

2018 Regular Session

SENATE CONCURRENT RESOLUTION NO. 39

BY SENATOR JOHNS

CHILDREN. Creates and provides for the Child Protection Act Advisory Commission.

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A CONCURRENT RESOLUTION

To create the Child Protection Act Advisory Commission to conduct a broad study of the effectiveness of the Child Protection Act and to make recommendations for systemic improvements and legislative changes to ensure the protection of the children of the state from abuse and neglect while being able to provide safe placement options that are in their best interest.

WHEREAS, children residing in the state of Louisiana are being subjected to abuse and neglect that requires removal from their homes and placement in state custody; and

WHEREAS, protecting children from abuse and neglect and facilitating sound decision-making relative to their care and future living arrangements when it is not safe for them to return home is necessary; and

WHEREAS, it is necessary that the child protection system work more effectively and efficiently to provide safe placement options for the children of this state in an appropriate and timely manner.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby create the Child Protection Act Advisory Commission to conduct a broad study of the effectiveness of the Child Protection Act, make recommendations for systemic improvements and legislative changes to ensure the protection of the children of the state

1 from abuse and neglect while being able to be maintained in a safe placement that is in their
2 best interest.

3 BE IT FURTHER RESOLVED that the commission herein created shall be
4 composed of the following members:

5 (1) A representative from the office of the governor designated by the governor.

6 (2) The assistant secretary of child welfare of the Department of Children and Family
7 Services, or his designee.

8 (3) The deputy general counsel of child welfare for the Department of Children and
9 Family Services, or his designee.

10 (4) The Louisiana State Superintendent of Education, or his designee.

11 (5) The secretary of the Department of Public Safety and Corrections, or his
12 designee.

13 (6) The deputy secretary of the office of juvenile justice, or his designee.

14 (7) Two representatives appointed by the Louisiana District Attorneys Association.
15 One representative should have knowledge of the criminal justice system, and the other
16 representative should have knowledge of child in need of care or termination proceedings.

17 (8) A representative from the Louisiana law enforcement community appointed by
18 the governor.

19 (9) A representative from the Louisiana Sheriffs' Association appointed by its board.

20 (10) A representative from the Louisiana Public Defender Board who has knowledge
21 of the criminal justice system appointed by the board.

22 (11) A representative from the Louisiana Public Defender Board who has represented
23 the interests of parents in child in need of care or termination proceedings appointed by the
24 board.

25 (12) The president of the Louisiana Council of Juvenile and Family Court Judges,
26 or his designee.

27 (13) The president of the Louisiana District Judges Association, or his designee.

28 (14) A mental health professional, who has expertise in the evaluating and/or
29 determining placement options in abuse or neglect cases, appointed by the governor.

30 (15) A member of a citizens group, such as a relative, who participates in child

1 protection programs, appointed by the governor.

2 (16) The executive director of the Court Appointed Special Advocates (CASA)
3 Association, or his designee.

4 (17) An attorney who has represented the interests of children in child in need of care
5 or termination proceedings, appointed by the board of trustees of the Child Advocacy
6 Program.

7 BE IT FURTHER RESOLVED that designees or representatives shall be appointed
8 on a permanent basis, and should be familiar with the intricacies of the child protection
9 system and have the necessary qualifications to review the complex issues presented by the
10 Child Protection Act.

11 BE IT FURTHER RESOLVED that the commission shall study and make
12 recommendations, at a minimum, on the following issues:

13 (1) The Child Protection Act, as a whole including but not limited to the enumerated
14 crimes, prohibitions on individuals with certain convictions, and impact on placements for
15 foster children, to ensure safe placement options for children in state custody.

16 (2) Methods or framework by which the Child Protection Act can work more
17 effectively and efficiently to provide protection with minimum trauma to the child who has
18 been abused or neglected and requires out of home placement.

19 (3) Methods or framework by which the Child Protection Act can ensure the
20 development and use of expertise in making placement decisions for children.

21 (4) Methods or framework by which the Child Protection Act can ensure that
22 children are protected and that all their needs are addressed appropriately.

23 BE IT FURTHER RESOLVED that the Department of Children and Family Services
24 shall provide the necessary support and staff for the commission to be able to conduct the
25 study required and make the report mandated by this Resolution.

26 BE IT FURTHER RESOLVED that the assistant secretary of child welfare from the
27 Department of Children and Family Services shall communicate with all other members and
28 shall call the first meeting of the commission.

