

Regular Session, 2014

HOUSE BILL NO. 228

BY REPRESENTATIVE JEFFERSON

CHILDREN/FOSTER CARE: Provides relative to criminal history of an adult living in a foster home

1 AN ACT

2 To amend and reenact R.S. 46:51.2(C), relative to criminal history; to provide for
3 consideration of criminal history of certain persons living in a foster home; to limit
4 consideration of certain drug-related convictions of adults living in a foster home to
5 those committed within the past five years; to provide for drug testing; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

9 §51.2. Criminal history and central registry information

10 * * *

11 C.(1) No child shall be newly placed in a foster home for temporary care,
12 except for emergency placement, or for adoption until it is determined that no adult
13 living in such home has been convicted of or pled nolo contendere to a crime listed
14 in R.S. 15:587.1(C).

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

1 date of successful completion of any sentence, deferred adjudication, or period of
2 probation or parole.

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

9 (4) Nothing in this Subsection shall be construed to prohibit or prevent the
10 department or its employees from considering prior convictions in determining
11 whether to place a child in a foster home for temporary care or for adoption.

12 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Jefferson

HB No. 228

Abstract: Limits consideration of certain drug-related convictions of prospective foster or adoptive parents to those in which five or more years have elapsed between the date of placement and the date of successful completion or service of any sentence, deferred adjudication, or period of probation or parole.

Present law (R.S. 46:51.2(C)) prohibits a child from being placed in a foster home for temporary care if an adult living in the home has been convicted of certain crimes.

Present law (R.S. 15:587.1(C)) provides a list of convictions of certain crimes to be considered relative to the care of children by certain persons, including convictions for the production, manufacturing, distribution, dispensing, or possession with the intent to produce, manufacture, distribute, or dispense a Schedule I, II, III, IV, or V controlled dangerous substance.

Proposed law retains present law.

Proposed law prohibits a child from being placed in a foster home for temporary care, except for emergency placement, or for adoption until it is determined that the prospective foster or adoptive parent has not been convicted of or pled nolo contendere to a felony offense involving the possession of a Schedule I, II, III, IV, or V controlled dangerous substance unless five or more years have elapsed between the date of placement and the date of successful completion of any sentence, deferred adjudication, or period of probation or parole.

Proposed law prohibits a child from being placed into a home where the prospective foster or adoptive parent has been convicted of or pled nolo contendere to a felony offense involving the possession of a Schedule I, II, III, IV, or V controlled dangerous substance until the individual has submitted to and passed an initial drug test and has provided written consent to any plan of random drug testing required by the Dept. of Children and Family Services (DCFS) for the duration of the placement. Proposed law further provides that any required drug tests shall be at the expense of the individual.

Proposed law authorizes DCFS to consider prior convictions in determining whether to place a child in a foster home for temporary care or for adoption.

(Amends R.S. 46:51.2(C))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Removed proposed exception to the prohibition of a child being placed in a foster home for temporary care if an adult living in the home has been convicted of certain crimes.
2. Prohibited a child from being placed in a foster home or for adoption until it is determined that the prospective foster or adoptive parent has not been convicted of or pled nolo contendere to a felony offense involving the possession of a controlled dangerous substance unless five or more years have elapsed between the date of placement and the date of successful completion of any sentence, deferred adjudication, or period of probation or parole.
3. Prohibited a child from being placed into a home where the prospective foster or adoptive parent has been convicted of or pled nolo contendere to a felony offense involving the possession of a controlled dangerous substance until the individual has submitted to and passed an initial drug test and has provided written consent to any plan of random drug testing at the expense of the individual required by the Dept. of Children and Family Services.
4. Authorized the Dept. of Children and Family Services to consider prior convictions in determining whether to place a child in a foster home for temporary care or for adoption.
5. Made technical changes.