

ACT No. 780

SENATE BILL NO. 812 (Substitute of Senate Bill No. 438 by Senator Jackson)

BY SENATOR JACKSON

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AN ACT

To amend and reenact R.S. 46:2601(A)(1), 2603(A)(3) through (6) and (B)(2), 2605(A) and (B)(3), (5), (28), and (39) and (E), and 2607, to enact R.S. 46:2602(B)(13), and to repeal R.S. 46:2602(D), (E), and (F), 2603(A)(7) through (13), 2605(B)(22), 2605.1 through 2605.3, and 2757(D), relative to the Children's Cabinet; to provide with respect to the powers and duties of the cabinet; to provide with respect to the advisory board; to extend the sunset date for the Cabinet; to repeal the Children's Cabinet Research Council and the Louisiana Juvenile Justice Planning and Coordinating Board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2601(A)(1), 2603(A)(3) through (6) and (B)(2), 2605(A) and (B)(3), (5), (28) and (39) and (E), and 2607 are hereby amended and reenacted and R.S. 46:2602(B)(13) is hereby enacted to read as follows:

§2601. Legislative findings and intent

A.(1) The legislature finds that programs and services to children and their families, ~~including juvenile justice services,~~ are provided by a myriad of state departments, offices, and agencies, as well as many entities at the local level. Funding for such programs is provided from numerous sources, federal, state, and local. There is a serious need to coordinate and focus programs and funding to achieve the most effective and efficient use of monetary, human, and organizational resources.

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§2602. Children's Cabinet; creation; purpose

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B. The cabinet shall be composed of the following members:

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(13) The secretary of the Department of Economic Development.

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§2603. Children's Cabinet; powers and duties

A. In order to carry out the purposes of this Chapter and the purposes for which it is created, the Children's Cabinet shall:

* * *

(3) ~~Develop and recommend a plan by December 31, 2003, for reforming the way in which services, including juvenile justice services, are delivered to children and families. The plan shall be submitted to the Juvenile Justice Reform Act Implementation Commission and to such other legislative committees as the implementation commission may direct and may recommend, at a minimum, the following features for consideration by the commission and legislature:~~

~~(a) A system of centralized intake that would allow individuals, as well as public and private service providers, to access common intake forms via the internet and that would initiate eligibility, screening, and case planning processes through local provider networks.~~

~~(b) A coordinated system of specially trained and certified case managers who shall, either as teams or as individuals in consultation with other case managers, accept or reject applications for assistance based on clearly defined eligibility standards. The case manager or case management team may develop case management plans that will specify all of the services recommended for the child or family, or both, and how such services may be accessed. The acceptance notice and case management plan should be forwarded to the central intake system, which, in turn, will contact the child and family.~~

~~(c) A plan to allow the applicant, upon approval and communication of the plan by the coordinated system of case managers, to use the plan as a voucher for accessing all of the services indicated in the plan in accordance with the plan's terms and conditions.~~

~~(d) A plan to provide for the establishment of a system for funding those~~

1 ~~community-based services meeting the guidelines established by the cabinet. The~~
2 ~~plan should provide for initial start-up funds for the community-based programs, for~~
3 ~~local matching requirements, for monitoring and evaluation, and for accessing~~
4 ~~funding to pay for the vouchers associated with each case management plan. The~~
5 ~~plan should also investigate the feasibility of providing community-based services~~
6 ~~through a regional mobile delivery system providing intake, health, assessment, early~~
7 ~~identification, informational, and other services.~~

8 ~~(e) A plan to provide for the identification and pooling of funds from as~~
9 ~~many sources as possible, with the exception of federal grant funds that have~~
10 ~~guidelines disallowing the pooling of certain funds, such as the funding of the~~
11 ~~Louisiana Commission on Law Enforcement and the Office of Juvenile Justice and~~
12 ~~Delinquency Prevention Board, and for the use of such funds for any or all purposes~~
13 ~~lawfully authorized to be used for such purposes.~~

14 ~~(f) A plan to require contracts with service providers to include a monitoring~~
15 ~~and evaluation component based on outcomes and performance and based on the~~
16 ~~quality of the evaluation and not simply the "lowest bidder" rationale.~~

17 ~~(g) A plan to allow for the full reimbursement of the cost of authorized~~
18 ~~services delivered by private providers having agreements with the state.~~

19 ~~(h) A plan to ensure that the new system of funding benefits from the~~
20 ~~maximum draw of matching federal funds.~~

21 ~~(i) A plan to provide for ways to hold parents accountable for assisting their~~
22 ~~children in obtaining needed treatment.~~

23 ~~(4) Propose ways to the legislature to address in a planned manner financial~~
24 ~~issues affecting foster care including but not limited to the following:~~

25 ~~(a) Inadequate payments to residential and private foster care providers.~~

26 ~~(b) Below average foster care board payments.~~

27 ~~(c) Reduction in funding suitable staff for the office of community services.~~

28 ~~(d) Lack of psychiatric hospital beds for foster children.~~

29 ~~(e) Lack of funding of after-care and transitional services for foster care~~
30 ~~children.~~

1 ~~(5) Provide for and implement the coordination of service delivery by all~~
2 ~~state agencies and programs having responsibility for services to children and their~~
3 ~~families, including juvenile justice services, resolve conflicts among programs and~~
4 ~~agencies, and develop and implement structures and procedures necessary to~~
5 ~~accomplish such coordination, which shall include but not be limited to:~~

