

SENATE BILL NO. 109

BY SENATORS BARROW, ALARIO, BISHOP, BOUDREAUX, CARTER, CHABERT, CLAITOR, COLOMB, CORTEZ, ERDEY, GATTI, HEWITT, JOHNS, LONG, LUNEAU, MARTINY, MILLS, MIZELL, MORRELL, PRICE, RISER, GARY SMITH, TARVER, THOMPSON AND WALSWORTH AND REPRESENTATIVE LEGER

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

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AN ACT

To amend and reenact the chapter heading of Chapter 3 of Title III of the Children's Code, the heading of Children's Code Art. 303, and R.S. 46:56(F)(7)(c) and 1403.1, to enact Children's Code Art. 303(12) and Subpart D-4 of Part II of Chapter 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:288.1 through 288.10, and to repeal R.S. 46:286.24, relative to youth in the foster care program; to provide for exclusive court jurisdiction; to provide for the release of certain information regarding the foster child; to provide for extended stay in foster care while in a transitional placing program; to provide for an extended foster care program; to provide for definitions; to provide for program eligibility; to provide for a voluntary placement agreement; to provide for a written court report; to provide for court jurisdiction; to provide for internal administrative reviews; to provide for program participation termination; to provide for extension of an adoption or guardianship subsidy; to provide for rulemaking; to provide for the repeal of extended foster care for high school students; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The chapter heading of Chapter 3 of Title III of the Children's Code and the heading of Children's Code Art. 303 are hereby amended and reenacted and Children's Code Art. 303(12) is hereby enacted to read as follows:

CHAPTER 3. JURISDICTION OVER CHILDREN, YOUTH, AND MINORS

Art. 303. Exclusive jurisdiction over children, youth, and minors; exceptions

A court exercising juvenile jurisdiction shall have exclusive original

1 jurisdiction over:

2 * * *

3 (12) Extended foster care proceedings as provided for by R.S. 46:288.1
4 et seq., to review the written report and make a determination whether it is in
5 the youth's best interest to continue in extended foster care in a voluntary
6 placement. For purposes of this Paragraph, "youth" shall have the same
7 meaning as provided in R.S. 46:288.2.

8 Section 2. R.S. 46:56(F)(7)(c) and 1403.1 are hereby amended and reenacted and
9 Subpart D-4 of Part II of Chapter 3 of the Louisiana Revised Statutes of 1950, comprised of
10 R.S. 46:288.1 through 288.10, is hereby enacted to read as follows:

11 §56. Applications and client case records; definitions; confidentiality; waiver;
12 penalty

13 * * *

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

18 * * *

19 (7)(a) * * *

20 * * *

21 (c) The department or a department contractor, with the written consent
22 of the former foster child, may release information described in Paragraph (1) of this
23 Subsection for the purpose of the education and training of foster youth children and
24 former foster youth children or to assist the former foster child in providing his
25 perspective or foster care experience, to the extent the department in its
26 discretion believes that the release of such information is in the best interest of
27 the former foster child and is allowed by federal law. The information shall not
28 include the identity of the birth parents or birth siblings of a former foster child or
29 any information regarding the identity of the reporter in the case of abuse or neglect.

30 * * *

1 **SUBPART D-4. EXTENDED FOSTER CARE PROGRAM**2 **§288.1. Short title**3 **This Subpart shall be known and may be cited as the "Extended Foster**
4 **Care Program Act".**5 **§288.2. Definitions**6 **As used in this Subpart, the following terms shall have the following**
7 **meanings:**8 **(1) "Court" means the court that exercised juvenile jurisdiction over the**
9 **child in need of care proceedings involving the youth prior to his eighteenth**
10 **birthday.**11 **(2) "Department" means the Department of Children and Family**
12 **Services.**13 **(3) "Youth" means an individual who was adjudicated as a child in need**
14 **of care, was in foster care in the department's custody on the day before his**
15 **eighteenth birthday, and is at least eighteen years of age but less than twenty-**
16 **one years of age.**17 **§288.3. Eligibility; notice**18 **A. The department may provide extended foster care services for a youth**
19 **who satisfies one of the following conditions for eligibility:**20 **(1) Completing secondary education or a program leading to an**
21 **equivalent credential.**22 **(2) Enrolled in an institution that provides postsecondary or vocational**
23 **education.**24 **(3) Participating in a program or activity designed to promote**
25 **employment or remove barriers to employment.**26 **(4) Employed for at least eighty hours per month.**27 **(5) Is incapable of doing any part of the activities in Paragraphs (1)**
28 **through (4) of this Subsection due to a medical condition. A medical condition**
29 **invoked pursuant to this Paragraph shall be documented and supported by**
30 **regularly updated information in the youth's case plan.**

