

2022 Regular Session

SENATE BILL NO. 40

BY SENATORS MCMATH, BARROW, LUNEAU AND MIZELL

CHILDREN. Provides relative to protections for foster children. (gov sig)

1 AN ACT

2 To enact R.S. 46:286.2, relative to protections for foster children; to provide for special
3 identification cards for children in foster care; to provide for an effective date; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 46:286.2 is hereby enacted to read as follows:

7 **§286.2. Children in foster care; identification card; photograph**

8 **A. Except as provided in Subsection B of this Section, for a child placed**
9 **into foster care, as defined in Children's Code Article 603, the Department of**
10 **Children and Family Services shall obtain one of the following no later than**
11 **ninety days after the placement of the child in the custody of the state:**

12 **(1) For a child age fourteen or older, a special identification card issued**
13 **for the child pursuant to R.S. 40:1321.**

14 **(2) For a child younger than age fourteen or a child who does not qualify**
15 **for a special identification card, a photograph of the child.**

16 **B. If the Department of Children and Family Services is unable to**
17 **comply with the provisions of Subsection A of this Section due to the child's**

1 **incarceration, elopement, physical or mental disability, or specialized placement**
 2 **where the child cannot be transported, or upon approval of the court, the**
 3 **department shall obtain the special identification card or photograph no later**
 4 **than ninety days from the date the condition preventing compliance ceases to**
 5 **exist.**

6 Section 2. This Act shall become effective upon signature by the governor or, if not
 7 signed by the governor, upon expiration of the time for bills to become law without signature
 8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 10 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Brandi Cannon.

DIGEST

SB 40 Engrossed

2022 Regular Session

McMath

Present law provides for the Protect and Save our Children Program for issuance of special identification cards for persons under the age of 16 years old. Present law further provides that the card will be issued without cost to a foster child.

Proposed law retains present law and requires that the Dept. of Children and Family Services (DCFS) shall obtain one of the following no later than 90 days after a foster child is placed in the custody of the state:

- (1) For a child age 14 or older, a special identification card issued for the child.
- (2) For a child under age 14 who does not qualify for a special identification card, a photograph of the child.

Proposed law provides that if DCFS is unable to comply with proposed law due to the child's incarceration, elopement, physical or mental disability, or specialized placement where the child cannot be transported, or upon approval of the court, the department shall obtain the special identification card or photograph no later than 90 days from the date the condition preventing compliance ceases to exist.

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

(Adds R.S. 46:286.2)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to
the original bill

1. Requires DCFS to obtain the special identification card or photograph.

2. Limits the requirement for a special identification card to children age 14 or older.
3. Allows DCFS 90 days to comply with proposed law once a barrier to initial compliance no longer exists.