

RÉSUMÉ DIGEST

ACT 92 (SB 39)

2024 Regular Session

Mizell

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

New law retains existing law and corrects a cross-reference.

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

New law retains existing law and makes technical corrections.

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

New law retains existing law and deletes the redundant term "minor" before "children".

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

New law retains existing law and deletes the redundant term "minor" before "children".

New 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.

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

New law retains existing law and additionally requires the court to advise children of their rights and responsibilities.

Existing 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.

New law retains the concepts in existing 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.

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

New law retains existing 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. Dpt. of Health.

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

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

New 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.

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

New 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.

New 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.

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

New law retains existing law and corrects a cross-reference.

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

New law retains existing 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. Dpt. of Health.

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

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

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

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

New law retains existing law and corrects cross-references regarding the grounds for termination.

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

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

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

New law retains existing law and corrects a language error.

Existing law (Ch.C. Art. 1016) provides for the child's right to counsel in termination proceedings. Existing 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.

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

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

New law retains existing law and corrects cross-references regarding the grounds for termination.

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

New law retains existing law and corrects cross-references regarding the grounds for termination.

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

New law retains existing law and corrects a cross-reference to the grounds for termination.

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

New law retains existing law and makes technical corrections.

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

New law retains existing law and deletes the redundant term "minor" before "child".

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

New law retains existing law and deletes the redundant term "minor" before "child".

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

New law retains existing law and deletes the redundant term "minor" before "child".

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

New law retains existing law and deletes the redundant term "minor" before "child".

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

New law retains existing law and deletes the redundant term "minor" before "children".

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

New law retains existing law and deletes the redundant term "minor" before "children".

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

New law retains existing law and deletes the redundant term "minor" before "child".

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

New law retains existing law and deletes the redundant term "minor" before "child".

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

New law retains existing law and deletes the redundant term "minor" before "child".

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

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

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

New law retains existing law and further requires notice of the hearing to be delivered at least ten days prior to the hearing and additionally to the La. Dpt. of Health.

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

New law retains existing 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), 1223(B)(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)