
DIGEST

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HB 261 Reengrossed

2015 Regular Session

Hodges

Abstract: Enacts the Quality Parenting for Children in Foster Care Act and provides for the reasonable and prudent parent standard to apply to decisions by foster caregivers concerning participation by foster children in certain activities.

Present law provides that no contract for foster care services shall be awarded to any person who has not completed a training program approved by the Department of Children and Family Services (DCFS) that includes certain specified topics. Proposed law retains present law and adds to the training topics the "reasonable and prudent parent standard" established by proposed law.

Proposed law to be known as the "Quality Parenting for Children in Foster Care Act" provides findings relative to protecting the health and well-being of foster children. Further provides that the intent of proposed law is to recognize the importance of normalizing the lives of children in foster care while ensuring their health and safety, and to empower caregivers and legal custodians to support and encourage a child's participation in activities.

Proposed law provides that foster children should be encouraged and supported to participate in age- and developmentally appropriate extracurricular, enrichment, cultural, social, and sporting activities.

Proposed law defines "reasonable and prudent parent standard" as the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, social, and sporting activities.

Proposed law stipulates that the reasonable and prudent parent standard established by proposed law shall not authorize any decision that conflicts with the residual parental rights of a parent of a child.

Proposed law requires that foster caregivers use the reasonable and prudent parent standard in determining whether to give permission for a foster child to participate in extracurricular, enrichment, cultural, social, or sporting activities. Provides that when using the reasonable and prudent parent standard, the caregiver shall consider all of the following:

- (1) The child's age, maturity, and developmental level in order to maintain the overall health and safety of the child.
- (2) The potential risk factors and the appropriateness of the extracurricular, enrichment, cultural,

social, or sporting activity.

- (3) The best interest of the child, based on information known by the caregiver.
- (4) The importance of encouraging the child's emotional and developmental growth.
- (5) The importance of providing the child with the most family-like living experience possible.
- (6) The behavioral history of the child and the child's ability to safely participate in the proposed activity.

Proposed law authorizes children in foster care to travel out of state with a foster parent or another DCFS-approved adult so long as the foster parent confirms with DCFS in advance of the departure date that no reason exists to prevent such travel, and provides a travel itinerary to the department.

Proposed law requires DCFS to verify that private child residential facilities providing foster care services have policies in place that are consistent with the provisions of proposed law, and that these agencies promote and protect the ability of children to participate in age- and developmentally appropriate extracurricular, enrichment, cultural, social, and sporting activities.

Proposed law stipulates that a foster caregiver is not liable for harm caused to a child who participates in an age- and developmentally appropriate activity approved by the caregiver, provided that the caregiver has acted in accordance with the reasonable and prudent parent standard. Stipulates further that nothing in proposed law shall be construed to remove or limit any existing liability protection afforded by present law.

Proposed law requires DCFS to promulgate rules for implementation of proposed law, and that these rules do all of the following:

- (1) Provide foster caregivers with as much flexibility as possible to enable children in their care to participate in normal life experiences.
- (2) Reflect the considerations provided in proposed law relative to the reasonable and prudent parent standard.

(Amends R.S. 46:283(C)(1)(a)(intro. para.); Adds R.S. 46:283(C)(1)(a)(v) and R.S. 46:286.21-286.25)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Revise the definitions of "age- or developmentally appropriate" and "reasonable and

prudent parent standard" provided in proposed law.

2. Provide within the definition of "reasonable and prudent parent standard" that no decisions shall be made that conflict with the child's parents' residual parental rights.
3. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Relocate within proposed law a provision stipulating that the reasonable and prudent parent standard established by proposed law shall not authorize any decision that conflicts with the residual parental rights of a parent of a child.