29 BE IT FURTHER RESOLVED that the commission shall organize itself, elect
30 officers, adopt rules of procedure, adopt a work schedule, and take whatever additional steps

1 the commission determines will contribute to conducting the study and making a timely
2 report as required by this Resolution.

3 BE IT FURTHER RESOLVED that the members of the commission shall be bound
4 by the confidentiality restrictions set forth in R.S. 46:56, and shall sign a confidentiality
5 agreement.

6 BE IT FURTHER RESOLVED that the commission shall make a report of its
7 findings and its recommendations to the senate and house committees on health and welfare.

8 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
9 governor, the secretary of the Department of Children and Family Services, the State
10 Superintendent of Education, the secretary of the Department of Public Safety and
11 Corrections, the deputy secretary of the office of juvenile justice, the Louisiana District
12 Attorneys Association, the Louisiana Sheriffs' Association, the Louisiana Public Defender
13 Board, the Louisiana Council of Juvenile and Family Court Judges, the Louisiana District
14 Judges Association, the Court Appointed Special Advocates (CASA) Association, and the
15 Child Advocacy Program.

The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tim Prather.

DIGEST

SCR 39 Engrossed 2018 Regular Session Johns

Creates the Child Protection Act Advisory Commission to conduct a broad study of the effectiveness of the Child Protection Act ("the Act"), make recommendations for systemic improvements and legislative changes to ensure the protection of the children of the state from abuse and neglect while being able to be maintained in a safe placement that is in their best interest.

Provides that the commission shall be composed of the following members:

- (1) A representative from the office of the governor designated by the governor.
- (2) The assistant secretary of Child Welfare of the DCFS, or his designee.
- (3) The deputy general counsel of Child Welfare for the DCFS, or his designee.
- (4) The La. State Superintendent of Education, or his designee.
- (5) The secretary of the DPS&C, or his designee.
- (6) The deputy secretary of the office of juvenile justice, or his designee.
- (7) Two representatives appointed by the La. District Attorneys Association. One

- representative should have knowledge of the criminal justice system, and the other representative should have knowledge of child in need of care or termination proceedings.
- (8) A representative from the Louisiana law enforcement community appointed by the governor.
 - (9) A representative from the La. Sheriffs' Association appointed by its board.
 - (10) A representative from the La. Public Defender Board who has knowledge of the criminal justice system appointed by the board.
 - (11) A representative from the La. Public Defender Board who has represented the interests of parents in child in need of care or termination proceedings appointed by the board.
 - (12) The president of the La. Council of Juvenile and Family Court Judges, or his designee.
 - (13) The president of the La. District Judges Association, or his designee.
 - (14) A mental health professional, who has expertise in the evaluating and/or determining placement options in abuse or neglect cases, appointed by the governor.
 - (15) A member of a citizens group, such as a relative, who participates in child protection programs, appointed by the governor.
 - (16) The executive director of the Court Appointed Special Advocates Association, or his designee.
 - (17) An attorney who has represented the interests of children in child in need of care or termination proceedings, appointed by the board of trustees of the Child Advocacy Program.

Provides that designees or representatives shall be appointed on a permanent basis, and should be familiar with the intricacies of the child protection system and have the necessary qualifications to review the complex issues presented by the Act.

Requires that the commission study and make recommendations, at a minimum, on the following issues:

- (1) The Act, as a whole including but not limited to the enumerated crimes, prohibitions on individuals with certain convictions, and impact on placements for foster children, to ensure safe placement options for children in state's custody.
- (2) Methods or framework by which the Act can work more effectively and efficiently to provide protection with minimum trauma to the child who has been abused or neglected and requires out of home placement.
- (3) Methods or framework by which the Act can ensure the development and use of expertise in making placement decisions for children.
- (4) Methods or framework by which the Act can ensure that children are protected and that all their needs are addressed appropriately.

Requires that the DCFS provide the necessary support and staff for the commission to be able to conduct the study required and make the report mandated by this Resolution.

Requires that the DCFS assistant secretary of child welfare communicate with all other

members and call the first meeting of the commission.

Requires that the commission organize itself, elect officers, adopt rules of procedure, adopt a work schedule, and take whatever additional steps that the commission determines will contribute to conducting the study and making a timely report as required by this Resolution.

Requires that the members of the commission be bound by the confidentiality restrictions set forth in R.S. 46:56, and sign a confidentiality agreement.

Requires that the commission make a report of its findings and its recommendations to the senate and house committees on health and welfare.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Adds two representatives appointed by the La. District Attorneys Association and the specific criteria for each appointment.
2. Specifies that the president of the La. Council of Juvenile and Family Court Judges, or his designee shall be a member of the commission.