

2019 Regular Session

SENATE BILL NO. 109

BY SENATORS BARROW, BOUDREAUX, CHABERT, CLAITOR, ERDEY, LUNEAU
AND MILLS

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

CHILDREN/FAMILY SERVICES DEPT. Provides relative to youth in the foster care program. (gov sig)

1 AN ACT
2 To amend and reenact R.S. 46:56(F)(7)(c) and 1403.1, to enact Subpart D-4 of Part II of
3 Chapter 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.
4 46:288.1 through 288.10, and to repeal R.S. 46:286.24, relative to youth in the foster
5 care program; to provide for the release of certain information regarding the foster
6 child; to provide for extended stay in foster care while in a transitional placing
7 program; to provide for an extended foster care program; to provide for definitions;
8 to provide for program eligibility; to provide for a voluntary placement agreement;
9 to provide for a written court report; to provide for court jurisdiction; to provide for
10 internal administrative reviews; to provide for program participation termination; to
11 provide for extension of an adoption or guardianship subsidy; to provide for
12 rulemaking; to provide for the repeal of extended foster care for high school
13 students; to provide for an effective date; and to provide for related matters.
14 Be it enacted by the Legislature of Louisiana:
15 Section 1. R.S. 46:56(F)(7)(c) and 1403.1 are hereby amended and reenacted, and
16 Subpart D-4 of Part II of Chapter 3 of the Louisiana Revised Statutes of 1950, comprised of
17 R.S. 46:288.1 through 288.10, is hereby enacted to read as follows:

1 §56. Applications and client case records; definitions; confidentiality; waiver;
2 penalty

3 * * *

4 F. The following information shall not be subject to waiver and shall not be
5 released to applicants, recipients, or outside sources, except those outside sources
6 engaged in the administration of the programs of the department or when specifically
7 authorized by law:

8 * * *

9 (7)(a) * * *

10 * * *

11 (c) The department **or a department contractor**, with the **written** consent
12 of the former foster child, may release information described in Paragraph (1) of this
13 Subsection for the purpose of the education and training of foster **youth children** and
14 former foster **youth children or to assist the former foster child in providing his**
15 **perspective or foster care experience**, to the extent **the department in its**
16 **discretion believes that the release of such information is in the best interest of**
17 **the former foster child and is** allowed by federal law. The information shall not
18 include the identity of the birth parents or birth siblings of a former foster child or
19 any information regarding the identity of the reporter in the case of abuse or neglect.

20 * * *

21 **SUBPART D-4. EXTENDED FOSTER CARE PROGRAM**

22 **§288.1. Short title**

23 **This Subpart shall be known and may be cited as the "Extended Foster**
24 **Care Program Act"**.

25 **§288.2. Definitions**

26 **As used in this Subpart, the following terms shall have the following**
27 **meanings:**

28 **(1) "Court" means the court that exercised juvenile jurisdiction over the**
29 **child in need of care proceedings involving the youth prior to his eighteenth**

1 birthday.

2 (2) "Department" means the Department of Children and Family
3 Services.

4 (3) "Youth" means an individual who was adjudicated a child in need of
5 care, was in foster care in the department's custody on the day before his
6 eighteenth birthday, and is at least eighteen years of age but less than twenty-
7 one years of age.

8 §288.3. Eligibility; notice

9 A. The department may provide extended foster care services for a youth
10 who satisfies one of the following conditions for eligibility:

11 (1) Completing secondary education or a program leading to an
12 equivalent credential.

13 (2) Enrolled in an institution that provides postsecondary or vocational
14 education.

15 (3) Participating in a program or activity designed to promote
16 employment or remove barriers to employment.

17 (4) Employed for at least eighty hours per month.

18 (5) Is incapable of doing any part of the activities in Paragraphs (1)
19 through (4) of this Subsection due to a medical condition. A medical condition
20 invoked pursuant to this Paragraph shall be documented and supported by
21 regularly updated information in the youth's case plan.

22 B. The department shall notify all foster children and their foster parents
23 or other custodians in writing of the availability of these benefits and services
24 upon the foster child's seventeenth birthday, and every ninety days thereafter
25 until the child's eighteenth birthday, unless the foster child and foster parents
26 or other custodians have already consented in writing to participation in this
27 program.

28 §288.4. Extended foster care voluntary placement agreement

29 A. If a youth chooses to participate in extended foster care services and

1 meets the eligibility criteria set forth in R.S. 46:288.3(A), the department and
2 the youth shall sign an extended foster care voluntary placement agreement that
3 shall include, at a minimum, the following:

4 (1) The obligation for the youth to continue to meet the conditions for
5 eligibility set forth in R.S. 46:288.3(A) for the duration of the voluntary
6 extended foster care agreement.

7 (2) Any obligation considered necessary by the department for the youth
8 to continue to receive extended foster care services provided the youth is
9 eligible.

10 (3) Any obligation considered necessary by the department to facilitate
11 the youth's continued success in the program.

12 (4) Termination of an extended foster care voluntary placement
13 agreement and program participation as set forth in R.S. 46:288.8.

14 (5) The voluntary nature of the youth's participation in receiving
15 extended foster care services.

16 (6) The opportunity for a fair hearing if the youth believes that he has
17 been denied extended foster care services or that his request has not been acted
18 upon with reasonable promptness.

19 B. Once the department determines that a youth is eligible and the youth
20 signs the extended foster care voluntary placement agreement, the department
21 may provide extended foster care services to the youth in accordance with this
22 Subpart.

