

2016 Regular Session

SENATE BILL NO. 313

BY SENATOR BARROW

CHILDREN. Provides relative to the Council on the Status of Grandparents Raising Grandchildren. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 36:4(B)(8), to enact R.S. 46:2605.1 through 2605.3, and to

3 repeal R.S. 36:478(L) and R.S. 46:2911 through 2913, relative to the Council on the

4 Status of Grandparents Raising Grandchildren; to provide for the transfer of this

5 council from the Department of Children and Family Services to the office of the

6 governor; to provide for the council's membership, responsibilities and duties, and

7 its fund; to provide terms, conditions, requirements, and procedures; and to provide

8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 36:4(B)(8) is hereby amended and reenacted to read as follows:

11 §4. Structure of executive branch of state government

12 \* \* \*

13 B. The office of the governor shall be in the executive branch of state

14 government.

15 \* \* \*

16 (8) The Children's Cabinet and the Children's Cabinet Advisory Board, as

17 more specifically provided in R.S. 46:2601 through 2607, and the Council on the

1 Status of Grandparents Raising Grandchildren, as more specifically provided

2 in R.S. 46:2605.1 through 2605.3, shall be placed within the office of the governor.

3 \* \* \*

4 Section 2. R.S. 46:2605.1 through 2605.3 are hereby enacted to read as follows:

5 §2605.1. Council on the Status of Grandparents Raising Grandchildren

6 A. There is hereby established the Council on the Status of Grandparents  
 7 Raising Grandchildren, hereinafter referred to as the "council" as a  
 8 subcommittee of the Children's Cabinet Advisory Board. The domicile of the  
 9 council shall be in the parish of East Baton Rouge.

10 B. The council shall be composed of the following members:

11 (1) The executive director of the Children's Cabinet Advisory Board, or  
 12 his designee.

13 (2) Three members representing the Department of Children and Family  
 14 Services appointed by the secretary of the department, one of whom shall be a  
 15 representative of the kinship care subsidy program, one of whom shall be a  
 16 representative of the food stamp program, and one of whom shall be a  
 17 representative of the foster care program.

18 (3) Two members representing the Department of Health and Hospitals  
 19 appointed by the secretary of the department, one of whom shall be a  
 20 representative of the behavioral health program, and one of whom shall be a  
 21 representative of the Medicaid eligibility program.

22 (4) A member representing the Department of Education appointed by  
 23 the superintendent, who shall be a representative of the child care assistance  
 24 program.

25 (5) The executive director of the Louisiana Workforce Commission, or  
 26 his designee.

27 (6) The deputy secretary of the Department of Public Safety and  
 28 Corrections, Youth Services, office of juvenile justice, or his designee.

29 (7) A member of the Senate to be appointed by the president of the

1           Senate.

2                   (8) A member of the House of Representatives to be appointed by the  
3           speaker of the House of Representatives.

4                   (9) The executive director of the Governor's Office of Elderly Affairs, or  
5           his designee.

6                   (10) The President of the Louisiana Association of School  
7           Superintendents, or his designee.

8                   (11) One member representing and appointed by Agenda for Children.

9                   (12) One member representing and appointed by Prevent Child Abuse  
10          Louisiana.

11                  (13) One member representing and appointed by the Louisiana  
12          Children's Trust Fund.

13                  (14) No fewer than three and no more than five citizens who have  
14          demonstrated a commitment to the rearing of grandchildren by grandparents,  
15          to be nominated by the executive director of the Children's Cabinet Advisory  
16          Board and approved by the council.

17                  (15) One member representing and appointed by the National  
18          Association of Social Workers - Louisiana.

19                  (16) One member representing and appointed by the  
20          LouisianaChildren.org.

21                  (17) One member representing and appointed by the Louisiana Council  
22          of Juvenile and Family Court Judges.

23                  (18) One member representing and appointed by the Louisiana State Bar  
24          Association.

25                  (19) One representative of the Grandparents Raising Grandchildren  
26          Information Center of Louisiana.

27                  (20) One member representing and appointed by the Access to Justice  
28          Committee of the Louisiana State Bar Association.

29                  (21) The president of the Louisiana Head Start Association, or his

1 designee.

2 C. Members of the council shall serve four-year terms and shall not  
3 receive any compensation or reimbursement of expenses. Each member of the  
4 council shall hold office until the appointment and qualification of his successor.  
5 Whenever a vacancy occurs in an appointed position, the vacancy shall be filled  
6 in the same manner and under the same terms and conditions as required for  
7 the original appointment.

8 D. Meetings of the council shall be held in the city of Baton Rouge. At the  
9 first meeting each year the chair and vice chair of the council shall be appointed  
10 by the executive director of the Children's Cabinet Advisory Board with the  
11 consultation and approval of the council. The council may adopt such rules of  
12 procedure as are necessary to facilitate orderly conduct of its business.

13 E. The council shall meet at least quarterly. Meetings shall be held on the  
14 call of the chair or at the request of at least three members of the council. A  
15 majority of the council shall constitute a quorum for the transaction of business.  
16 All official actions of the council shall require the affirmative vote of a majority  
17 of the quorum.

