
DIGEST

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HB 433 Original

2022 Regular Session

Phelps

Abstract: Provides for review hearings during the duration of commitment for a felony-grade 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.

Proposed law retains present law 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.

Proposed law 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))