

Regular Session, 2013

SENATE BILL NO. 227

BY SENATOR TARVER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WELFARE. Provides for Families in Need of Services. (gov sig)

AN ACT

To amend and reenact Children's Code Articles 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), to enact Chapter 7 of Title V of the Louisiana Children's Code, to be comprised of Articles 581 through 589, Chapter 8 of Title V of the Louisiana Children's Code, to be comprised of Articles 590 through 593, and Chapter 9 of Title V of the Louisiana Children's Code, to be comprised of Articles 594 through 597 and 731(E), and to repeal Children's Code Articles 728(3), (4) and (5), 732, 733.1, 749(D), Chapter 5 of Title VII of the Louisiana Children's Code, comprised of Articles 743 through 745 and Chapters 15 and 16 of the Louisiana Children's Code, comprised of Articles 791.1 through 793.4, relative to families in need of services; to provide for definitions, terms, and conditions; to provide for grounds for entry into formal and informal families in need of services process; to provide for the process and proceedings for informal and formal families in need of services process; to provide for duties of an intake officer in informal families in need of services process; to provide for informal family service plan procedure; to provide for truancy and assessment and service centers; to provide for local and state participation; to

1 provide for early intervention program for the parishes of Iberia, St. Mary, and St.
2 Martin; to provide for the early intervention fund; to change the venue for formal
3 families in need of services; to provide for the judgment of disposition; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Children's Code Articles 726, 729.1, 730, 731(A), heading of 737, 746,
7 750(A), 756(A), 776(B), 779(A)(1) and (B)(1), 784, 788(A), 790, 791(B) are hereby
8 amended and reenacted and Chapter 7 of Title V of the Louisiana Children's Code,
9 comprised of Articles 581 through 589, Chapter 8 of Title V of the Louisiana Children's
10 Code, comprised of Articles 590 through 593, and Chapter 9 of Title V of the Louisiana
11 Children's Code, comprised of Articles 594 through 597 and 731(E) are hereby enacted to
12 read as follows:

13 **CHAPTER 7. FAMILIES IN NEED OF SERVICES; INFORMAL PROCESS**

14 **PART 1. PRELIMINARY PROVISIONS; DEFINITIONS**

15 **Art. 581. Purpose**

16 **The purpose of this Chapter is to define potentially harmful behaviors**
17 **by the child and conduct by other family members which contribute to the**
18 **child's harm and which warrant intervention in the family's life so that**
19 **appropriate services to the family may be secured, to establish a voluntary**
20 **family service plan advising family members of, and referring family members**
21 **to appropriate, recommended service providers, and to protect the integrity of**
22 **the family.**

23 **Art. 581.1. General applicability**

24 **The provisions of this Chapter shall apply to the informal families in**
25 **need of services process. Additionally, the provisions of Chapter 4 of Title VII**
26 **remain applicable to the stop or the taking into custody of a child subject to this**
27 **Chapter.**

28 **Art. 581.2. Definitions**

29 **As used in this Chapter:**

1 (1) "Caretaker" means any person providing a residence for the child or
2 any person legally obligated to provide or secure adequate care for the child,
3 including a parent, tutor, guardian, or legal custodian.

4 (2) "Child" means a person under eighteen years of age who, prior to
5 a referral, has not been judicially emancipated or emancipated by marriage.

6 (3) "Runaway" means the continued absence of the child from the home
7 of his caretaker without the caretaker's consent.

8 (4) "Truant" means the repeated or habitual unauthorized absence or
9 tardiness of a child from school pursuant to the provisions of R.S. 17:221 and
10 233, by a child who is subject to the compulsory attendance laws of this state.

11 (5) "Ungovernable" means the child's habitual disregard of the lawful
12 and reasonable demands of his caretaker and that the child is beyond
13 caretaker's control.

14 **PART 2. PERSONS ELIGIBLE TO PARTICIPATE IN THE INFORMAL**
15 **FAMILIES IN NEED OF SERVICES PROCESS; GROUNDS; REFERRAL**

16 **Art. 582. Informal families in need of services process participants**

17 The child, caretaker, or any other member of the child's family may seek
18 voluntary services offered through informal families in need of services offices
19 according to program standards promulgated by the Louisiana Supreme
20 Court's families in need of services assistance program.

