close the extended foster care case and the department shall provide  
11 extended foster care services to the youth in accordance with this Subpart.

12 §288.7. Internal administrative reviews

13 The department shall conduct internal administrative reviews not less  
14 than once every one hundred eighty days to determine the status of the  
15 following:

16 (1) The youth's safety.

17 (2) Continuing necessity and appropriateness of placement.

18 (3) Extent of compliance with the case plan.

19 (4) Projected date when the youth may no longer require extended foster  
20 care services.

21 §288.8. Termination

22 A. A youth may choose to terminate the extended foster care voluntary  
23 placement agreement and stop receiving extended foster care services at any  
24 time.

25 B. If, at any time, the department determines that the youth is not in  
26 compliance with the extended foster care voluntary placement agreement or any  
27 program requirements, the department may terminate the extended foster care  
28 voluntary placement agreement with the youth and stop providing extended  
29 foster care services to the youth. The department shall provide written or

1 electronic notice to the youth regarding termination of the extended foster care  
 2 voluntary placement agreement and the youth's participation in the program.

3 §288.9. Extension of subsidy

4 Notwithstanding any other provision of law, the department may extend  
 5 an adoption or guardianship subsidy to the adoptive parent or guardian with  
 6 whom the department established a subsidy arrangement for a youth, who  
 7 initially was adopted from or entered guardianship from foster care and began  
 8 receiving the adoption or guardianship subsidy after age sixteen, but prior to  
 9 age eighteen, if the adoptive parents or guardians remain financially responsible  
 10 for the youth, and the youth meets the same criteria for eligibility set forth in  
 11 R.S. 46:288.3 to participate in the state's extended foster care program.

12 §288.10. Rulemaking

13 The department shall promulgate and enforce any rules and regulations  
 14 as are necessary to implement the provisions of this Subpart in accordance with  
 15 the Administrative Procedure Act.

16 \* \* \*

17 §1403.1. Extended stay for completion of educational courses or other programs

18 Notwithstanding any other provision of law to the contrary, a child housed  
 19 at a residential home, **transitional placing program**, or in foster care may stay at  
 20 such home, **transitional placing program**, or in foster care until his twenty-first  
 21 birthday ~~to complete any educational course that he began at such facility, or while~~  
 22 ~~in foster care, including but not limited to a General Education Development course~~  
 23 **and while participating in the extended foster care program set forth in R.S.**  
 24 **46:288.1 et seq., or** any other program offered by the residential home.

25 \* \* \*

26 Section 3. R.S. 46:286.24 is hereby repealed.

27 Section 4. This Act shall become effective upon signature by the governor or, if not  
 28 signed by the governor, upon expiration of the time for bills to become law without signature  
 29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

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The original instrument was prepared by Christine Arbo Peck. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tammy Crain-Waldrop.

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## DIGEST

SB 109 Reengrossed

2019 Regular Session

Barrow

Present law provides for the confidentiality of client case records and waiver of that confidentiality only under certain circumstances and with certain approvals. Proposed law retains present law and provides that the department or a department contractor, with written consent of the foster child, may provide certain information for education, training, and to provide perspective or foster care experience.

Present law provides for an extended stay in foster care for children housed in a residential home. Proposed law retains present law and provides that a child can stay in foster care if he is housed at a residential home, transitional placing program, or in foster care until his 21st birthday while participating in an extended foster care program.

Proposed law establishes an extended foster care program for children who are at least 18 years old, but less than 21 years old. Proposed law provides for definitions, program eligibility, a voluntary placement agreement, a written court report, court jurisdiction, internal administrative reviews, program participation termination, and extension of an adoption or guardianship subsidy. Proposed law provides for rulemaking. In extended foster care proceedings, provides exclusive original jurisdiction for review of the written report by a court exercising juvenile jurisdiction to make a determination whether it is in the youth's best interest to continue in extended foster care in a voluntary placement.

Present law provides for extension of foster care for certain high school students. Proposed law repeals present law and incorporates education as a determination of eligibility for the program established by proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends the heading of Ch.C. Art. 303, R.S. 46:56(F)(7)(c) and 1403.1 and the heading of Chapter 3 of Title III of the Children's Code; adds Ch.C. Art. 303(12) and R.S. 46:288.1 through 288.10; repeals R.S. 46:286.24)

Summary of Amendments Adopted by SenateSenate Floor Amendments to engrossed bill

1. Makes technical changes.
2. Adds clarifying language, further allows judge to make determination on whether it is in a youth's best interest to continue in extended foster care up to age twenty-one.