

SENATE BILL NO. 73

BY SENATOR GRAY (On Recommendation of the Louisiana State Law Institute)

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AN ACT

To amend and reenact Children's Code Articles 625(B)(2), 675(B)(2), and 685, and R.S. 46:51.1(A) and to enact Children's Code Article 682(B)(5), relative to parental contributions for care and treatment; to provide for advising parents of their obligation to care for their children; to provide for the case plan for children in foster care; to provide for the relation between contributions for care and child support; to provide for duties of the department; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 625(B)(2), 675(B)(2), and 685 are hereby amended and reenacted and Children's Code Article 682(B)(5) is hereby enacted to read as follows:

Art. 625. Advice of rights and responsibilities of parents, counsel, and department;
absent parents

* * *

B. If the child is continued in the custody of the state, the court shall advise the parents of:

* * *

(2) Their responsibility to cooperate in preparing a case plan and otherwise in meeting the needs of their child, and if their child cannot ~~safely~~ return home **safely**, to assist the child's adjustment to other caretakers, **and their obligation to contribute to the cost of care and treatment of their child as provided in Article 685.**

* * *

Art. 675. Case plan purpose; contents

* * *

B. The case plan shall include at least the following:

* * *

1 (2) A plan for assuring that the child receives safe and proper care and that
 2 services are provided to the parents, child, and foster parents in order to improve the
 3 conditions in the parents' home, facilitate the safe return of the child to his own home
 4 or other permanent placement of the child, or both, and address the needs of the child
 5 while in foster care, including a plan for visitation and a discussion of the
 6 appropriateness of the services that have been provided to the child under the plan.
 7 **If the child has been committed to the custody of a person other than the**
 8 **parents, the plan shall recommend an amount the parents are obligated to**
 9 **contribute for the cost of care and treatment of their child in accordance with**
 10 **Article 685.** When appropriate for a child age sixteen or older, the plan shall include
 11 a written description of the programs and services which will help the child prepare
 12 for the transition from foster care to independent living.

13 * * *

14 Art. 682. Removal of a child from parental custody or control

15 * * *

16 B. If the court concludes that the child is to be removed from his parents'
 17 custody, it shall:

18 * * *

19 **(5) Inform the parents of their obligation to support their child,**
 20 **including their obligation to contribute to the care and treatment of their child**
 21 **as provided in Article 685.**

22 * * *

23 Art. 685. Parent's contribution to costs of care and treatment

24 A. As a part of any judgment of disposition committing a child to ~~custody~~
 25 ~~other than that of the child's parents~~ **the custody of a person other than the parents**
 26 **of the child**, the court may, after giving the parent a reasonable opportunity to be
 27 heard, order that such ~~the~~ parent contribute to the cost of care **and treatment** of the
 28 child in an amount commensurate with the parent's ability to pay for such care **after**
 29 **consideration of the following factors:**

30 **(1) The best interest of the child.**

1 their children. This Article expressly confirms the court's power to order the parent
2 to contribute to the cost of the child's alternative care. The parents have a right to be
3 heard.

4
5 (b) The department may recommend that parental contributions not be
6 ordered if good cause exists in a particular case. The exceptions are determined on
7 a case by case basis for reasons including but not limited to, short-term foster care
8 placements; pending adoption proceedings; cases of incest or rape; potential non-
9 custodial parent placement; or imminent termination of parental rights.

10
11 (c) The department's procedure for calculating parental contributions is
12 based on a percentage of the parent's adjusted gross income, as outlined in the
13 Louisiana Administrative Code, Title 67, Part V, Subpart 5, Chapter 35, §3501. The
14 court may, in its discretion, modify the department's recommendation based upon the
15 parent's ability to pay or other factors.

16
17 (d) Under this Article, child support is to be preferred to parental
18 contribution.

19
20 Section 2. R.S. 46:51.1(A) is hereby amended and reenacted to read as follows:

21 §51.1. Contribution to cost of foster care by ~~natural or adoptive parent or tutor~~

22 A. ~~When the department, under the authority of R.S. 46:51(8), contracts with~~
23 ~~foster parents for the board and care of children entrusted to its custody, the natural~~
24 ~~or adoptive parent or tutor will be required to contribute to the cost of care of the~~
25 ~~child in such manner as is commensurate with the ability to do so and in accordance~~
26 ~~with a sliding scale which shall be established by the department. The scale shall~~
27 ~~have as its primary base the total taxable income reported for federal income tax~~
28 ~~purposes for the preceding year and any additional benefits he or she is presently~~
29 ~~receiving.~~ **When making a recommendation for parental contribution to the**
30 **costs of care and treatment in accordance with Children's Code Article 685, the**
31 **department shall calculate an amount in accordance with the provisions of the**
32 **Louisiana Administrative Code, Title 67, Part V, Subpart 5, Chapter 35, §3501.**

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____