

SENATE RESOLUTION NO. 48

BY SENATORS MIZELL, ABRAHAM, ALLAIN, BARROW, BERNARD, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FIELDS, HARRIS, HENSGENS, HEWITT, JACKSON, LAMBERT, MCMATH, FRED MILLS, ROBERT MILLS, MORRIS, PEACOCK, POPE, SMITH, TARVER, WARD AND WOMACK

A RESOLUTION

To direct the Department of Children and Family Services to comply with Senate Resolution 52 of the 2020 First Extraordinary Session and report to the legislature on the impact and success of the department's guidelines on care setting decision making for children under age six.

WHEREAS, the Senate adopted Senate Resolution 52 of the 2020 First Extraordinary Session on June 30, 2020, requesting the Department of Children and Family Services to provide certain information regarding the foster care program and implementation and application of Document 6-305, entitled Guidelines for Care Setting Decision Making for Children under Age Six; and

WHEREAS, Senate Resolution 52 asked for the requested information no later than October 1, 2020; and

WHEREAS, having not received the information by the date requested, the Senate Committee on Health and Welfare included on its October 14, 2020, agenda, *Presentation by the Department of Children and Family Services regarding SR52 of the 2020 1st Extraordinary Session*; and

WHEREAS, after the agenda posted, the Department of Children and Family Services provided multiple reasons why they would not attend the hearing, including a written correspondence received the morning of the hearing that stated in part, "Senate Resolution 52 was introduced and passed on June 30, 2020, the last day of the 2020 First Extraordinary Session. The Department was not aware of its introduction or passage. SR 52 states that 'a copy of the Resolution shall be transmitted to the secretary of the Department

of Children and Family Services'. The Resolution was not transmitted."; and

WHEREAS, Senate records indicate that a courtesy copy of the Resolution was transmitted to the secretary on July 2, 2020; and

WHEREAS, regardless of whether the Resolution was transmitted or not, Resolutions adopted by the legislature are effective once adopted; the transmittal referenced and provided for in the Resolution is merely a courtesy copy; and

WHEREAS, the expectation of the Senate is that when a Resolution is adopted it will be adhered to by an agency and that when a committee with oversight authority over a state agency requests their presence for a hearing, the agency will send an appropriate representative with subject matter expertise; and

WHEREAS, it was to the dismay of the chairman and members of the Committee on Health and Welfare that not a single representative from the Department of Children and Family Services willingly appeared before the committee to discuss the most important issue of foster child care; and

WHEREAS, it was only after members of the committee vocally expressed their frustration that the department made an appearance; and

WHEREAS, upon arrival the secretary would not answer direct questions about the foster care program that her agency administers, including those covered by Document 6-305, under the assertion that she was prevented from doing so as a result of pending litigation; and

WHEREAS, the Senate Committee on Health and Welfare was not seeking information relative to the pending litigation, but rather about the administration of the foster care program, and after a communication impasse and moment of silence the committee "hit the reset button" and adjourned with the expectation that the data will be provided and a future hearing will be held; and

WHEREAS, the Senate Committee on Health and Welfare is committed to exercising its oversight authority on this matter and better understanding the current state of the department administered foster care program completely irrespective of the litigation pending against the department; and

WHEREAS, the first step in that process is collection of the data requested in Senate

Resolution 52 followed by a thorough hearing in which the department attends and participates; and

WHEREAS, since there has been no progress on this request since Senate Resolution 52 was adopted on June 30, 2020, the Senate now sees fit to direct the Department of Children and Family Services to cooperate on this matter.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby direct the Department of Children and Family Services to comply with Senate Resolution 52 of the 2020 First Extraordinary Session and report to the legislature on the impact and success of the department's guidelines on care setting decision making for children under age six.

BE IT FURTHER RESOLVED that the department shall address all of the following with regard to Document 6-305, entitled Guidelines for Care Setting Decision Making for Children under Age Six, with an effective date of March 15, 2019, in the report requested by this Resolution:

- (1)(a) How many children under the age of six years were moved after a minimum of six to eight months in placement since March 15, 2019, and for what reason?
- (b) In how many of those cases were mental health professionals consulted and what did they recommend?
- (c) What evidence can the department provide about the proportion of cases in which the stability of placement was weighed more than biological relationships and the proportion of cases in which biological relationships were weighed more than the stability of placement?
- (2) How does the department train its employees with regard to application of the guidelines?
- (3) How many families and children have been impacted by the implementation of the guidelines and what were the outcomes?
- (4) Does the department universally support and operate pursuant to the guidelines and in what circumstances will the department vary from the guidelines?

BE IT FURTHER RESOLVED that the department shall not be required to provide any confidential, personally identifiable, or otherwise sensitive information in the report submitted pursuant to this Resolution.

BE IT FURTHER RESOLVED that the department shall submit the report requested by this Resolution no later than December 1, 2020.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Department of Children and Family Services.

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PRESIDENT OF THE SENATE