23 C. Acceptance of these benefits and services shall in no way deprive the
24 youth in foster care of any rights or obligations conferred by attaining the age
25 of majority.

26 §288.5. Written court report; filing

27 Within one hundred fifty days after the extended foster care voluntary
28 placement agreement is signed, the department shall file with the court a
29 written report that shall contain all of the following:

1 **(1) The youth's name, date of birth, race, gender, and current address.**

2 **(2) A statement of facts that support the extended foster care voluntary**
3 **placement agreement and includes both of the following:**

4 **(a) The reasonable efforts made to achieve the permanency goal of**
5 **independence for the youth.**

6 **(b) The reasons why it remains in the youth's best interests to continue**
7 **in extended foster care in a voluntary placement.**

8 **(3) A copy of the signed extended foster care voluntary placement**
9 **agreement.**

10 **(4) Any other information the department or the youth wants the court**
11 **to consider.**

12 **§288.6. Jurisdiction; findings; closure of court case**

13 **A. The court has jurisdiction to review the written report and make a**
14 **determination whether it is in the youth's best interest to continue in extended**
15 **foster care in a voluntary placement.**

16 **B. Upon filing of the written report set forth in R.S. 46:288.5, the court**
17 **shall open an extended foster care case for the purpose of determining whether**
18 **continuing in extended foster care in a voluntary placement is in the youth's**
19 **best interest. The court shall make a determination no later than twenty-one**
20 **days after the date the report was filed.**

21 **C. Following the court's determination of whether continuing in**
22 **extended foster care in a voluntary placement is in the youth's best interest, the**
23 **court shall close the extended foster care case and the department shall provide**
24 **extended foster care services to the youth in accordance with this Subpart.**

25 **§288.7. Internal administrative reviews**

26 **The department shall conduct internal administrative reviews not less**
27 **than once every one hundred eighty days to determine the status of the**
28 **following:**

29 **(1) The youth's safety.**

1 (2) Continuing necessity and appropriateness of placement.

2 (3) Extent of compliance with the case plan.

3 (4) Projected date when the youth may no longer require extended foster
4 care services.

5 §288.8. Termination

6 A. A youth may choose to terminate the extended foster care voluntary
7 placement agreement and stop receiving extended foster care services at any
8 time.

9 B. If, at any time, the department determines that the youth is not in
10 compliance with the extended foster care voluntary placement agreement or any
11 program requirements, the department may terminate the extended foster care
12 voluntary placement agreement with the youth and stop providing extended
13 foster care services to the youth. The department shall provide written or
14 electronic notice to the youth regarding termination of the extended foster care
15 voluntary placement agreement and the youth's participation in the program.

16 §288.9. Extension of subsidy

17 Notwithstanding any other provision of law, the department may extend
18 an adoption or guardianship subsidy to the adoptive parent or guardian with
19 whom the department established a subsidy arrangement for a youth, who
20 initially was adopted from or entered guardianship from foster care and began
21 receiving the adoption or guardianship subsidy after age sixteen, but prior to
22 age eighteen, if the adoptive parents or guardians remain financially responsible
23 for the youth, and the youth meets the same criteria for eligibility set forth in
24 R.S. 46:288.3 to participate in the state's extended foster care program.

25 §288.10. Rulemaking

26 The department shall promulgate and enforce any rules and regulations
27 as are necessary to implement the provisions of this Subpart in accordance with
28 the Administrative Procedure Act.

29 * * *

1 §1403.1. Extended stay for completion of educational courses or other programs

2 Notwithstanding any other provision of law to the contrary, a child housed
3 at a residential home, **transitional placing program**, or in foster care may stay at
4 such home, **transitional placing program**, or in foster care until his twenty-first
5 birthday ~~to complete any educational course that he began at such facility, or while~~
6 ~~in foster care, including but not limited to a General Education Development course~~
7 **and while participating in the extended foster care program set forth in R.S.**
8 **46:288.1 et seq., or** any other program offered by the residential home.

9 * * *

10 Section 2. R.S. 46:286.24 is hereby repealed.

11 Section 3. This Act shall become effective upon signature by the governor or, if not
12 signed by the governor, upon expiration of the time for bills to become law without signature
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
15 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 Christine Arbo Peck.

DIGEST

SB 109 Engrossed

2019 Regular Session

Barrow

Present law provides for the confidentiality of client case records and waiver of that confidentiality only under certain circumstances and with certain approvals. Proposed law retains present law and provides that the department or a department contractor, with written consent of the foster child, may provide certain information for education, training, and to provide perspective or foster care experience.

Present law provides for an extended stay in foster care for children housed in a residential home. Proposed law retains present law and provides that a child can stay in foster care if he is housed at a residential home, transitional placing program, or in foster care until his 21st birthday while participating in an extended foster care program.

Proposed law establishes an extended foster care program for children who are at least 18 years old, but less than 21 years old. Proposed law provides for definitions, program eligibility, a voluntary placement agreement, a written court report, court jurisdiction, internal administrative reviews, program participation termination, and extension of an adoption or guardianship subsidy. Proposed law provides for rulemaking.

Present law provides for extension of foster care for certain high school students. Proposed law repeals present law and incorporates education as a determination of eligibility for the program established by proposed law.

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

(Amends R.S. 46:56(F)(7)(c) and 1403.1; adds R.S. 46:288.1 through 288.10; repeals R.S. 46:286.24)