

2016 Regular Session

SENATE BILL NO. 313

BY SENATOR BARROW

CHILDREN. Provides relative to the Council on the Status of Grandparents Raising Grandchildren. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 36:4(B)(8), to enact R.S. 46:2605.1 through 2605.3, and to

3 repeal R.S. 36:478(L) and R.S. 46:2911 through 2913, relative to the Council on the

4 Status of Grandparents Raising Grandchildren; to provide for the transfer of this

5 council from the Department of Children and Family Services to the office of the

6 governor; to provide for the council's membership, responsibilities and duties, and

7 its fund; to provide terms, conditions, requirements, and procedures; and to provide

8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 36:4(B)(8) is hereby amended and reenacted to read as follows:

11 §4. Structure of executive branch of state government

12 * * *

13 B. The office of the governor shall be in the executive branch of state

14 government.

15 * * *

16 (8) The Children's Cabinet and the Children's Cabinet Advisory Board, as

17 more specifically provided in R.S. 46:2601 through 2607, and the Council on the

1 Senate.

2 (8) A member of the House of Representatives to be appointed by the
3 speaker of the House of Representatives.

4 (9) The executive director of the Governor's Office of Elderly Affairs, or
5 his designee.

6 (10) The President of the Louisiana Association of School
7 Superintendents, or his designee.

8 (11) One member representing and appointed by Agenda for Children.

9 (12) One member representing and appointed by Prevent Child Abuse
10 Louisiana.

11 (13) One member representing and appointed by the Louisiana
12 Children's Trust Fund.

13 (14) No fewer than three and no more than five citizens who have
14 demonstrated a commitment to the rearing of grandchildren by grandparents,
15 to be nominated by the executive director of the Children's Cabinet Advisory
16 Board and approved by the council.

17 (15) One member representing and appointed by the National
18 Association of Social Workers - Louisiana.

19 (16) One member representing and appointed by the
20 LouisianaChildren.org.

21 (17) One member representing and appointed by the Louisiana Council
22 of Juvenile and Family Court Judges.

23 (18) One member representing and appointed by the Louisiana State Bar
24 Association.

25 (19) One representative of the Grandparents Raising Grandchildren
26 Information Center of Louisiana.

27 (20) One member representing and appointed by the Access to Justice
28 Committee of the Louisiana State Bar Association.

29 (21) The president of the Louisiana Head Start Association, or his

1 designee.

2 C. Members of the council shall serve four-year terms and shall not
3 receive any compensation or reimbursement of expenses. Each member of the
4 council shall hold office until the appointment and qualification of his successor.
5 Whenever a vacancy occurs in an appointed position, the vacancy shall be filled
6 in the same manner and under the same terms and conditions as required for
7 the original appointment.

8 D. Meetings of the council shall be held in the city of Baton Rouge. At the
9 first meeting each year the chair and vice chair of the council shall be appointed
10 by the executive director of the Children's Cabinet Advisory Board with the
11 consultation and approval of the council. The council may adopt such rules of
12 procedure as are necessary to facilitate orderly conduct of its business.

13 E. The council shall meet at least quarterly. Meetings shall be held on the
14 call of the chair or at the request of at least three members of the council. A
15 majority of the council shall constitute a quorum for the transaction of business.
16 All official actions of the council shall require the affirmative vote of a majority
17 of the quorum.

18 F. All departments, boards, agencies, officers, and institutions of the
19 state and all subdivisions thereof shall cooperate with the council in carrying
20 out its purposes pursuant to R.S. 46:2605.1 through 2605.3.

21 G. The council shall make, or cause to be made, all such studies, reviews,
22 or analyses which it finds necessary to effect its purpose.

23 H. The council may receive and expend funds appropriated or otherwise
24 made available by the legislature or from any other source, including donations
25 or gifts of money or services from public or private organizations or from any
26 other sources, to be utilized for the purposes of the council and as further
27 provided in R.S. 46:2605.3.

