
DIGEST

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HB 112 Engrossed

2019 Regular Session

Stefanski

Abstract: Revises present law relative to criminal convictions which disqualify a person from becoming a foster or adoptive parent or relative guardian of a child.

Present law provides that no child shall be newly placed in a foster home for temporary care, except for emergency placement, or for adoption until it is determined that no adult living in the home of the prospective foster or adoptive parent has been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C) of present law.

Proposed law repeals present law and provides instead that no prospective foster or adoptive parent or relative guardian shall be finally approved for placement of a child or to receive kinship guardian assistance payments until it is determined that such person or, in the case of a prospective relative guardian, any other adult living in the home of the prospective guardian, does not have any of the following:

- (1) A felony conviction for child abuse or neglect; for spousal abuse; for a crime against children, including child pornography; or for a crime involving violence including rape, sexual assault, or homicide, but not including other assault or battery.
- (2) A felony conviction for physical assault, battery, or a drug-related offense which occurred within the past five years.
- (3) A felony conviction for a crime listed in R.S. 15:587.1(C) of present law, other than a crime listed in proposed law, unless an assessment of the circumstances of the crime and of the current situation of the prospective foster or adoptive parent, or relative guardian and any other adult living in the home of the relative guardian, has been conducted by the La. Department of Children and Family Services (DCFS) and it has been determined that the child would not be at risk if placed in the home.

Proposed law repeals present law providing for the following prohibitions:

- (1) No child shall be newly placed in a foster home for temporary care, except for emergency placement, or for adoption until it is determined that the prospective foster or adoptive parent has not been convicted of or pled nolo contendere to a felony listed in certain provisions of present law providing for prohibited acts involving controlled substances (R.S. 40:966(C) and (E), 967(C), 968(C), 969(C), or 970(C)) unless five or more years have elapsed between the date of placement and the date of successful completion of any sentence, deferred

adjudication, or period of probation or parole.

- (2) No child shall be placed by DCFS into a home where the prospective foster or adoptive parent has been convicted of or pled nolo contendere to a felony involving controlled substances listed in paragraph (1) above until the individual has submitted to and passed an initial drug test and has provided written consent to any plan of random drug testing required by DCFS for the duration of the placement.

Present law provides that nothing therein shall be construed to prohibit DCFS or its employees from considering prior convictions in determining whether to place a child in a foster home for temporary care or for adoption. Proposed law revises present law to provide that nothing in present law or proposed law shall be construed to prohibit DCFS or its employees from considering any prior convictions of the prospective foster or adoptive parent, relative guardian, or any other adult living in the household in determining whether to place a child in a foster home for temporary care or for adoption. Provides that for the purposes of present law and proposed law, "any other adult living in the household" does not include a youth participating in the Extended Foster Care Program.

(Amends R.S. 46:51.2(C))