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

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DIGEST

SB 39 Engrossed

2024 Regular Session

Mizell

Present law (Ch.C. Art. 412) provides for the confidentiality of records.

Proposed law retains present law and corrects a cross-reference.

Present law (Ch.C. Art. 421) provides for probation officers.

Proposed law retains present law and makes technical corrections.

Present law (Ch.C. Art. 617) provides for the issuance of temporary restraining order.

Proposed law retains present law and deletes the redundant term "minor" before "children".

Present law (Ch.C. Art. 618) provides for the issuance of protective orders.

Proposed law retains present law and deletes the redundant term "minor" before "children".

Proposed law (Ch.C. Art. 625.1) requires the court to advise children ten years of age or older of their rights, including the right to an attorney, to receive notice of all hearings, to have the opportunity to testify, and to reasonable accommodations for any disability.

Present law (Ch.C. Art. 648) requires the court to advise parents of their rights and responsibilities.

Proposed law retains present law and additionally requires the court to advise children of their rights and responsibilities.

Present law (Ch.C. Art. 672) authorizes the court on its own motion, for good cause shown and if in the best interest of the child, to disapprove the placement of children as chosen by the Department of Children and Family Services.

Proposed law retains the concepts in present law and extends the right to a party to file a motion alleging that the placement is not in the best interest of the child.

Present law (Ch.C. Art. 683) provides for disposition in Child in Need of Care proceedings.

Proposed law retains present law and provides that the court shall not commit a child in state custody to a mental institution without a contradictory hearing and notice to the La. Department of Health.

Proposed law further requires the performance of a psychological or psychiatric evaluation in

accordance with present law before committing a child to an institution for intellectual disabilities.

Present law (Ch.C. Art. 718) sets forth the purpose of guardianship.

Proposed law clarifies that the purpose of guardianship is to provide placement for a child when the court finds both that the adoption is not in the best interest of the child and that the child cannot be safely reunified with the parent within a reasonable time.

Present law (Ch.C. Art. 720) provides for the contents of a motion for guardianship.

Proposed law clarifies that the motion shall include a statement as to why adoption is not in the best interest of the child and why the child cannot be safely reunified with the parent within a reasonable time.

Proposed law further provides that a parent's statement as to why the child cannot be safely reunified with the parent within a reasonable time shall not be deemed an admission.

Present law (Ch.C. Art. 776) provides for applicable laws when a child is in the custody of the state.

Proposed law retains present law and corrects a cross-reference.

Present law (Ch.C. Art. 781) provides for disposition in Families in Need of Services proceedings.

Proposed law retains present law and provides that the court shall not commit a child in state custody to a mental institution without a contradictory hearing and notice to the La. Department of Health.

Proposed law further requires the performance of a psychological or psychiatric evaluation in accordance with present law before committing a child to an institution for intellectual disabilities.

Present law (Ch.C. Art. 895) provides for commitment to a mental institution in a delinquency proceeding.

Proposed law retains present law and provides that the court shall not commit a child without a contradictory hearing and notice to the La. Department of Health unless the child has counsel.

Present law (Ch.C. Art. 1004) provides for a petition to terminate parental rights.

Proposed law retains present law and corrects cross-references regarding the grounds for termination.

Present law (Ch.C. Art. 1007) provides for the confidentiality of records of court proceedings.

Proposed law retains present law and corrects cross-references regarding petitions for the termination of parental rights.

Present law (Ch.C. Art. 1015.2) provides for the award of costs in a termination of parental rights

proceeding.

Proposed law retains present law and corrects a language error.

Present law (Ch.C. Art. 1016) provides for the child's right to counsel in termination proceedings. Present law further provides that for termination proceedings brought as a result of a sex offense, the court has discretion in appointing counsel for the child.

Proposed law provides that the child has the right to counsel in all termination proceedings.

Present law (Ch.C. Art. 1019) provides for the contents of a petition to terminate parental rights.

Proposed law retains present law and corrects cross-references regarding the grounds for termination.

Present law (Ch.C. Arts. 1035 and 1036) provides for the burden of proof in a termination proceeding.

Proposed law retains present law and corrects cross-references regarding the grounds for termination.

Present law (Ch.C. Art. 1036.2) provides for notice of proceedings to incarcerated parents.

Proposed law retains present law and corrects a cross-reference to the grounds for termination.

Present law (Ch.C. Art. 1037.1) provides for continuing contact with relatives after a termination of parental rights.

Proposed law retains present law and makes technical corrections.

Present law (Ch.C. Art. 1107.8) provides for notice of filing an act of intent to surrender a child for adoption.

Proposed law retains present law and deletes the redundant term "minor" before "child".

Present law (Ch.C. Art. 1124) provides for family information when a child is surrendered for adoption.

Proposed law retains present law and deletes the redundant term "minor" before "child".

Present law (Ch.C. Art. 1125) provides for the statement of family history form when a child is surrendered for adoption.

Proposed law retains present law and deletes the redundant term "minor" before "child".

Present law (Ch.C. Art. 1132) provides for notice of the filing of surrender.

Proposed law retains present law and deletes the redundant term "minor" before "child".

Present law (Ch.C. Art. 1170) provides for the types of adoption.

Proposed law retains present law and deletes the redundant term "minor" before "children".

Present law (Ch.C. Arts. 1200 and 1223) requires the disclosure of fees and expenses in adoptions.

Proposed law retains present law and deletes the redundant term "minor" before "children".

Present law (Ch.C. Art. 1264) provides for post-adoption visitation rights of grandparents.

Proposed law retains present law and deletes the redundant term "minor" before "child".

Present law (Ch.C. Art. 1267) provides for the burden of proof for grandparents seeking limited visitation.

Proposed law retains present law and deletes the redundant term "minor" before "child".

Present law (Ch.C. Art. 1409) provides for rights granted to minor patients.

Proposed law retains present law and deletes the redundant term "minor" before "child".

Present law (Ch.C. Art. 1428) provides for notice of admission when a child enters a treatment facility by emergency certificate.

Proposed law retains present law and further requires notice of the child's admittance to be provided within 72 hours to Mental Health Advocacy Services.

Present law (Ch.C. Art. 1436) provides for a hearing upon a petition for judicial commitment.

Proposed law retains present law and further requires notice of the hearing to be delivered at least ten days prior to the hearing and additionally to the La. Department of Health.

Present law (Ch.C. Art. 1569) provides for the issuance of temporary restraining orders.

Proposed law retains present law and deletes the redundant term "minor" before "children".

Effective August 1, 2024.

(Amends Ch.C. Arts. 412(I), 421, 617(A)(intro para) and (4), 618(A)(intro para), (2), and (3), 648, 672(A)(2), 683(E) and (F), 718(A), 720(A), (B)(1) and (6), (C), and (D), 776(A), 781(D) and (E), 895, 1004(B), (D), and (F), 1007(B), 1015.2(B), 1016(A) and (B), 1019(C), 1035(B), 1036(C)(intro para), (D)(intro para), and (E), 1036.2(E), 1037.1(A), 1107.8(A), 1124(C), 1125(B), 1132(D), 1170(A)(intro para), 1200(B)(7)(a)(iii), 1223(B)(7)(a)(iii), 1264, 1267(2), 1409(T), 1428, 1436, and

1569(A)(intro para), (4), and (7); adds Ch.C. Art. 625.1)