1 **B. The department shall notify all foster children and their foster parents**
2 **or other custodians in writing of the availability of these benefits and services**
3 **upon the foster child's seventeenth birthday, and every ninety days thereafter**
4 **until the child's eighteenth birthday, unless the foster child and foster parents**
5 **or other custodians have already consented in writing to participation in this**
6 **program.**

7 **§288.4. Extended foster care voluntary placement agreement**

8 **A. If a youth chooses to participate in extended foster care services and**
9 **meets the eligibility criteria set forth in R.S. 46:288.3(A), the department and**
10 **the youth shall sign an extended foster care voluntary placement agreement that**
11 **shall include, at a minimum, the following:**

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

15 **(2) Any obligation considered necessary by the department for the youth**
16 **to continue to receive extended foster care services if the youth is eligible for**
17 **those services.**

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

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

22 **(5) The voluntary nature of the youth's participation in receiving**
23 **extended foster care services.**

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

27 **B. Once the department determines that a youth is eligible and the youth**
28 **signs the extended foster care voluntary placement agreement, the department**
29 **may provide extended foster care services to the youth in accordance with this**
30 **Subpart.**

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

4 §288.5. Written court report; filing

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

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

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

11 (a) The reasonable efforts made to achieve the permanency goal of
12 independence for the youth.

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

15 (3) A copy of the signed extended foster care voluntary placement
16 agreement.

17 (4) Any other information the department or the youth wants the court
18 to consider.

19 §288.6. Jurisdiction; findings; closure of court case

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

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

28 C. Following the court's determination of whether continuing in
29 extended foster care in a voluntary placement is in the youth's best interest, the
30 court shall close the extended foster care case and the department shall provide

1 extended foster care services to the youth in accordance with this Subpart.

2 §288.7. Internal administrative reviews

3 The department shall conduct internal administrative reviews not less
4 than once every one hundred eighty days to determine the status of the
5 following:

6 (1) The youth's safety.

7 (2) Continuing necessity and appropriateness of placement.

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

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

11 §288.8. Termination

12 A. A youth may choose to terminate the extended foster care voluntary
13 placement agreement and stop receiving extended foster care services at any
14 time.

15 B. If, at any time, the department determines that the youth is not in
16 compliance with the extended foster care voluntary placement agreement or any
17 program requirements, the department may terminate the extended foster care
18 voluntary placement agreement with the youth and stop providing extended
19 foster care services to the youth. The department shall provide written or
20 electronic notice to the youth regarding termination of the extended foster care
21 voluntary placement agreement and the youth's participation in the program.

22 §288.9. Extension of subsidy

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

1 **§288.10. Rulemaking**

2 **The department shall promulgate and enforce any rules and regulations**
3 **as are necessary to implement the provisions of this Subpart in accordance with**
4 **the Administrative Procedure Act.**

5 * * *

6 §1403.1. Extended stay for completion of educational courses or other programs

7 Notwithstanding any other provision of law to the contrary, a child housed
8 at a residential home, **transitional placing program,** or in foster care may stay at
9 such home, **transitional placing program,** or in foster care until his twenty-first
10 birthday ~~to complete any educational course that he began at such facility, or while~~
11 ~~in foster care, including but not limited to a General Education Development course~~
12 **and while participating in the extended foster care program set forth in R.S.**
13 **46:288.1 et seq., or** any other program offered by the residential home.

14 * * *

15 Section 3. R.S. 46:286.24 is hereby repealed.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____