

Regular Session, 2003

HOUSE BILL NO. 2018 (Substitute for House Bill No. 1683 by Representative Landrieu, et al.)

BY REPRESENTATIVE LANDRIEU AND SENATOR CRAVINS AND COAUTHORED BY REPRESENTATIVES HUNTER, MARTINY, WINSTON, ALARIO, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BAYLOR, BROOME, BRUCE, CAPELLA, K. CARTER, CROWE, DAMICO, DANIEL, DARTEZ, DOERGE, DOWNER, DOWNS, FAUCHEUX, FRITH, GALLOT, GLOVER, GREEN, GUILLORY, HEATON, HEBERT, HILL, HONEY, HUDSON, ILES, L. JACKSON, JOHNS, KENNARD, LAFLEUR, LUCAS, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PEYCHAUD, PIERRE, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SCHWEGMANN, JACK SMITH, SNEED, STELLY, STRAIN, TOOMY, TOWNSEND, WELCH, WOOTON, WRIGHT, CAZAYOUX, AND DANIEL AND SENATORS BAJOIE, LENTINI, MICHOT, MOUNT, BOISSIERE, CHAISSON, FIELDS, HOLDEN, HOLLIS, IRONS, B. JONES, MARIONNEAUX, SCHEDLER, TARVER, THOMAS, AND ULLO

AN ACT

To amend and reenact R.S. 46:2601(A)(1), 2603(A) and (B)(2), 2604, and 2607 and to enact R.S. 15:902.2 and 902.3, Part XI-A of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1110, Chapter 14 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1461 through 1464, Subpart C-1 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:251 and 252, R.S. 36:4(E), Part I of Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, to be

comprised of R.S. 46:2600, R.S. 46:2605.1, 2605.2, and 2605.3, Part III of Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2608 through 2610, and Chapter 59 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2751 through 2757, to designate Part II of Chapter 45, comprising R.S. 46:2601 through 2606 as "Part II. Children's Cabinet, Children's Budget, and Affiliated Boards", all relative to the reform of juvenile justice; to create the Juvenile Justice Reform Act of 2003; to provide with respect to the closure of Swanson Correctional Center for Youth-Madison Parish Unit; to create a juvenile placement review process; to establish juvenile detention standards and licensing procedures; to establish interagency agreements for sharing of juvenile information; to create the Juvenile Justice Reform Act Implementation Commission, including as one of its duties the creation of a plan for a single state entity for providing services to children and their families; to create the Education/Juvenile Justice Partnership Act; to continue until August 15, 2008, the Children's Cabinet; to provide definitions for certain provisions governing the Children's Cabinet and related boards and programs; to provide with respect to the powers and duties of the Children's Cabinet; to provide with respect to the preparation of the children's budget; to create the Children's Cabinet Research Council; to create the Louisiana Juvenile Justice Planning and Coordination Board; to provide for the standardization of service regions; to create the Louisiana Children's Children, Youth, and Families Investment Fund, to create the Community-based Sanctions and Services Grant Program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The provisions of this Act shall be known as the "Juvenile Justice Reform Act of 2003" and is submitted upon recommendation of the Louisiana Juvenile Justice Commission.

Section 2. R.S. 15:902.2 and 902.3, Part XI-A of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:1110, and Chapter 14 of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:1461 through 1464, are hereby enacted to read as follows:

§902.2. Closure of Swanson Correctional Center for Youth-Madison Parish Unit as a facility for juveniles

A.(1) By December 31, 2004, the Swanson Correctional Center for Youth-Madison Parish Unit at Tallulah, Louisiana shall no longer be used as a juvenile facility.

(2) Notwithstanding any provision of Paragraph (A)(1) of this Subsection, the governor by executive order and upon a declaration that there is a public safety emergency which necessitates the use of Swanson Correctional Center for Youth-Madison Parish Unit as a juvenile facility may extend the closure date by a period not to exceed five months from the date of issuance of the declaration of emergency. Under no circumstances shall Swanson Correctional Center for Youth-Madison Parish Unit be used as a juvenile facility after May 31, 2005.