21 **Art. 583. Parish in which the process may be conducted**

22 Access to interventions under this Chapter may be commenced in the
23 parish in which the child is residing with his parent or guardian, the parish in
24 which the child is residing with his caretaker, the parish in which the referred
25 conduct took place or existed, or the parish in which the child is found.

26 **Art. 584. Bases for intervention**

27 An informal families in need of services referral shall assert whether the
28 child is currently under the supervision of any state or local entity including but
29 not limited to the Department of Children and Family Services or the

1 Department of Public Safety and Corrections, youth services, office of juvenile
2 justice, and assert one or more of the following bases for intervention:

3 (1) A child is truant.

4 (2) A child has willfully and repeatedly violated lawful school rules.

5 (3) A child is ungovernable.

6 (4) A child is a runaway.

7 (5) A child has repeatedly possessed or consumed intoxicating beverages,
8 or has misrepresented or deceived his age for the purpose of purchasing or
9 receiving such beverages from any person, or has repeatedly loitered around
10 any place where such beverages are the principal commodities sold or handled.

11 (6) A child has committed an offense applicable only to children.

12 (7) A child under ten years of age has committed any act which if
13 committed by an adult would be a crime under any federal, state, or local law.

14 (8) A caretaker has caused, encouraged, or contributed to the child's
15 behaviors enumerated in this Article or to the commission of delinquent acts as
16 defined in Title VIII of the Louisiana Children's Code.

17 (9) After notice, a caretaker has willfully failed to attend a meeting with
18 the child's teacher, school principal, or other appropriate school employee to
19 discuss the child's truancy, the child's repeated violation of school rules, or
20 other serious educational problems of the child.

21 (10) A child has been found incompetent to proceed with a delinquency
22 matter under Articles 832 et seq.

23 (11) A child has been found to have engaged in cyberbullying.

24 PART 3. INTAKE

25 Art. 585. Referral

26 A. A caretaker, other adult family member, or any representative of an
27 agency having the responsibility or ability to supply services to a family, or any
28 other person authorized by the court may make a referral based on one or more
29 of the bases enumerated in Article 584. Referring entities shall utilize all

1 appropriate and available resources prior to making a referral and provide
2 documentation of all steps taken at the time the referral is made. If the
3 referring entity is a school, it shall at minimum document meetings with the
4 child, meetings with the child's caretaker, and referral of the child to school
5 behavior support personnel.

6 B. If the referral is made by a school, the referral shall be accompanied
7 by the form provided for in R.S. 17:416(A)(4)(a).

8 C.(1) The referral form shall set forth with specificity the following
9 information:

10 (a) The name, date, place of birth, sex, race, address, and present
11 location of the child.

12 (b) The name, age, sex, and current address of the child's parents or
13 other caretakers.

14 (c) The name, age, and sex of any other family members living within
15 the child's home.

16 (d) The name of any public institution or agency having the
17 responsibility or ability to supply services alleged to be needed by the family.

18 (e) Whether the child is currently under the supervision of any state or
19 local entity, including but not limited to, the Department of Children and
20 Family Services or the Department of Public Safety and Corrections, youth
21 services, or the office of juvenile justice.

22 (2) If any of the information required by Subparagraph (1) of this
23 Paragraph is unknown, the complaint shall so allege.

24 D. The Louisiana Supreme Court shall develop and collect data to track
25 specific performance indicators including but not limited to the following:

26 (1) Referrals to community-based services.

27 (2) Timeliness thresholds throughout the informal families in need of
28 services process.

29 E. The Louisiana Supreme Court families in need of services assistance

1 program shall develop a manual and provide training to local families in need
2 of services offices on new requirements and accepting appropriate referrals not
3 later than September 1, 2013.

4 Art. 586. Duties of intake officer

5 A. The court shall designate an individual to serve as the intake officer
6 for the informal families in need of services program.

7 B. Unless otherwise specified by the court, the duties of the intake officer
8 shall include:

9 (1) Follow all program criteria and protocols as set forth by the
10 Louisiana Supreme Court.

11 (2) Responsibility for receiving all referrals alleging that a family is in
12 need of services.