18 F. All departments, boards, agencies, officers, and institutions of the  
19 state and all subdivisions thereof shall cooperate with the council in carrying  
20 out its purposes pursuant to R.S. 46:2605.1 through 2605.3.

21 G. The council shall make, or cause to be made, all such studies, reviews,  
22 or analyses which it finds necessary to effect its purpose.

23 H. The council may receive and expend funds appropriated or otherwise  
24 made available by the legislature or from any other source, including donations  
25 or gifts of money or services from public or private organizations or from any  
26 other sources, to be utilized for the purposes of the council and as further  
27 provided in R.S. 46:2605.3.

28 §2605.2. Council; responsibilities and duties

29 A. The council shall be a resource to the state on issues affecting

1 grandparents raising grandchildren in the state. In furtherance of that  
2 responsibility, the council shall undertake efforts to provide for the following:

3 (1) Foster unity among grandparents raising grandchildren,  
4 communities, and organizations in the state by promoting cooperation and  
5 sharing of information and encouraging collaboration and joint activities.

6 (2) Serve as a liaison between government and private interest groups  
7 with regard to matters of unique interest and concern to grandparents raising  
8 grandchildren in the state.

9 (3) Assess programs and practices in all state agencies as they affect  
10 grandparents raising grandchildren, as the council deems necessary and  
11 appropriate.

12 (4) Identify and discuss best practices as they affect grandparents raising  
13 grandchildren and explore how these practices can be adapted to programs and  
14 services being provided within the state.

15 (5) Advise executive and legislative bodies of the potential effect of  
16 proposed legislation on grandparents raising grandchildren, as the council  
17 deems necessary and appropriate.

18 (6) Investigate the merits of the establishment of a state agency or  
19 program within a department dedicated to grandparents' issues and determine  
20 how such agency or program would be set up.

21 (7) Identify a system for educating grandparents who lack the  
22 appropriate information and resources regarding the care and custody of their  
23 grandchildren.

24 (8) Identify issues that are faced by nonparent relatives providing  
25 primary care for children.

26 B. The council shall issue its annual report by January 31st each year,  
27 stating the findings, conclusions, and recommendations of the council. The  
28 council shall submit the report to the governor, the president of the Senate, the  
29 speaker of the House of Representatives, and the chairmen of the committees

1 with appropriate jurisdiction in the House of Representatives and in the Senate.

2 §2605.3 Status of Grandparents Raising Grandchildren Fund

3 A. There is hereby created in the state treasury, as a special fund, the  
4 Status of Grandparents Raising Grandchildren Fund, hereinafter referred to  
5 as the "fund".

6 B.(1) The source of monies deposited into the fund shall be any monies  
7 appropriated annually by the legislature, including federal funds, any public or  
8 private donations, gifts, or grants from individuals, corporations, nonprofit  
9 organizations, or other business entities which may be made to the fund, and  
10 any other monies which may be obtained or provided by law.

11 (2) Monies in the fund shall be invested in the same manner as monies  
12 in the state general fund and interest earned on investment of monies in the  
13 fund shall be credited to the state general fund. Unexpended and unencumbered  
14 monies in the fund at the end of the fiscal year shall remain in the fund.

15 C. Subject to an annual appropriation by the legislature, monies in the  
16 fund shall be used as directed by the council solely for the purposes set forth in  
17 R.S. 46:2605.1 and 2605.2.

18 Section 3. R.S. 36:478(L) and R.S. 46:2911 through 2913 are hereby repealed.

19 Section 4. This Act shall become effective upon signature by the governor or, if not  
20 signed by the governor, upon expiration of the time for bills to become law without signature  
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
23 effective on the day following such approval.

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The original instrument was prepared by J. W. Wiley. The following digest,  
which does not constitute a part of the legislative instrument, was prepared  
by Christine Arbo Peck.

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Present law provides that the Council on the Status of Grandparents Raising Grandchildren ("council") is placed within the Department of Children and Family Services and provides for its membership, responsibilities and duties, and its fund.

Proposed law changes present law to provide that the council is moved from the DCFS to the office of the governor and is a subcommittee of the Children's Cabinet Advisory Board.

Proposed law repeals provisions of present law providing for the council's membership, responsibilities and duties, and its fund.

Proposed law provides for the council's membership, responsibilities and duties, and its fund.

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

(Amends R.S. 36:4(B)(8); adds R.S. 46:2605.1-2605.3; repeals R.S. 36:478(L) and R.S. 46:2911-2913)

#### Summary of Amendments Adopted by Senate

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

1. Clarified council composition regarding appropriate designees from Department of Health and Hospitals, Department of Children and Family Services, and Department of Education.
2. Clarified that the Children's Cabinet Advisory Board representative is the executive director and not the chair.
3. Provided for council membership representing the Louisiana Association of School Superintendents, LouisianaChildren.org, Justice Committee of the Louisiana State Bar Association and the Louisiana Head Start Association.
4. Changed the report deadline from January 1st to January 31st.
5. Made technical corrections.