(3) No provision of this Subsection shall prohibit the department from closing Swanson Correctional Center for Youth-Madison Parish Unit at any time prior to December 31, 2004, should the protection and public safety of society permit.

B.(1) The Department of Public Safety and Corrections shall develop a comprehensive plan for the transitioning of these youth based

upon the health, safety, and best interests of each child and the protection and public safety of society. The comprehensive plan:

(a) Shall include a specific plan for provision of aftercare services to meet the needs of juveniles for whom release to the community is recommended and to provide for safety to the community.

(b) Shall include a specific date after which youths adjudicated delinquent and committed to the department shall no longer be assigned or reassigned to Swanson Correctional Center for Youth-Madison Parish Unit.

(c) Shall include a recommendation by which monies used to fund the operation of Swanson Correctional Center for Youth-Madison Parish Unit can be used for the creation and maintenance of a continuum of community-based treatment and supervision programs for youth within the Louisiana juvenile justice system.

(d) May include recommendations for an alternative use of the facility and property of the former Swanson Correctional Center for Youth-Madison Parish Unit.

(2) The secretary of the department shall submit the plan on or before August 1, 2003, to the governor, to the Joint Legislative Committee on the Budget, and to the Juvenile Justice Reform Act Implementation Commission created by R.S. 46:2751 et seq.

(3) Beginning on August 1, 2003, and every month thereafter until such time as Swanson Correctional Center for Youth-Madison

Parish Unit is discontinued as a juvenile facility, the department shall submit to the Juvenile Justice Reform Act Implementation Commission a status report detailing:

(a) The total number of youths in the facility.

(b) The number of youths transitioned out of the facility and the facility to which the child was transferred.

(c) The number of youths, if any, placed in the facility, and the reason for this placement as opposed to placement in another juvenile facility, subject to applicable confidentiality requirements.

(d) Other information requested by the commission.

C. The Juvenile Justice Reform Act Implementation Commission shall make recommendations to the governor and legislature, including the Joint Legislative Committee on the Budget, prior to the 2004 Regular Session of the Legislature, regarding suggested executive action or required legislation and funding for juvenile justice services, facilities, and personnel.

§902.3. Juvenile placement review process

A. The legislature hereby finds that in order to improve our juvenile justice system it is necessary that every juvenile in the custody of the Department of Public Safety and Corrections be reviewed periodically in order to determine whether the juvenile is placed in the least restrictive placement most appropriate to their needs and consistent with the circumstances of the case and the protection of the best interests of society and the safety of the public within the state. In

order to facilitate the transition of the Swanson Correctional Center for Youth-Madison Parish Unit to alternate adult offender utilization as provided in R.S. 15:902.2, the provisions of this Section shall be applicable.

B. The placement review shall be conducted by the department through such multi-disciplinary review panel as the secretary of the department shall designate. This placement review shall include an assessment of the needs and progress of the individual juvenile, the risk of danger to society, and the community resources needed to serve the best interest of the child and society and a recommendation for placement and services.

C. The secretary of the department shall establish and promulgate rules, regulations, and procedures to govern the placement review process. Such rules shall include provisions for the department to notify appropriate law enforcement communities and any registered crime victim of the placement review recommendation at the time the recommendation is provided to the judge.

D. When the assessment results in a determination that the juvenile be transferred to a less restrictive setting, including but not limited to release pursuant to R.S. 15:906 or transfer pursuant to R.S. 15:907, the department shall develop recommendations for placement, care, and treatment in accordance with the assessment.

E. If the recommendation includes placement in a less restrictive setting, the department shall file a motion with the court and serve a copy of the motion on the district attorney in accordance with Children's Code Article 911. The motion shall include all of the following:

(1) The recommendation of the department.

(2) All relevant documentation supporting the recommendation including but not limited to the needs and risk assessments.

(3) An aftercare plan developed by the department when the recommendation is for release pursuant to R.S. 15:906.

F. The recommendations shall be implemented by the department unless the court, within fourteen legal days of receipt of the motion and accompanying documentation does any one of the following:

(1) Rejects the recommendations and denies the motion.

(2) Notifies the department in writing that there is no objection and the recommendations have been accepted as orders of the court.