13 (3) Responsibility for completing the intake form and conducting a
14 preliminary investigation into the merits of the allegations.

15 (4) Responsibility to disclose to the parent or caretaker that the informal
16 process is voluntary and that the family may reject services at any time.

17 (5) Responsibility to obtain the family's consent to participate in the
18 process.

19 (6) Responsibility for identifying any public or private institutions or
20 agencies or community-based resources having the ability to supply any needed
21 services.

22 (7) Scheduling the conference authorized by Article 587 and notifying
23 all participants of the time and place of the conference.

24 (8) Conducting the informal family services plan conference and writing
25 the resulting agreement, if any.

26 (9) Coordinating the implementation of the resulting agreement,
27 including referring the family to needed services and if necessary assisting
28 families in securing those services.

29 (10) Contacting families to determine if recommended services have

1 been acquired or if additional assistance is needed to obtain those services.

2 (11) Referring the case for petition and an adjudication hearing, if
3 necessary, for the grounds provided in Article 584(6) and (9).

4 PART 4. INFORMAL FAMILY SERVICES PLAN PROCEDURE

5 Art. 587. Informal family conference

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

11 Art. 588. Informal family services plan agreement

12 A. After any conference, the child, his caretakers, and any service
13 provider may effect a voluntary informal family services plan agreement.

14 B. A voluntary informal family services plan agreement shall include:

15 (1) The identification of the conduct of the child, caretaker, or any
16 family member which is causing serious harm to the child and the services
17 needed to improve that conduct.

18 (2) A description of the services which are needed for the child, his
19 caretaker, or other family members, the availability of such services within the
20 community, and referrals to those services.

21 (3) A description of all recommended actions to be taken by the child,
22 his caretaker, other family members, and service providers.

23 (4) An estimate of the time anticipated to be necessary in order to
24 accomplish the goals set forth in the agreement.

25 C. An informal family services plan agreement shall be in writing and
26 signed by the convenor of the informal adjustment conference and all parties.

27 D. The duration of the informal family services plan agreement shall not
28 exceed six months. However, the agreement may be extended for one additional
29 six-month period.

1 **Art. 589. Effect of informal family services plan agreement; confidentiality**

2 **A. An informal family services plan agreement shall not be considered**
3 **an adjudication. Evidence of the existence of such an agreement shall not be**
4 **used against the child, the caretaker, or other family member over objection in**
5 **any adjudication hearing or criminal trial. However, such evidence may be**
6 **used in a disposition hearing in the juvenile court or for the purpose of a**
7 **presentence investigation after a criminal conviction.**

8 **B. Any incriminating statement made by the child, caretaker, or other**
9 **family member during discussions or conferences incidental to the informal**
10 **family services plan agreement shall not be used against the declarant, over**
11 **objection, in an adjudication hearing or criminal trial. Any such statement may**
12 **be reported as the basis for a referral to the local child protection unit of the**
13 **Department of Children and Family Services in accordance with Article 610, if**
14 **it causes the intake officer to believe that a child's physical health, mental**
15 **health, or welfare is endangered by abuse or neglect. Any such statement may**
16 **be used in a disposition hearing in the juvenile court or for the purpose of a**
17 **presentence investigation after a criminal conviction.**

18 **CHAPTER 8. TRUANCY AND ASSESSMENT AND SERVICE CENTERS**

19 **Art. 590. Purpose**

20 **The purpose of this Chapter is to authorize the creation of truancy and**
21 **assessment and service centers. Truancy has long been demonstrated**
22 **nationwide as a primary indicator of a path to juvenile delinquency. Parishes**
23 **and judicial districts have demonstrated a willingness to address truancy by**
24 **providing a physical location in each parish where personnel from local schools,**
25 **law enforcement, courts exercising jurisdiction over juveniles, district attorneys,**
26 **correction and substance abuse counselors, and family and child-serving**
27 **agencies can work together in a coordinated effort. Early intervention has been**
28 **demonstrated as a key component to preventing later delinquent behavioral**
29 **actions of juveniles who demonstrate a propensity for destructive or criminal**

1 behavior. The earliest possible venue for addressing the problem begins in
2 kindergarten. By intervening at this phase, it is possible to correct potential
3 delinquent behavior before the chances for correction become insurmountable.
4 The centers will address the underlying causes of truancy by pooling existing
5 resources targeted at the child and family through appropriate action by service
6 and treatment agencies.

