

2018 Regular Session

SENATE BILL NO. 211

BY SENATOR GATTI

CHILDREN. Provides relative to parental drug testing before allowing a foster child to return to the home. (gov sig)

1 AN ACT

2 To amend and reenact Children's Code Art. 1036(C), relative to children; to provide relative
3 to return from foster care; to provide relative to parental compliance with a case
4 plan; to provide relative to testing for synthetic controlled dangerous substances; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Children's Code Art. 1036(C) is hereby amended and reenacted to read
8 as follows:

9 Art. 1036. Proof of parental misconduct

10 * * *

11 C. Under Article 1015(6), lack of parental compliance with a case plan may
12 be evidenced by one or more of the following:

13 (1) The parent's failure to attend court-approved scheduled visitations with
14 the child.

15 (2) The parent's failure to communicate with the child.

16 (3) The parent's failure to keep the department apprised of the parent's
17 whereabouts and significant changes affecting the parent's ability to comply with the

1 case plan for services.

2 (4) The parent's failure to contribute to the costs of the child's foster care, if
3 ordered to do so by the court when approving the case plan.

4 (5) The parent's repeated failure to comply with the required program of
5 treatment and rehabilitation services provided in the case plan.

6 (6) The parent's lack of substantial improvement in redressing the problems
7 preventing reunification.

8 (7) The persistence of conditions that led to removal or similar potentially
9 harmful conditions.

10 **(8) The parent's failure to provide a negative test result for all synthetic**
11 **controlled dangerous substances, listed under R.S. 40:964, at the completion of**
12 **a reasonable case plan.**

13 * * *

14 Section 2. This Act shall become effective upon signature by the governor or, if not
15 signed by the governor, upon expiration of the time for bills to become law without signature
16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
17 vetoed by the governor and subsequently approved by the legislature, this Act shall become
18 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 211 Original 2018 Regular Session Gatti

Present law relative to children returning from foster care, provides that lack of parental compliance in a case plan consists of a parent's:

- (1) Failure to attend scheduled visitation.
- (2) Failure to communicate with child.
- (3) Failure to provide their whereabouts and changes affecting case plan.
- (4) Failure to contribute to foster care.
- (5) Repeated failure to comply with programs and rehabilitation services.
- (6) Lack of substantial improvement in recurring problems.

(7) Persistence of conditions that led to removal.

Proposed law retains present law and adds a parent's failure to test negative for synthetic controlled dangerous substances prior to reunification.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends Ch.C. Art. 1036(C))