

2021 Regular Session

HOUSE BILL NO. 383

BY REPRESENTATIVE STAGNI

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

CHILDRENS CODE: Amends the definition of "caretaker" in laws pertaining to child in need of care proceedings

1 AN ACT

2 To amend and reenact Children's Code Article 603(4), relative to child in need of care
3 proceedings; to provide for definitions; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Children's Code Article 603(4) is hereby amended and reenacted to read
6 as follows:

7 Art. 603. Definitions

8 As used in this Title:

9 * * *

10 (4)(a) "Caretaker" means any person legally obligated to provide or secure
11 adequate care for a child, including a parent, tutor, guardian, legal custodian, foster
12 home parent, an employee of a ~~public or private day care center~~ or an operator of an
13 early learning center as defined in R.S. 17:407.33, an operator or employee of a
14 registered family child day care home, an operator or employee of a restrictive care
15 facility, or other person providing a residence for the child. "Caretaker" also means
16 an adult who occupies a residence of a child and has a consistent and continuing
17 responsibility for the care of a child. "Caretaker" shall not include an operator or
18 employee of a correctional facility, detention facility, or nonresidential school.

19 (b) For the purposes of this Subparagraph, "restrictive care facility" means
20 a public or private licensed or unlicensed child care facility, group home, emergency

1 shelter facility, maternity home, psychiatric hospital, or a psychiatric unit located in
2 a state-owned or state-contracted general hospital.

3 * * *

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 383 Original

2021 Regular Session

Stagni

Abstract: Revises definitions pertaining to child in need of care proceedings.

Present law defines "caretaker" as any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private day care center, an operator or employee of a registered family child day care home, or other person who provides a residence for the child.

Proposed law retains present law and adds an employee or operator of an early learning center as defined in present law may also be identified as persons who are legally obligated to provide or secure adequate care for a child.

Proposed law provides that the "caretaker" also means any adult who occupies a residence of a child and has a consistent and continuing responsibility for the care of a child. Proposed law states that a "caretaker" does not include an operator or employee of a correctional facility, detention facility, or nonresidential school.

Proposed law defines "restrictive care facility" as any public or private licensed or unlicensed child care facility, group home, emergency shelter facility, maternity home, psychiatric hospital, or a psychiatric unit located in a state-owned or state-contracted general hospital.

(Amends Ch.C. Art. 603(4))