7 Art. 591. Parish involvement

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

14 (1) School boards and their systems in general shall assist child welfare
15 and attendance officers in creating student background data, including
16 attendance records, unexcused absences, conduct violations, discipline records,
17 report cards, and transcripts as permitted by law. School systems shall also
18 provide access to all school-based education, counseling, and related services.

19 (2) Law enforcement agencies in a parish, including the sheriff and
20 municipal and local police, generally shall provide selective transportation of
21 youth to the centers and in-kind service identification of truants through
22 regular law enforcement operations and provide for a presence at a center.

23 (3) Informal families in need of services personnel shall work in
24 partnership with the child welfare and attendance officers to monitor client
25 progress and coordinate other services.

26 (4) Truancy and assessment and service centers shall work with
27 collaborating agencies to identify youth and monitor treatment plan progress
28 and, to the degree possible, assist the center in obtaining and utilizing a
29 continuum of services and sanctions for identified youth. In accordance with

1 R.S. 17:221 through 223, the courts in conjunction with the district attorneys
2 shall direct formal court action on noncompliance cases and integrate the needs
3 of truant youth with existing drug treatment court programs.

4 (5) Through multiagency collaborative efforts between various
5 community service organizations, there shall be a unified effort to provide
6 services related to child abuse and neglect to identified youth. Service and
7 treatment plans shall be developed, including mental health evaluation and
8 treatment; with parental substance abuse evaluation and treatment, educational
9 evaluation, probation services, and alternative school placement and guidance.

10 (6) The various offices of the district attorneys shall designate
11 prosecutors to work with the district and juvenile courts to develop and
12 implement a coordinated effort to deal with truants and their families early in
13 their court involvement and assist with data follow-up and outcome evaluation.
14 Additionally, the offices of the district attorneys, if necessary, shall institute
15 charges that may be levied against the family when they are noncompliant with
16 the service plan.

17 Art. 592. Monitoring

18 A. In order to determine the effectiveness of the program, the Louisiana
19 Commission on Law Enforcement and the Administration of Criminal Justice
20 shall develop and implement a monitoring and evaluation program subject to
21 state funding.

22 B. The Louisiana Commission on Law Enforcement and the
23 Administration of Criminal Justice may also develop and implement a
24 monitoring and evaluation program for all parishes with truancy and
25 assessment and service centers subject to state funding.

26 Art. 593. Reporting; operation

27 A. On July first of each year beginning in 2014, the Louisiana
28 Commission on Law Enforcement and the Administration of Criminal Justice
29 shall report statistical data indicating the effectiveness of this program to the

1 appropriate standing committees of the legislature for use by the committees in
2 consideration of continuation or expansion of the program.

3 B. The provisions of this Chapter with respect to any parish which has
4 a truancy and assessment and service center shall be operational subject to
5 appropriation by the legislature.

6 CHAPTER 9. EARLY INTERVENTION PROGRAMS

7 Art. 594. Early intervention program; authorization; purpose

8 The purpose of this Article and Articles 595 through 597 is to authorize
9 the creation of an early intervention program, hereinafter referred to as the
10 "program", in the parishes of Iberia, St. Mary, and St. Martin. The purpose of
11 the program shall be to address the underlying causes of behavioral problems
12 and school performance problems related to behavior by pooling existing
13 resources targeted at the child and family through appropriate action by service
14 and treatment providers. The legislature finds:

15 (1) Research indicates that early identification and intervention of
16 aggressive, antisocial, or delinquent behaviors are critical to the prevention of
17 juvenile delinquency in later years.

18 (2) Research also indicates that school-based preventive tactics for
19 violent or aggressive behaviors are beneficial to the overall academic success of
20 children, especially when such programs include parental involvement in
21 prevention and intervention strategies.

22 (3) The district attorney of Iberia, St. Mary, and St. Martin parishes, in
23 conjunction with the local school boards in such parishes, has demonstrated a
24 willingness to address behavioral problems or school performance problems
25 related to behavior by providing physical locations in each parish where
26 personnel can work together in a coordinated effort.