6 ~~(a) Ensuring a regional interagency service coordination process to address~~
7 ~~individual child and family needs when those needs cross agency lines and~~
8 ~~coordination is required.~~

9 ~~(b) Ensuring the state interagency service coordination team has requested~~
10 ~~funds to address individual child and family needs which are beyond regional~~
11 ~~resources.~~

12 ~~(6) Develop instruments to ensure that individual programs and the delivery~~
13 ~~of services by coordinated programs are monitored and evaluated on the basis of~~
14 ~~appropriate scientific standards.~~

15 ~~(7) Undertake studies and develop proposals and recommendations to~~
16 ~~redirect programs for children and their families from crisis intervention and~~
17 ~~residential programs toward early intervention and prevention and family~~
18 ~~preservation when such redirection will be more efficient and effective in terms of~~
19 ~~human costs and monetary costs.~~

20 ~~(8) Ensure that agencies that provide services for children, youth, and their~~
21 ~~families develop individual transition plans for reintegration into the community and~~
22 ~~implement to the extent possible.~~

23 ~~(9) Adopt and implement provisions for a children's budget, as more~~
24 ~~specifically provided in R.S. 46:2604.~~

25 ~~(10) Require and receive such reports from state agencies and programs~~
26 ~~having responsibility for children and their families as shall be necessary to carry out~~
27 ~~its purposes and functions.~~

28 ~~(11)~~**(4)** Submit an annual report to the governor, Senate Committee on
29 Health and Welfare, the House Committee on Health and Welfare, and any other
30 legislative committee that requests a copy of the annual report, by January thirty-first

1 summarizing the accomplishments of the past year, providing an evaluation of
2 individual programs and the delivery of services, and indicating specific goals and
3 budget priorities for the next fiscal year.

4 ~~(12)~~(5) Adopt and promulgate rules and regulations and formulate all
5 necessary policies, procedures, and rules of administration and operation necessary
6 to carry out the purposes of this Chapter, all subject to the Administrative Procedure
7 Act. Legislative oversight of the cabinet, pursuant to the Administrative Procedure
8 Act, shall be the responsibility of the Senate Committee on Health and Welfare and
9 the House Committee on Health and Welfare.

10 ~~(13)~~(6) Do all the things reasonably necessary to accomplish the purposes
11 for which the cabinet is created.

12 B. In addition to the above duties and responsibilities, in order to carry out
13 its purposes and functions, the cabinet may:

14 * * *

15 (2) Create and appoint such advisory committees or task forces to act in an
16 advisory capacity to the cabinet to assist in its studies, composed of such
17 representatives of the public and private sectors, as it shall deem appropriate, ~~and~~
18 ~~support and collaborate with the Louisiana Juvenile Justice Planning and~~
19 ~~Coordination Board.~~

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21 §2605. Children's Cabinet Advisory Board

22 A. The Children's Cabinet Advisory Board, hereinafter referred to as the
23 "advisory board", is hereby created. The purpose of the advisory board shall be to
24 provide information and recommendations from the perspective of advocacy groups,
25 service providers, and parents. **Primary responsibilities of the Children's Cabinet**
26 **Advisory Board are:**

27 **(1) To ensure information sharing between governmental and**
28 **non-governmental entities serving Louisiana's children.**

29 **(2) To make recommendations to the Children's Cabinet, through the**
30 **executive director, as requested by the Cabinet.**

1 (3) To make recommendations to the Children's Cabinet, through the
2 executive director, as necessary as determined by the Advisory Board.

3 (4) To make recommendations to the Children's Cabinet, through the
4 executive director, as to the budget priorities for the coming year by August
5 thirty-first.

6 (5) To make recommendations to the Children's Cabinet, through the
7 executive director, as to specific budget items to be supported in the Children's
8 Budget by November thirtieth.

9 (6) To make an annual report to the legislature, Senate Committee on
10 Health and Welfare, the House Committee on Health and Welfare, Select
11 Committee on Women and Children and any other legislative committee
12 requesting a copy of the annual report, by January thirty-first summarizing the
13 well-being of Louisiana's children, the accomplishments of the past year, and
14 specific goals and priorities for the next fiscal year.

15 B. The advisory board shall be composed of the following members:

16 * * *

17 (3) A representative from ~~the Louisiana Council on Child Abuse~~ **Prevent**
18 **Child Abuse Louisiana.**

19 * * *

20 (5) A representative from ~~Child Net~~ **Louisiana Early Steps.**

21 * * *

22 (28) A ~~member~~ **representative** of the National Association of Social
23 Workers.

24 * * *

25 (39) A representative of the Institute ~~for~~ **of** Infant and Early Childhood
26 Mental Health at Tulane University.

27 * * *

28 E. The advisory board shall elect as officers a chair, vice chair, and secretary
29 from the membership; **and** shall meet as needed; ~~and may meet at times other than~~
30 ~~when the full cabinet is meeting.~~ **The advisory board shall create its own by-laws**

1 that shall define quorum as at least one-third of those who have been appointed
2 to the advisory board.

3 * * *

4 §2607. Termination

5 The existence of the Children's Cabinet shall terminate, all legal authority
6 therefor shall cease, and this Chapter shall be repealed on August 15, ~~2008~~ **2014**.

7 Section 2. R.S. 46:2602(D), (E), and (F), 2603(A)(7) through (13), 2605(B)(22),
8 2605.1 through 2605.3, and 2757(D) are hereby repealed in their entirety.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____