28 §2605.2. Council; responsibilities and duties

29 A. The council shall be a resource to the state on issues affecting

1 grandparents raising grandchildren in the state. In furtherance of that
2 responsibility, the council shall undertake efforts to provide for the following:

3 (1) Foster unity among grandparents raising grandchildren,
4 communities, and organizations in the state by promoting cooperation and
5 sharing of information and encouraging collaboration and joint activities.

6 (2) Serve as a liaison between government and private interest groups
7 with regard to matters of unique interest and concern to grandparents raising
8 grandchildren in the state.

9 (3) Assess programs and practices in all state agencies as they affect
10 grandparents raising grandchildren, as the council deems necessary and
11 appropriate.

12 (4) Identify and discuss best practices as they affect grandparents raising
13 grandchildren and explore how these practices can be adapted to programs and
14 services being provided within the state.

15 (5) Advise executive and legislative bodies of the potential effect of
16 proposed legislation on grandparents raising grandchildren, as the council
17 deems necessary and appropriate.

18 (6) Investigate the merits of the establishment of a state agency or
19 program within a department dedicated to grandparents' issues and determine
20 how such agency or program would be set up.

21 (7) Identify a system for educating grandparents who lack the
22 appropriate information and resources regarding the care and custody of their
23 grandchildren.

24 (8) Identify issues that are faced by nonparent relatives providing
25 primary care for children.

26 B. The council shall issue its annual report by January 31st each year,
27 stating the findings, conclusions, and recommendations of the council. The
28 council shall submit the report to the governor, the president of the Senate, the
29 speaker of the House of Representatives, and the chairmen of the committees

1 with appropriate jurisdiction in the House of Representatives and in the Senate.

2 §2605.3 Status of Grandparents Raising Grandchildren Fund

3 A. There is hereby created in the state treasury, as a special fund, the
 4 Status of Grandparents Raising Grandchildren Fund, hereinafter referred to
 5 as the "fund".

6 B.(1) The source of monies deposited into the fund shall be any monies
 7 appropriated annually by the legislature, including federal funds, any public or
 8 private donations, gifts, or grants from individuals, corporations, nonprofit
 9 organizations, or other business entities which may be made to the fund, and
 10 any other monies which may be obtained or provided by law.

11 (2) Monies in the fund shall be invested in the same manner as monies
 12 in the state general fund and interest earned on investment of monies in the
 13 fund shall be credited to the state general fund. Unexpended and unencumbered
 14 monies in the fund at the end of the fiscal year shall remain in the fund.

15 C. Subject to an annual appropriation by the legislature, monies in the
 16 fund shall be used as directed by the council solely for the purposes set forth in
 17 R.S. 46:2605.1 and 2605.2.

18 Section 3. R.S. 36:478(L) and R.S. 46:2911 through 2913 are hereby repealed.

19 Section 4. This Act shall become effective upon signature by the governor or, if not
 20 signed by the governor, upon expiration of the time for bills to become law without signature
 21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 23 effective on the day following such approval.

The original instrument was prepared by J. W. Wiley. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Christine Arbo Peck.

Present law provides that the Council on the Status of Grandparents Raising Grandchildren ("council") is placed within the Department of Children and Family Services and provides for its membership, responsibilities and duties, and its fund.

Proposed law changes present law to provide that the council is moved from the DCFS to the office of the governor and is a subcommittee of the Children's Cabinet Advisory Board.

Proposed law repeals provisions of present law providing for the council's membership, responsibilities and duties, and its fund.

Proposed law provides for the council's membership, responsibilities and duties, and its fund.

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

(Amends R.S. 36:4(B)(8); adds R.S. 46:2605.1-2605.3; repeals R.S. 36:478(L) and R.S. 46:2911-2913)

Summary of Amendments Adopted by Senate

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

1. Clarified council composition regarding appropriate designees from Department of Health and Hospitals, Department of Children and Family Services, and Department of Education.
2. Clarified that the Children's Cabinet Advisory Board representative is the executive director and not the chair.
3. Provided for council membership representing the Louisiana Association of School Superintendents, LouisianaChildren.org, Justice Committee of the Louisiana State Bar Association and the Louisiana Head Start Association.
4. Changed the report deadline from January 1st to January 31st.
5. Made technical corrections.