27 (4) Early intervention has been demonstrated as the key to providing the
28 greatest chance for correcting the actions of youth who demonstrate a
29 propensity for destructive or criminal behavior.

1 **(5) The earliest possible venue for addressing the problem begins in the**
2 **elementary grades.**

3 **(6) By intervening at this phase, it is possible to correct potential**
4 **delinquent behavior before the chances for correction become insurmountable.**

5 **Art. 595. Community involvement**

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

12 **(1) The local school board in the parish shall assist in creating student**
13 **background data, including attendance records, unexcused absences, conduct**
14 **violations, discipline records, report cards, and transcripts as permitted by law.**
15 **The board also shall provide access to all school-based education, counseling,**
16 **and related services.**

17 **(2) Law enforcement agencies in the parish, including the sheriff and**
18 **municipal and local police, shall provide law enforcement necessary to assist the**
19 **program to reach its goals. These services shall include but shall not be limited**
20 **to the following:**

21 **(a) Supporting early intervention in the implementation of strategies that**
22 **combat behavioral problems in the school setting.**

23 **(b) Delivering court appearance notices and subpoenas.**

24 **(c) Accompanying early intervention staff on home visits when needed.**

25 **(3) Courts having jurisdiction over children and their families shall work**
26 **with collaborating agencies to identify youth and monitor treatment plan**
27 **progress and, when possible, assist program staff in obtaining and utilizing a**
28 **continuum of services and sanctions for identified youth. The courts, in**
29 **conjunction with the district attorneys, shall direct formal court action on**

1 noncompliance cases and integrate the needs of at-risk families with existing
2 court programs and services.

3 (4) Through multiagency collaborative efforts between various
4 community service organizations, there shall be a unified effort to provide
5 services related to child abuse and neglect to identified youth. Service and
6 treatment plans shall be developed, including mental health evaluation and
7 treatment, with parental substance abuse evaluation and treatment, educational
8 evaluation, probation services, and alternative school placement and guidance.

9 (5) The district attorney shall designate prosecutors to work with the
10 courts to assist at-risk families early in their court involvement and assist with
11 data follow-up and outcome evaluation. Additionally, the district attorney, if
12 necessary, shall institute charges that may be levied against the family when
13 they are noncompliant with the service plan.

14 Art. 596. Reporting; funding; implementation; termination

15 A. No later than June fifteenth of each year, the district attorney shall
16 report statistical data indicating the effectiveness of the program to the
17 appropriate standing committees of the legislature for use by the committees in
18 consideration of expansion of the program.

19 B. The program shall be implemented in three phases as follows:

20 (1) Phase one shall be implemented in grades pre-kindergarten through
21 sixth.

22 (2) Phase two shall be implemented in grades seventh and eighth.

23 (3) Phase three shall be implemented in grades ninth through twelfth.

24 ~~Art. 793.4~~ Art. 597. Early intervention fund; fees collected

25 A. In all criminal matters except for matters involving traffic violations in the
26 parishes of Iberia, St. Mary, and St. Martin, there shall be taxed against every
27 defendant who is convicted after trial or after a plea of guilty or nolo contendere or
28 who forfeits his bond, a sum in the amount of twenty-five dollars for each
29 misdemeanor and fifty dollars for each felony, which shall be in addition to all other

1 fines, costs, or forfeitures lawfully imposed, and which shall be transmitted to the
2 sheriff for further disposition in accordance with the provisions of this Article.

3 B. The sheriff shall deposit all sums collected or received pursuant to this
4 Article in a separate account to be designated as the Sixteenth Judicial District
5 Attorney Early Intervention Fund. The sheriff shall remit on a quarterly basis funds
6 collected in such account to the office of the district attorney. The district attorney
7 shall cause an audit of the fund to be conducted on an annual basis and the books and
8 accounts relating thereto and shall file such audit information with the office of the
9 legislative auditor where it shall be available for public inspection. In matters
10 involving any court other than the district court, the clerk of court or the appropriate
11 court personnel shall remit the money to the sheriff of the respective parish.

