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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

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## DIGEST

Present law provides for the formal and informal families in need of services processes.

Proposed law makes changes to the formal and informal families in need of services processes.

Proposed law defines who is eligible to participate in the informal families in need of services process as follows: the child, caretaker, or any other member of the child's family may seek voluntary services offered through informal families in need of services offices according to program standards promulgated by the Louisiana Supreme Court's families in need of services assistance program.

Proposed law provides that informal families in need of services process may begin in the parish in which the child is residing with his parent or guardian, the parish in which the child is residing with his caretaker, the parish in which the referred conduct took place or existed, or the parish in which the child is found.

Proposed law provides that an informal families in need of services referral shall whether the child is currently under the supervision of any state or local entity including, but not limited to the Department of Children and Family Services ("DCFS") or the Department of Public Safety and Corrections, youth services, office of juvenile justice, and assert one or more of the following bases for intervention:

- (1) A child is truant.
- (2) A child has willfully and repeatedly violated lawful school rules.
- (3) A child is ungovernable.
- (4) A child is a runaway.
- (5) A child has repeatedly possessed or consumed intoxicating beverages, or has misrepresented or deceived his age for the purpose of purchasing or receiving such beverages from any person, or has repeatedly loitered around any place where such beverages are the principal commodities sold or handled.
- (6) A child has committed an offense applicable only to children.
- (7) A child under ten years of age has committed any act which if committed by an adult would be a crime under any federal, state, or local law.

- (8) A caretaker has caused, encouraged, or contributed to the child's behaviors enumerated in this article or to the commission of delinquent acts as defined by law.
- (9) After notice, a caretaker has willfully failed to attend a meeting with the child's teacher, school principal, or other appropriate school employee to discuss the child's truancy, the child's repeated violation of school rules, or other serious educational problems of the child.
- (10) A child has been found incompetent to proceed with a delinquency matter under present law.
- (11) A child has been found to have engaged in cyberbullying.

Proposed law provides that a caretaker, other adult family member, or any representative of an agency having the responsibility or ability to supply services to a family, or any other person authorized by the court may make a referral based on one or more of the bases enumerated in law.

Proposed law provides that referring entities shall utilize all appropriate and available resources prior to making a referral and provide documentation of all steps taken at the time the referral is made. Proposed law further provides that if the referring entity is a school, it shall at minimum document meetings with the child, meetings with the child's caretaker, and referral of the child to school behavior support personnel.

Proposed law provides that if the referral is made by a school, the referral shall be accompanied by the form provided by law.

Proposed law specifies the contents and requirements of the referral form.

Proposed law requires the Louisiana Supreme Court to develop and collect data to track specific performance indicators and develop a manual and provide training to local families in need of services offices on new requirements and accepting appropriate referrals not later than September 1, 2013.

Proposed law provides that the court shall designate an individual to serve as the intake officer for the informal families in need of services program.

Proposed law provides that unless otherwise specified by the court, the duties of the intake officer shall include:

- (1) Follow all program criteria and protocols as set forth by the Louisiana Supreme Court.
- (2) Responsibility for receiving all referrals alleging that a family is in need of services.
- (3) Responsibility for completing the intake form and conducting a preliminary investigation

into the merits of the allegations.

- (4) Responsibility to disclose to the parent or caretaker that the informal process is voluntary and that the family may reject services at any time.
- (5) Responsibility to obtain the family's consent to participate in the process.
- (6) Responsibility for identifying any public or private institutions or agencies or community-based resources having the ability to supply any needed services.
- (7) Scheduling the conference authorized by law and notifying all participants of the time and place of the conference.
- (8) Conducting the informal family services plan conference and writing the resulting agreement, if any.
- (9) Coordinating the implementation of the resulting agreement, including referring the family to needed services and, if necessary, assisting families in securing those services.
- (10) Contacting families to determine if recommended services have been acquired or if additional assistance is needed to obtain those services.
- (11) Referring the case for petition and an adjudication hearing, if necessary, for the grounds provided by law.

Proposed law provides that the informal families in need of services officer may convene at any time a conference to be attended by the child, his caretaker, and representatives of any public or private institution or agency or community-based resources having the responsibility and ability to supply services to the family, addressing the needs outlined in the original referral.

Proposed law provides that after any conference, the child, his caretakers, and any service provider may effect a voluntary informal family services plan agreement and provides the contents of the agreement.

