



\* \* \*

(e) Female genital mutilation as defined by R.S. 14:43.4 of the child or of a sister of the child.

\* \* \*

Comments - 2021

This revision incorporates the substance of Subparagraphs (A)(6), (7), and (8) of Article 606 within the definition of "abuse" in this Article. "Commercial sexual exploitation" as referenced in Subparagraph (2)(b) is defined in Paragraph (9.1) and already incorporates human trafficking (R.S. 14:46) and trafficking of children for sexual purposes (R.S. 14:46.3), which had previously been duplicated in Article 606(A)(6) and (7). Subparagraph (2)(e) is revised to include language from Article 606(A)(8) with regard to female genital mutilation of a sister of the child.

\* \* \*

Art. 680. Disposition hearing; rights of parties; evidence

A. All parties have the right to testify, the right to confront and cross-examine adverse witnesses, the right to present evidence and witnesses, and the right to counsel.

B. The court shall consider the report of the predisposition investigation, the case plan, any reports of mental evaluation, and all other evidence offered by the ~~child or the state~~ parties relating to the proper disposition. The court may consider evidence which would not be admissible at the adjudication hearing.

\* \* \*

Art. 1022. Service; nonresident parent

If a parent against whom a proceeding is instituted does not reside within this state, service of citation shall be made by registered or certified mail to the address indicated in the petition, return receipt required, not less than five days prior to commencement of the hearing on the matter.

\* \* \*

Art. 1226. Service; nonresident parent

If a parent upon whom service is required under Article 1224 does not reside within this state, service shall be made by registered or certified mail to the address indicated in the petition, return receipt required, not less than thirty days prior to commencement of the hearing on the petition.

1 Section 2. R.S. 13:1139 and 1587.1(C) are hereby amended and reenacted to read as  
2 follows:

3 §1139. Transfer of cases

4 ~~A. Repealed by Acts 2011, No. 340, §3, eff. June 29, 2011.~~

5 ~~B.~~ It is the express intent of this Section that the jurisdiction conferred by  
6 law, particularly the ~~Louisiana Code of Juvenile Procedure~~ **Children's Code**, upon;  
7 Orleans Parish Juvenile Court shall be the same as it was prior to the enactment of  
8 Act 620 of 1976 and shall remain unchanged, except as otherwise provided in the  
9 ~~Louisiana Code of Juvenile Procedure~~ **Children's Code**. ~~Said~~ **The** court shall  
10 continue to be known as Orleans Parish Juvenile Court, notwithstanding its change  
11 of name effected by Act 620 of the Regular Session of the Legislature of 1976 and  
12 the subsequent repeal of the provisions of ~~said~~ **that** Act shall not be construed or  
13 interpreted to change its jurisdiction, its powers, its duties, its various departments  
14 or its personnel, except as herein set forth and provided.

15 \* \* \*

16 §1587.1. Juvenile Court of the parish of Orleans; clerk of court; bailiffs; minute  
17 clerks; stenographers and other personnel; probation officers

18 \* \* \*

19 C. All employees of the probation department and probation services for the  
20 Juvenile Court for the Parish of Orleans on and after the effective date of this Act  
21 shall be transferred to and provided by the **Louisiana** Department of Health ~~and~~  
22 ~~Human Resources~~ in accordance with existing statutes, subject to the rules and  
23 regulations of the Louisiana civil service system or its successor. The duties of  
24 probation officers shall be fixed in accordance with the provisions of the **Children's**  
25 ~~Code of Juvenile Procedure~~ and of R.S. 46:1251 through ~~R.S. 46:~~1256. The salaries,  
26 related benefits, and operational expenses incurred in the provision of probation  
27 services shall be at the expense of the state and sufficient funds therefor shall be  
28 budgeted by the legislature.

29 \* \* \*

1 Section 3. R.S. 15:1082, 1098.1(A), and 1099.1 are hereby amended and reenacted  
2 to read as follows:

3 §1082. Definitions

4 The definitions provided in ~~R.S. 13:1569 and in Article 13 of the code of~~  
5 ~~juvenile procedure~~ **the Children's Code** shall be applicable to this Part, unless the  
6 context clearly indicates otherwise.

7 \* \* \*

8 §1098.1. Construction of Subpart; controlling law

9 A. To the extent that the provisions of this Subpart are inconsistent with any  
10 other statutory law, the provisions of this Subpart shall be ~~deemed~~ **considered**  
11 controlling, except that all provisions of the **Children's Code of Juvenile Procedure**  
12 relative to the placement of juveniles in shelter care facilities and detention centers  
13 shall be ~~deemed~~ **considered** controlling.

14 \* \* \*

15 §1099.1. Construction of Subpart; controlling law

16 To the extent that the provisions of this Subpart are inconsistent with any  
17 other statutory law, the provisions of this Subpart shall be ~~deemed~~ **considered**  
18 controlling, except that all provisions of the **Children's Code of Juvenile Procedure**  
19 relative to the placement of juveniles in shelter care facilities and detention centers  
20 shall be ~~deemed~~ **considered** controlling.

21 Section 4. R.S. 24:175(B) and 176(B) are hereby amended and reenacted to read as  
22 follows:

23 §175. Severability

24 \* \* \*

25 B. This Section shall apply to acts of the legislature affecting general, and  
26 local and special laws, and statutes of the state, including the Louisiana Revised  
27 Statutes of 1950, the Civil Code ~~of the state of Louisiana~~, the Louisiana Code of  
28 Civil Procedure, the Louisiana Code of Criminal Procedure, the Louisiana Code of  
29 Evidence, and the Louisiana **Children's Code of Juvenile Procedure**.

1 §176. Repeal

2 \* \* \*

3 B. This Section shall apply to acts of the legislature affecting general, and  
4 local and special laws, and statutes of the state, including the Louisiana Revised  
5 Statutes of 1950, the Civil Code ~~of the state of Louisiana~~, the ~~Louisiana~~ Code of  
6 Civil Procedure, the ~~Louisiana~~ Code of Criminal Procedure, the ~~Louisiana~~ Code of  
7 Evidence, and the ~~Louisiana~~ **Children's** Code ~~of Juvenile Procedure~~.

8 Section 5. R.S. 44:3(A)(6) is hereby amended and reenacted to read as follows:

9 §3. Records of prosecutive, investigative, and law enforcement agencies and  
10 communications districts

11 A. Nothing in this Chapter shall be construed to require disclosures of  
12 records, or the information contained therein, held by the offices of the attorney  
13 general, district attorneys, sheriffs, police departments, Department of Public Safety  
14 and Corrections, marshals, investigators, public health investigators, correctional  
15 agencies, communications districts, intelligence agencies, Council on Peace Officer  
16 Standards and Training, Louisiana Commission on Law Enforcement and  
17 Administration of Criminal Justice, or publicly owned water districts of the state,  
18 which records are:

19 \* \* \*

20 (6) Records concerning status offenders as defined in the **Children's** Code  
21 ~~of Juvenile Procedure~~.

22 \* \* \*

23 Section 6. R.S. 46:1251(B), 1901(B), 2411, and 2417(C) are hereby amended and  
24 reenacted to read as follows:

25 §1251. Juvenile probation; parole and intake services

26 \* \* \*

27 B. The intake service provided hereunder shall be limited to examining and  
28 evaluating complaints that a child is a delinquent or is a child in need of supervision  
29 and advising the district attorney whether the best interests of the child would be

1 served by the initiation of proceedings under the **Children's** Code of Juvenile  
 2 ~~Procedure~~, the signing of an informal adjustment agreement, referral to the  
 3 Department of Children and Family Services, referral to a public or private agency  
 4 for assistance, or any other legally permissible course of action. The personnel  
 5 assigned to perform these duties shall not assume any prosecutorial functions except  
 6 for the filing of a petition as authorized by **the Children's** Code of Juvenile  
 7 ~~Procedure Art. 45.~~

8 \* \* \*

9 §1901. Definitions

10 \* \* \*

11 B. When used in this Chapter, unless the context otherwise requires, the  
 12 terms used herein shall have the meaning ascribed to them by ~~R.S. 13:1569~~ or **the**  
 13 **Children's** Code of Juvenile Procedure Article 13.

14 \* \* \*

15 §2411. Definitions

16 Except where the context clearly indicates otherwise in this Chapter:

17 (1) ~~"Case permanency plan"~~ means the plan specified by ~~R.S. 46:2418.~~

18 (2) ~~"Case progress report"~~ means the report specified by ~~R.S. 46:2419.~~

19 (3) "Court" means any court which is exercising juvenile jurisdiction  
 20 pursuant to the ~~Louisiana constitution and Code of Juvenile Procedure~~ **Constitution**  
 21 **of Louisiana and the Children's Code.** If any court is comprised of separate  
 22 divisions or sections, each such division or section shall be deemed a court for the  
 23 purposes of this Chapter. Where applicable, "court" shall refer to the particular court  
 24 which exercises juvenile jurisdiction over the child whose case is to be reviewed.

25 (4)(2) "Department" means the Department of Children and Family Services.

26 (5)(3) "Foster care" means the provision of temporary twenty-four hour care  
 27 for a child for a planned period of time, when the child is placed away from his  
 28 parents or other person acting as his parent, and when the child is placed in a foster  
 29 family home, group home, or other child caring facility, but remains under the

1 supervision of the department.

2 ~~(6)~~(4) "Mature child" means a child who is able to understand the  
3 circumstances and implications of the situation in which he is involved and is able  
4 to participate in the decision-making process without excessive anxiety or fear. A  
5 child who is fourteen years **of age** or older is presumed to be a mature child.

6 ~~(7)~~(5) "Parent" means the biological or adoptive parent whose parental rights  
7 toward the child have not been terminated.

8 ~~(8)~~(6) "Records" means any information in written form, pictures,  
9 photographs, charts, graphs, recordings, or documents pertaining to the case being  
10 reviewed.

11 \* \* \*

12 §2417. Notification to local citizen review board of new cases

13 \* \* \*

14 C. Whenever a child has been placed in the custody of the department,  
15 voluntarily and not through a court proceeding, for reasons other than delinquency  
16 or need of supervision, as defined in ~~Article 13 of the~~ **Children's Code of Juvenile**  
17 **Procedure**, the department shall, within ten days, forward a copy of the placement  
18 agreement to the clerk of court in the judicial district where the child is located. The  
19 clerk of the court shall forward the placement agreement to a local citizen review  
20 board appointed by the court. If a judicial proceeding is subsequently commenced  
21 in another court, the citizen review board shall forward to the court where  
22 proceedings are pending all documents, records, and written information in its  
23 possession relative to the case. The receiving court shall make and retain additional  
24 copies of the case permanency plan, case progress reports, and observations and  
25 recommendations of the local citizen review board and shall assign the case and  
26 forward all documents, records, and written information to a new local board.

27 Section 7. Children's Code Art. 606(A)(6), (7), and (8) are hereby repealed in their  
28 entirety.

29 Section 8. The Louisiana State Law Institute is hereby directed to print the following

1 Comment to Children's Code Art. 606:

2 Comments - 2021

3 This revision removes Subparagraphs (A)(6), (7), and (8) as separate grounds that  
4 a child is in need of care and incorporates the substance of those provisions within the  
5 definition of "abuse" in Article 603.

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The original instrument was prepared by Jerry G. Jones. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jeanne Johnston.

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DIGEST

SB 9 Reengrossed

2021 Regular Session

Price

Present law (Ch.C. Art. 603) provides definitions of "abuse".

Proposed law revises present law to incorporate into the definition of "abuse" allegations of grounds that a child is in need of care.

Present law (Ch.C. Art. 680) provides for the evidence a court shall consider at a child in need of care disposition hearing.

Proposed law retains present law and additionally provides for the due process rights of the parties at a child in need of care disposition hearing.

Present law (Ch.C. Arts. 1022 and 1226) requires service on nonresident parents to be made by registered mail.

Proposed law retains present law and also authorizes service on nonresident parents to be made by certified mail.

Present law (R.S. 13:1139 and 1587.1(C), R.S. 15:1082, 1098.1(A), and 1099.1, R.S. 24:175(B) and 176(B), R.S. 44:3(A)(6), and R.S. 46:1251(B), 1901(B), 2411, and 2417(C)) refers to the Code of Juvenile Procedure.

Proposed law updates outdated references to the Code of Juvenile Procedure with correct references to the Children's Code and makes other technical corrections.

Present law (Ch.C. Art. 606) sets forth the grounds for a child to be determined to be in need of care.

Proposed law repeals certain grounds under present law as duplicative of the definition of "abuse" and directs the Law Institute to print an explanatory Comment.

Effective August 1, 2021.

(Amends Ch.C. Arts. 603(2)(e), 680, 1022, and 1226, R.S. 13:1139 and 1587.1(C), R.S. 15:1082, 1098.1(A), and 1099.1, R.S. 24:175(B) and 176(B), R.S. 44:3(A)(6), and R.S. 46:1251(B), 1901(B), 2411, and 2417(C); repeals Ch.C. Art. 606(A)(6)-(8))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Make technical corrections.