

RÉSUMÉ DIGEST

Act 310 (HB 261)

2015 Regular Session

Hodges

Existing law provides that no contract for foster care services shall be awarded to any person who has not completed a training program approved by the Department of Children and Family Services (DCFS) that includes certain specified topics. New law adds to the training topics therein the "reasonable and prudent parent standard" established by new law.

New law entitled the "Quality Parenting for Children in Foster Care Act" provides findings relative to protecting the health and well-being of foster children. Further provides that the intent of new law is to recognize the importance of normalizing the lives of children in foster care while ensuring their health and safety, and to empower caregivers and legal custodians to support and encourage a child's participation in activities.

New law provides that foster children should be encouraged and supported to participate in age- and developmentally appropriate extracurricular, enrichment, cultural, social, and sporting activities.

New law defines "reasonable and prudent parent standard" as the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, social, and sporting activities.

New law stipulates that the reasonable and prudent parent standard established therein shall not authorize any decision that conflicts with a parent's residual parental rights.

New law requires that foster caregivers use the reasonable and prudent parent standard in determining whether to give permission for a foster child to participate in extracurricular, enrichment, cultural, social, or sporting activities. Provides that when using the reasonable and prudent parent standard, the caregiver shall consider all of the following:

- (1) The child's age, maturity, and developmental level in order to maintain the overall health and safety of the child.
- (2) The potential risk factors and the appropriateness of the extracurricular, enrichment, cultural, social, or sporting activity.
- (3) The best interest of the child, based on information known by the caregiver.
- (4) The importance of encouraging the child's emotional and developmental growth.
- (5) The importance of providing the child with the most family-like living experience possible.
- (6) The behavioral history of the child and the child's ability to safely participate in the proposed activity.

New law authorizes children in foster care to travel out of state with a foster parent or another DCFS-approved adult so long as the foster parent confirms with DCFS in advance of the departure date that no reason exists to prevent such travel, and provides a travel itinerary to the department.

New law stipulates that a foster caregiver is not liable for harm caused to a child who participates in an age- and developmentally appropriate activity approved by the caregiver, provided that the caregiver has acted in accordance with the reasonable and prudent parent standard. Stipulates further that nothing in new law shall be construed to remove or limit any existing liability protection afforded by existing law.

Effective August 1, 2015.

(Amends R.S. 46:283(C)(1)(a)(intro. para.); Adds R.S. 46:283(C)(1)(a)(v), (D)-(G), and 286.21-286.23)