Proposed law provides that an informal family services plan agreement shall be in writing and signed by the convenor of the informal adjustment conference and all parties.

Proposed law provides that the duration of the informal family services plan agreement shall not exceed six months. However, the agreement may be extended for one additional six-month period.

Proposed law provides for the effect and confidentiality of an informal family services plan agreement.

Proposed law provides for truancy and assessment and service centers.

Proposed law provides that duly authorized representatives of the school board; law enforcement including the sheriffs' offices and city and municipal police offices; courts exercising jurisdiction over juveniles and their parents and guardians; and offices of the district attorney, corrections and designated service providers shall sign interagency agreements specific to each parish which represents a commitment by each entity to agree to provide the following types of services:

- (1) School boards and their systems in general will assist child welfare and attendance officers in creating student background data, including attendance records, unexcused absences, conduct violations, discipline records, report cards, and transcripts as permitted by law. School systems will also provide access to all school-based education, counseling, and related services.
- (2) Law enforcement agencies in a parish, including the sheriff and municipal and local police, generally will provide selective transportation of youth to the centers and in-kind service identification of truants through regular law enforcement operations and provide for a presence at a center.
- (3) Informal families in need of services personnel will work in partnership with the child welfare and attendance officers to monitor client progress and coordinate other services.
- (4) Truancy and assessment and service centers will work with collaborating agencies to identify youth and monitor treatment plan progress and, to the degree possible, assist the center in obtaining and utilizing a continuum of services and sanctions for identified youth. In accordance with law, the courts in conjunction with the district attorneys will direct formal court action on noncompliance cases and integrate the needs of truant youth with existing drug treatment court programs.
- (5) Through multiagency collaborative efforts between various community service organizations, there will be a unified effort to provide services related to child abuse and neglect to identified youth. Service and treatment plans will be developed, including mental health evaluation and treatment, with parental substance abuse evaluation and treatment, educational evaluation, probation services, and alternative school placement and guidance.
- (6) The various offices of the district attorneys will designate prosecutors to work with the district and juvenile courts to develop and implement a coordinated effort to deal with truants and their families early in their court involvement and assist with data follow-up and outcome evaluation. Additionally, the offices of the district attorneys, if necessary, will institute charges that may be levied against the family when they are noncompliant with the service plan.

Proposed law provides for monitoring of and reporting on the informal families in need of services process by the Louisiana Commission of Law Enforcement and the Administration of Criminal Justice.

Proposed law creates the early intervention program, hereinafter referred to as the "program", in the parishes of Iberia, St. Mary, and St. Martin. The purpose of the program shall be to address the underlying causes of behavioral problems and school performance problems related to behavior by pooling existing resources targeted at the child and family through appropriate action by service and treatment providers.

Proposed law provides that duly authorized representatives of the local school board, law enforcement agencies, including sheriffs' offices and city and municipal police offices, courts exercising jurisdiction over juveniles and their caretakers, and designated service providers shall sign interagency agreements specific to each parish representing a commitment by each entity to agree to provide the following types of services:

- (1) The local school board in the parish shall assist in creating student background data, including attendance records, unexcused absences, conduct violations, discipline records, report cards, and transcripts as permitted by law. The board also shall provide access to all school-based education, counseling, and related services.
- (2) Law enforcement agencies in the parish, including the sheriff and municipal and local police, shall provide law enforcement necessary to assist the program to reach its goals.
- (3) Courts having jurisdiction over children and their families shall work with collaborating agencies to identify youth and monitor treatment plan progress and, when possible, assist program staff in obtaining and utilizing a continuum of services and sanctions for identified youth. The courts, in conjunction with the district attorneys, shall direct formal court action on noncompliance cases and integrate the needs of at-risk families with existing court programs and services.
- (4) Through multiagency collaborative efforts between various community service organizations, there shall be a unified effort to provide services related to child abuse and neglect to identified youth. Service and treatment plans shall be developed, including mental health evaluation and treatment, with parental substance abuse evaluation and treatment, educational evaluation, probation services, and alternative school placement and guidance.
- (5) The district attorney shall designate prosecutors to work with the courts to assist at-risk families early in their court involvement and assist with data follow-up and outcome evaluation. Additionally, the district attorney, if necessary, shall institute charges that may be levied against the family when they are noncompliant with the service plan.

Proposed law provides that no later than June 15th of each year, the district attorney shall report statistical data indicating the effectiveness of the program to the appropriate standing committees of the legislature for use by the committees in consideration of expansion of the program.

Proposed law provides that the program shall be implemented in three phases as follows:

- (1) Phase one shall be implemented in grades pre-kindergarten through sixth.
- (2) Phase two shall be implemented in grades seventh and eighth.
- (3) Phase three shall be implemented in grades ninth through twelfth.

Present law provides for formal families in need of services process.

Present law provides for grounds for entry into the process as follows:

- (1) That a child is truant or has willfully and repeatedly violated lawful school rules.
- (2) That a child is ungovernable.
- (3) That a child is a runaway.
- (4) That a child has repeatedly possessed or consumed intoxicating beverages, or that he has misrepresented or deceived his age for the purpose of purchasing or receiving such beverages from any person, or that he has repeatedly loitered around any place where such beverages are the principal commodities sold or handled.
- (5) That a child has committed an offense applicable only to children.
- (6) That a child under 10 years of age has committed any act which if committed by an adult would be a crime under any federal, state, or local law.
- (7) That a caretaker has caused, encouraged, or contributed to the child's behaviors enumerated by law or to the commission of delinquent acts as defined by law.
- (8) That, after notice, a caretaker has willfully failed to attend a meeting with the child's teacher, school principal, or other appropriate school employee to discuss the child's truancy, the child's repeated violation of school rules, or other serious educational problems of the child.
- (9) That a child has been found incompetent to proceed with a delinquency matter under law.

Proposed law reduces the number of grounds to three and they are as follows:

- (1) That a child under 10 years of age has committed any act which if committed by an adult would be a crime under any federal, state, or local law.
- (2) That a child has been found incompetent to proceed with a delinquency matter under law.
- (3) That a child poses a safety risk to others by demonstrating a serious threat of physical harm to family members or other caregivers or has been alleged to have committed a

delinquent act.

Present law provides that a caretaker, other adult family member, any representative of an agency having the responsibility or ability to supply services to a family, or any other person authorized by the court may file a complaint which alleges one or more of the grounds enumerated by law. Referring entities shall utilize all appropriate and available resources prior to filing a complaint and provide documentation of all steps taken at the time the complaint is filed. If the referring entity is a school, it shall at a minimum document meetings with the child, meetings with the child's caretaker, and referral of the child to school behavior support personnel.

Proposed law removes the requirement that a school, as the referring entity, at a minimum document meetings with the child, meetings with the child's caretaker, and referral of the child to school behavior support personnel.

Proposed law provides that if prior to filing a petition, an informal family services plan is enacted, the agreement shall be filed in the record.

Present law provides for the amendment of a petition.

Proposed law provides that the petition must contain the following:

- (1) The name, date, and place of birth, sex, race, address, and present location of the child.
- (2) The name, age, sex, race, and current address of the child's parents and caretakers.
- (3) The name, age, sex, and race of any other family members living within the child's home.
- (4) The name of any public institution or agency having the responsibility or ability to supply services alleged to be needed by the family.
- (5) Whether the child is currently under the supervision of any state or local entity including but not limited to the Department of Children and Family Services or the Department of Public Safety and Corrections, youth services, or the office of juvenile justice.

Present law provides that a judgment of disposition shall remain in force only until a child reaches his 18<sup>th</sup> birthday. It may expire earlier by its own terms, if it is modified, or if it is vacated.

Proposed law adds to present law that a judgment of disposition shall not remain in effect beyond a child's 18<sup>th</sup> birthday, nor for a period exceeding the maximum term of commitment to custody for the delinquent offense forming the basis for the adjudication.

Present law provides to whom a motion to modify must be served.

Proposed law adds the child's attorney to those persons who must be served.

Present law provides that if a judgment of disposition is modified, a copy of the minute entry reflecting the modification shall be served upon the petitioner, the child, his parent, and any person, institution, or agency to whom custody of the child is assigned.

Proposed law adds that if a judgment of disposition is modified, the child's attorney shall be served.

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

(Amends Ch. C. Arts. 726, 729.1, 730, 731(A), heading of 737, 746, 750(A), 756(A), 776(B), 779(A)(1) and (B)(1), 784, 788(A), 790, 791(B); adds Ch. C. Arts. 581-597 and 731(E); and repeals Ch. C. Arts. 728(3), (4) and (5), 732, 733.1, 749(D), 743-745, and 791.1-793.4)