

2019 Regular Session

HOUSE BILL NO. 112

BY REPRESENTATIVE STEFANSKI AND SENATORS BARROW, ERDEY,
HENSGENS, AND MILLS

1 AN ACT

2 To amend and reenact R.S. 46:51.2(C), relative to placement of children with foster or
3 adoptive parents or relative guardians; to prohibit the placement of a child with a
4 prospective foster or adoptive parent or relative guardian in certain cases and to
5 prohibit persons from receiving kinship guardian assistance payments in those cases;
6 to provide for determinations relative to the criminal history of a prospective foster
7 or adoptive parent or relative guardian; to provide for the set of criminal convictions
8 which disqualify a person from becoming a foster or adoptive parent or relative
9 guardian of a child; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 46:51.2(C) is hereby amended and reenacted to read as follows:

12 §51.2. Criminal history and central registry information

13 * * *

14 C.(1) ~~No child shall be newly placed in a foster home for temporary care,~~
15 ~~except for emergency placement, or for adoption until it is determined that no adult~~
16 ~~living in such home has been convicted of or pled nolo contendere to a crime listed~~
17 ~~in R.S. 15:587.1(C).~~ No prospective foster or adoptive parent or relative guardian
18 shall be finally approved for placement of a child or to receive kinship guardian
19 assistance payments until it is determined that the prospective foster or adoptive
20 parent, or relative guardian and any other adult living in the home of the relative
21 guardian, does not have any of the following:

1 (a) A felony conviction for child abuse or neglect; for spousal abuse; for a
2 crime against children, including child pornography; or for a crime involving
3 violence including rape, sexual assault, or homicide, but not including other assault
4 or battery.

5 (b) A felony conviction for physical assault, battery, or a drug-related
6 offense which occurred within the past five years.

7 (c) A felony conviction for a crime listed in R.S. 15:587.1(C), other than a
8 crime listed in Subparagraph (a) or (b) of this Paragraph, unless an assessment of the
9 circumstances of the crime and of the current situation of the prospective foster or
10 adoptive parent, or relative guardian and any other adult living in the home of the
11 relative guardian, has been conducted by the department and it has been determined
12 that the child would not be at risk if placed in the home.

13 ~~(2) No child shall be newly placed in a foster home for temporary care,~~
14 ~~except for emergency placement, or for adoption until it is determined that the~~
15 ~~prospective foster or adoptive parent has not been convicted of or pled nolo~~
16 ~~contendere to a felony listed in R.S. 40:966(C) and (E), 967(C), 968(C), 969(C), or~~
17 ~~970(C) unless five or more years have elapsed between the date of placement and the~~
18 ~~date of successful completion of any sentence, deferred adjudication, or period of~~
19 ~~probation or parole.~~

20 ~~(3) No child shall be placed by the department into a home where the~~
21 ~~prospective foster or adoptive parent has been convicted of or pled nolo contendere~~
22 ~~to a felony listed in Paragraph (2) of this Subsection until the individual has~~
23 ~~submitted to and passed an initial drug test and has provided written consent to any~~
24 ~~plan of random drug testing required by the department for the duration of the~~
25 ~~placement. Any required drug tests shall be at the expense of the individual.~~

26 ~~(4)~~ Nothing in this Subsection shall be construed to prohibit or prevent the
27 department or its employees from considering any prior convictions of the
28 prospective foster or adoptive parent, relative guardian, or any other adult living in
29 the household in determining whether to place a child in a foster home for temporary
30 care or for adoption. For the purposes of this Paragraph, "any other adult living in