12 **C. All children who enroll in a public school within the Sixteenth Judicial**
13 **District in grades pre-kindergarten to sixth shall be required to follow all**
14 **compulsory attendance requirements in R.S. 17:221 et seq. and all families in**
15 **need of services provisions in Children's Code Article 581 et seq., 590 et seq.,**
16 **594 et seq., and 726 et seq.**

17 **D. The implementation of this program may be subject to appropriation**
18 **of funds by the legislature for such purpose.**

19 * * *

20 Art. 726. Purpose

21 The purpose of this Title is to ~~define self-destructive behaviors by the child~~
22 ~~and conduct by other family members which contribute to the child's harm and which~~
23 ~~warrant court intervention in the family's life so that appropriate services to remedy~~
24 ~~the family's dysfunction can be secured~~ **provide alternatives to formal processing**
25 **for children or youth who have committed a delinquent act or who engage in**
26 **behaviors that place the safety of themselves or others at risk;** to secure the
27 effectiveness of the court's intervention by explicitly confirming its duty to obtain
28 the cooperation and coordination of all public institutions or agencies having
29 responsibility to supply services to any member of the family referred to the court;

1 ~~to establish a family service plan binding upon all family members and the~~
2 ~~appropriate service providers; and to protect the integrity of the family by~~
3 ~~authorizing adjudication and the imposition of a dispositional judgment requiring~~
4 ~~participation in a plan of services only after all available voluntary alternatives have~~
5 ~~been exhausted.~~

6 * * *

7 Art. 729.1. Venue

8 A proceeding under this Title may be commenced in the parish in which the
9 child is residing with his ~~parent or tutor~~ **caretaker**, ~~the parish in which the child is~~
10 ~~residing with his caretaker~~, the parish in which the act complained of took place or
11 the conditions complained of existed, ~~or the parish in which the child is found.~~
12 Whenever this Title requires that a hearing be convened within twenty-four hours of
13 a child's entry into custody, in a multiparish judicial district, the hearing may be held
14 in any parish within the judicial district.

15 Art. 730. Grounds

16 Allegations that a family is in need of services must assert whether the child
17 is currently under the supervision of any state or local entity including, but not
18 limited to, the Department of Children and Family Services or the Department of
19 Public Safety and Corrections, youth services, the office of juvenile justice, and
20 assert one or more of the following grounds:

21 ~~(1) That a child is truant or has willfully and repeatedly violated lawful~~
22 ~~school rules.~~

23 ~~(2) That a child is ungovernable.~~

24 ~~(3) That a child is a runaway.~~

25 ~~(4) That a child has repeatedly possessed or consumed intoxicating~~
26 ~~beverages, or that he has misrepresented or deceived his age for the purpose of~~
27 ~~purchasing or receiving such beverages from any person, or has repeatedly loitered~~
28 ~~around any place where such beverages are the principal commodities sold or~~
29 ~~handled.~~

1 ~~(5) That a child has committed an offense applicable only to children.~~

2 ~~(6)~~ (1) That a child under ten years of age has committed any act which if
3 committed by an adult would be a crime under any federal, state, or local law.

4 ~~(7) That a caretaker has caused, encouraged, or contributed to the child's~~
5 ~~behaviors enumerated in this Article or to the commission of delinquent acts as~~
6 ~~defined in Title VIII.~~

7 ~~(8) That, after notice, a caretaker has willfully failed to attend a meeting with~~
8 ~~the child's teacher, school principal, or other appropriate school employee to discuss~~
9 ~~the child's truancy, the child's repeated violation of school rules, or other serious~~
10 ~~educational problems of the child.~~

11 ~~(9)~~ (2) That a child has been found incompetent to proceed with a
12 delinquency matter under Article 832 et seq.

13 **(3) That a child poses a safety risk to others by demonstrating a serious**
14 **threat of physical harm to family members or other caregivers or has been**
15 **alleged to have committed a delinquent act.**

16 (10) Repealed by Acts 2012, No. 730, §2, eff. August 1, 2012.

