

Regular Session, 2012

HOUSE CONCURRENT RESOLUTION NO. 5

BY REPRESENTATIVE SCHRODER

A CONCURRENT RESOLUTION

To continue and provide with respect to the Task Force on Legal Representation in Child Protection Cases created in the 2003 Regular Session pursuant to House Concurrent Resolution No. 44 and continued pursuant to House Concurrent Resolution No. 59 of the 2004 Regular Session, House Concurrent Resolution No. 105 of the 2005 Regular Session, and House Concurrent Resolution No. 137 of the 2007 Regular Session of the Legislature.

WHEREAS, the Task Force on Legal Representation in Child Protection Cases was originally created in the 2003 Regular Session pursuant to House Concurrent Resolution No. 44 to study systemic issues and concerns related to the provision of legal representation for abused and neglected children and indigent parents in child protection cases and to make recommendations on how those services may be more effectively and efficiently provided and funded; and

WHEREAS, the work of the task force was continued by the Legislature of Louisiana through House Concurrent Resolutions in the 2004, 2005, and 2007 Regular Sessions; and

WHEREAS, the provisions of Act Nos. 301, 321, and 664 of the 2004 Regular Session and Act No. 271 of the 2006 Regular Session were drafted from recommendations developed by the task force; and

WHEREAS, the task force has met frequently since its inception, bringing together key stakeholders in the child protection system who have contributed greatly to its work, helping shape and realize the vision of a more effective and efficient system of providing legal representation in child protection cases in the future; and

WHEREAS, the implementation of recommendations issued to date by this task force has reconstructed the system of legal representation in child protection cases in Louisiana with an emphasis on quality representation provided in an efficient manner.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby continue the Task Force on Legal Representation in Child Protection Cases through final adjournment of the 2013 Regular Session of the Legislature of Louisiana to make final recommendations for sustainable continuation of an effective and efficient system of legal representation in child protection cases.

BE IT FURTHER RESOLVED that the task force shall be composed of the following members:

(1) The deputy secretary of programs of the Department of Children and Family Services or his designee.

(2) The deputy judicial administrator for children and families of the Louisiana Supreme Court.

(3) The president of the Louisiana Council of Juvenile and Family Court Judges or his designee.

(4) A representative of the Access to Justice Committee of the Louisiana State Bar Association.

(5) A representative of the Children's Law Committee of the Louisiana State Bar Association.

(6) A representative of the Louisiana Bar Foundation.

(7) The executive counsel for the Department of Children and Family Services or his designee.

(8) An attorney who has represented the interests of parents in child protection proceedings, appointed by the Louisiana Public Defender Board.

(9) Four attorneys who have represented the interests of children in child protection proceedings, appointed in the number of one each by the following organizations:

(a) Child Advocacy Program of the Mental Health Advocacy Service.

(b) Acadiana Legal Service Corporation.

(c) Legal Services of North Louisiana, Incorporated.

(d) Southeast Louisiana Legal Services Corporation.

(10) The executive director of the Louisiana District Attorney Association or his designee.

(11) A representative of the office of the governor.

(12) A representative of the division of administration, office of risk management.

(13) A member of the Louisiana Senate or a designated legislative staff member, appointed by the president of the Senate.

(14) A member of the Louisiana House of Representatives or a designated legislative staff member, appointed by the speaker of the House.

(15) A member of the Louisiana Court Appointed Special Advocates (CASA) Association.

(16) The executive director of the Louisiana Association of Criminal Defense Lawyers or his designee.

(17) A representative of the Paul M. Hebert Law Center of Louisiana State University.

(18) A representative of the College of Law of Loyola University of New Orleans.

(19) A representative of the Southern University Law Center.

(20) A representative of the Tulane University Law School.

(21) The executive director of the Mental Health Advocacy Service or his designee.

(22) The chair of the Louisiana Children's Justice Act Task Force or his designee.

BE IT FURTHER RESOLVED that the task force shall perform the following tasks:

(1) Complete an evaluation of the efficacy of the system of legal representation in child protection cases as it is currently implemented.

(2) Consider potential changes to existing law, policy, procedure, data collection, and reporting prompted by such evaluation.

(3) Make programmatic and fiscal recommendations that support improvement and continuation of the system of legal representation in child protection cases.

BE IT FURTHER RESOLVED that the task force shall report on system implementation and make recommendations to the House Committee on Civil Law and Procedure and the Senate Committee on Judiciary A prior to the convening of the 2013 Regular Session of the Legislature of Louisiana.

BE IT FURTHER RESOLVED that the final implementation phase of the task force shall be chaired by a member of the Louisiana Legislature.

BE IT FURTHER RESOLVED that the Department of Children and Family Services and the Louisiana Supreme Court shall continue to provide staff support to assist the task force in facilitating implementation of its recommendations.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Department of Children and Family Services, the chief justice of the Louisiana Supreme Court, and the president of the Louisiana State Bar Association.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE