2022 Regular Session

HOUSE BILL NO. 433

## BY REPRESENTATIVES PHELPS AND JENKINS

## JUVENILES: Provides relative to review hearings for juveniles

1	AN ACT
2	To enact Children's Code Article 898(B)(5) and (6), relative to disposition in juvenile
3	proceedings; to provide relative to felony-grade offenses; to provide for credit for
4	time served; to provide for review hearings; to provide for contradictory hearings;
5	to provide for conditions; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. Children's Code Article 898(B)(5) and (6) are hereby amended and
8	reenacted to read as follows:
9	Art. 898. Duration of a disposition based on a felony-grade adjudication
10	* * *
11	B. If a child is adjudicated delinquent for a felony-grade offense that is not
12	a crime of violence as defined in R.S. 14:2 and is committed to the custody of the
13	Department of Public Safety and Corrections pursuant to Article 897(D):
14	* * *
15	(5) If the total duration of the commitment served exceeds nine months,
16	including credit for time served spent in secure detention prior to the imposition of
17	the disposition, the following conditions shall be met:
18	(a) The child is brought in person before the court for a review hearing six
19	months after the imposition of disposition. The hearing date shall be set at the time

1	of commitment. The custodian of the child shall provide all written reports
2	concerning the child for that time period no less than ten days prior to the review.
3	(b) If the child remains in secure detention following the six-month review
4	hearing, a nine-month review hearing shall be set. The hearing date may be set at the
5	time of commitment. The custodian of the child shall provide all relevant written
6	reports concerning the child for that time period no less than ten days prior to the
7	review.
8	(c) At either the six-month or nine-month review hearing, the court may, on
9	its own motion or by motion of the child or district attorney, set a date for a
10	contradictory hearing for the modification of placement for the child to a less
11	restrictive setting. This contradictory hearing shall be set no less than ten days after
12	the six-month review hearing, unless all parties agree to set the modification hearing
13	at an earlier date.
14	(6) The child's commitment may continue up to the maximum amount of the
15	disposition if the following conditions are met:
16	(a) The child is brought in person before the court for review hearing at a
17	minimum of every six months by his custodian.
18	(b) The court determines by clear and convincing evidence that the child's
19	treatment is better provided in a restrictive setting, or, in the alternative, that the
20	child's treatment cannot be accessed and completed in a less restrictive setting.
21	* * *

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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**Abstract:** Provides for review hearings during the duration of commitment for a felonygrade adjudication of a child.

Present law (Ch.C. Art. 801 et seq.) provides for delinquency proceedings.

Present law (Ch.C. Art. 898) provides for duration of commitment for felony-grade adjudication.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

<u>Proposed law</u> retains <u>present law</u> and adds that if the total duration of the commitment served exceeds nine months, the following conditions shall be met:

- (1) The child shall be brought before the court for a review hearing six months after the imposition of disposition. The custodian of the child shall provide all written reports about the child within 10 days prior to the review.
- (2) If the child remains in a secure detention following the six-month review hearing, a nine-month review hearing shall be set. The custodian of the child shall provide all written reports about the child within 10 days prior to the review.
- (3) At either the six or nine-month hearing, the court may set a date for a contradictory hearing for the modification of placement for the child to a less restrictive setting. This contradictory hearing shall be set no less than 10 days following the six-month review hearing.

<u>Proposed law</u> provides that a child's commitment may continue up to the maximum amount of disposition if the following conditions are met:

- (1) The child is brought in person before the court for review hearing every six months.
- (2) The court determines by clear and convincing evidence that the child's treatment is better provided in a restrictive setting or that the child's treatment cannot be accessed and completed in a less restrictive setting.

(Adds Ch.C. Art. 898(B)(5) and (6))