17 ~~(11) A child found to have engaged in cyberbullying.~~

18 Art. 731. Complaint

19 A. A caretaker, other adult family member, any representative of an agency
20 having the responsibility or ability to supply services to a family, or any other person
21 authorized by the court may file a complaint which alleges one or more of the
22 grounds enumerated in Article 730. Referring entities shall utilize all appropriate and
23 available resources prior to filing a complaint and provide documentation of all steps
24 taken at the time the complaint is filed. ~~If the referring entity is a school, it shall at~~
25 ~~a minimum document meetings with the child, meetings with the child's caretaker,~~
26 ~~and referral of the child to school behavior support personnel.~~

27 * * *

28 **E. If prior to filing a petition, an informal family services plan is**
29 **enacted, the agreement shall be filed in the record.**

* * *

Art. 737. ~~Place of prehearing placement upon a taking into custody~~ **Placement into custody**

* * *

Art. 746. Authority to file petition

If there are reasonable grounds to believe that the family is in need of services **in accordance with Article 730**, a family in need of services proceeding shall be commenced by a petition filed by the district attorney or any other attorney authorized by the court.

* * *

Art. 750. Amendment of petition

A. Without leave of court, the court's designate may amend the petition at any time prior to the adjudication hearing ~~to add new names of agencies or institutions having the legal responsibility to provide services to the family or to delete the names of agencies or institutions named in the original petition~~ **to comply with the requirements of Article 749(A)**.

* * *

Art. 756. Appearance to answer petition; time

A. ~~If no informal family services plan agreement has been made, the~~ **The** court shall require the child, the child's caretaker, or other family member served with the petition to appear to answer the petition at any time prior to the adjudication hearing but no later than forty-five days after the filing of the petition.

* * *

Art. 776. Permanency planning reports

* * *

B. When the Department of Public Safety and Corrections, **youth services, the office of juvenile justice**, is the custodian, the provisions of Chapter 15 of Title VI shall be applicable only as provided in Article 907 and Article 908(C).

* * *

1 Art. 779. Dispositional alternatives

2 A. In any case in which the family has been adjudicated to be in need of
3 services, the court may impose the following orders directly affecting any child of
4 the family:

5 (1) Order the child to submit to counseling, **to a diagnostic screening**, or to
6 psychiatric or psychological examination or treatment.

7 * * *

8 B. In any case in which the family has been adjudicated to be in need of
9 services, the court may impose any of the following orders directly affecting a
10 caretaker:

11 (1) Order the caretaker to submit to counseling, **to a diagnostic screening**,
12 or to psychiatric or psychological examination or treatment.

13 * * *

14 Art. 784. Duration of disposition

15 ~~A judgment of disposition shall remain in force only until a child reaches his~~
16 ~~eighteenth birthday.~~ **A judgment of disposition shall not remain in effect beyond**
17 **a child's eighteenth birthday nor for a period exceeding the maximum term of**
18 **commitment to custody for the delinquent offense forming the basis for the**
19 **adjudication.** It may expire earlier by its own terms, if it is modified, or if it is
20 vacated.

21 * * *

22 Art. 788. Service of motion to modify

23 A. A copy of a motion to modify shall be served upon any affected child, his
24 caretaker, **the child's attorney**, the district attorney, the duly authorized
25 representative of any affected institution or agency providing services, and any
26 person, institution, or agency to whom the custody of the child has been assigned.

27 * * *

28 Art. 790. Notice of modification

29 If a judgment of disposition is modified, a copy of the minute entry reflecting

1 the modification shall be served upon the petitioner, the child, his parent, **the child's**
2 **attorney**, and any person, institution, or agency to whom custody of the child is
3 assigned.

4 Art. 791. Contempt; prehearing detention

5 * * *

6 B. If, in addition, there are reasonable grounds to believe that taking the child
7 into custody is necessary for his protection or control or to assure the child's
8 appearance at the contempt hearing, the child may be taken into custody to a
9 **juvenile shelter or a** secure detention facility in accordance with Article 735 or 736.

10 * * *

11 Section 2. Children's Code Articles 728(3), (4) and (5), 732, 733.1, 749(D), Chapter
12 5 of Title VII of the Louisiana Children's Code, comprised of Articles 743 through 745 and
13 Chapters 15 and 16 of the Louisiana Children's Code, comprised of Articles 791.1 through
14 793.4 are hereby repealed.

15 Section 3. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

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

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 18th 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 18th 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)