

## DIGEST

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SB 245 Reengrossed

2015 Regular Session

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Present law provides that for a child in the care of the state, a case plan shall be designed to achieve placement in the least restrictive, most family-like, and most appropriate setting available, and in close proximity to the parents' homes, consistent with the best interest and special needs of the child. Further provides that the health and safety of the child shall be the paramount concern in the development of the case plan.

Proposed law retains present law.

Present law provides that such case plans shall at least include all of the following:

- (1) A description of the type of home or institution in which the child is placed, including a discussion of the child's health and safety, the appropriateness of the placement, and the reasons why the placement, if a substantial distance from the home of the parents or in a different state, is in the best interests of the child.
- (2) A plan for assuring that the child receives safe and proper care and that services are provided to the parents, child, and foster parents in order to improve the conditions in the parents' home, facilitate the safe return of the child to his own home or other permanent placement of the child, or both, and address the needs of the child while in foster care, including a plan for visitation and a discussion of the appropriateness of the services that have been provided to the child under the plan. If the child has been committed to the custody of a person other than the parents, the plan shall recommend an amount the parents are obligated to contribute for the cost of care and treatment of their child in accordance with Article 685. When appropriate for a child fifteen years of age or older, the plan shall include a written description of the programs and services which will help the child prepare for the transition from foster care to independent living.

Proposed law retains present law and adds that the case plan must include a plan for assuring that the child is afforded the greatest opportunity for normalcy through engagement in age- or developmentally-appropriate activities on a regular basis. Proposed law provides that the child shall be consulted in an age-appropriate manner about their interests and opportunities available to them. Proposed law further provides that recognizing the greatest opportunity for normalcy lies in the day-to-day decisions affecting the child's activities, the child's caretaker should be supported in making those decisions through the use of the reasonable and prudent parent standard as set forth in proposed law.

Present law provides that no new 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), including but not limited to the following areas:

- (1) Obtaining needed services for foster children.
- (2) Discipline and foster children.
- (3) Legal aspects of foster care.
- (4) Working with parents and the agency.

Proposed law retains present law and adds that the required training program for a person who seeks a contract for foster care services shall also include knowledge and skills relating to the reasonable and prudent parent standard for participation by the child in age- or developmentally-appropriate activities as defined in proposed law.

Proposed law adds the following definitions:

- (1) "Age- or developmentally-appropriate" means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical and behavioral capacities of the child.
- (2) "Reasonable and prudent parent standard" means 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, and social activities.
- (3) "Caregiver" means a person with whom the child is placed in foster care, or a designated official for a child residential facility licensed by the state.

Proposed law provides that nothing in proposed law shall be construed to authorize any decision that conflicts with the residual parental rights of a parent of a child as defined in present law (Ch. C. Art. 116).

Proposed law adds that each caregiver shall use the reasonable and prudent parent standard in determining whether to give permission for a child living in foster care to participate in extracurricular, enrichment, cultural, social or sporting activities.

Proposed law adds 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 provides that each child in foster care shall be allowed to travel out of state with his 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 provides that a foster caregiver who approves a foster child's participation in an age- and developmentally-appropriate extracurricular, enrichment, cultural, social or sporting activity is not liable for harm caused to the child at such activity, provided that the caregiver has acted in accordance with the reasonable and prudent parent standard. Proposed law further provides that nothing in proposed law shall be construed to remove or limit any existing liability protection afforded by law.

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

(Amends Ch. C. Art. 675(B) and R.S. 46:283(C)(1); Adds R.S. 46:283(D)-(G))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the engrossed bill

1. Removes the word "natural" so that nothing in proposed law shall be construed to authorize any decision that conflicts with the residual parental rights of a parent of a child, rather than with the residual rights of only a "natural" parent of the child.

Senate Floor Amendments

1. Provides definition for "caregiver".
2. Technical amendments.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the reengrossed 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.
2. Make technical changes.