(3) Schedules a hearing and issues an order rejecting or modifying the recommendations of the department.

G. Juveniles adjudicated delinquent and given a disposition under the provisions of Children's Code Article 897.1 shall not be eligible for consideration under the provisions of this Section.

* * *

PART XI-A. JUVENILE DETENTION STANDARDS AND LICENSING PROCEDURES

§1110. Licensing standards

A. The single state entity created pursuant to R.S. 46:2757 shall develop and recommend uniform standards and licensing procedures for local juvenile detention facilities. These standards should comport

with nationally recognized and accepted standards for practice within the local juvenile detention facilities. The uniform standards and licensing procedures shall address, but not be limited to the following areas:

- (1) Operational requirements.
- (2) Staff qualifications and training of local juvenile detention staff, which shall include educational programs designed to improve the quality of services and specific training in recognizing and reporting of child abuse and neglect.
- (3) The ratio of staff to children in each local juvenile detention facility.
- (4) Policies for admission, transfer, discharge, aftercare supervision, and follow-up services appropriate to the needs of the child.
- (5) Standards of care, including provisions to administer any early, periodic screening, diagnosis, and treatment program and to treat appropriately any condition revealed by screening.
- (6) Treatment needs for those with substance abuse disabilities.
- (7) Standards to assure a safe, humane, and caring environment.
- (8) Access to required programs and services, including educational services.
- (9) A risk and needs assessment for each child, including criteria for the placement of a child in a particular local juvenile detention center or in a nonsecure alternative.

(10) Criteria for determining population limits for each local juvenile detention facility which may not be exceeded except in emergency circumstances during which time staffing ratios and levels of services must be maintained.

(11) Competency and character development to assist children in becoming responsible and productive members of society.

(12) The accountability of the child to the victim and the community for offenses committed.

(13) Procedures to provide a program of treatment, training, and rehabilitation consistent with the child's best interests and the protection of public interest.

(14) The rights of children in a local juvenile detention facility, which shall include provisions relative to the right to privacy, visitors, use of telephones, and mail delivery.

(15) Procedures for reporting complaints.

(16) Prohibitions against the use of excessive force against a child.

(17) Internal auditing and monitoring of local programs and facilities in the juvenile justice system, including compliance with all regulations and procedures.

(18) Such other regulations or standards that will ensure proper care and treatment of children as may be deemed necessary for the effective administration of local juvenile detention facilities.

B. All agencies, departments, offices, and institutions of the state, including the state universities and the community and technical colleges, shall cooperate in developing and implementing these standards.

C. For purposes of this Part, detention includes detention of a child both before and after adjudication.

* * *

CHAPTER 14. INTERAGENCY AGREEMENTS FOR INFORMATION SHARING CONCERNING JUVENILES

§1461. Legislative findings

A. In an effort to reform and restructure the juvenile justice system and to improve the availability and quality of programs and services available to assist juveniles who are at risk of becoming part of the system, as well as those who are already involved in the juvenile justice system, the legislature supports interagency efforts to gather comprehensive data and actively share and disseminate data to those agencies responsible for making informed decisions regarding the treatment, care, security, and rehabilitation of juveniles within the state.

B. The legislature finds that the sharing and integration of appropriate data and information relating to child protection, delinquency, families in need of services, and other concerns provided in the Louisiana Children's Code may have numerous benefits for the children and families involved in the juvenile justice system, as well as for the state and local juvenile justice agencies attempting to provide services for them.

C. The legislature finds that such data sharing and integration can serve the best interests of the child and the family, contribute to higher levels of effectiveness in service delivery, greater efficiency and productivity, and eventually reductions in the costs of juvenile justice

services. Specifically, such data sharing and integration can reduce redundant data entry, expedite the processing of cases, provide for more timely service delivery, ensure more accurate and up-to-date information, and contribute to better performance and greater accountability by all involved parties.

§1462. Cooperation of boards; data sharing

A. The single state entity created pursuant to R.S. 46:2757 shall develop a comprehensive strategy to foster interagency agreements and cooperation regarding the sharing of data concerning children, youth, and families involved in the juvenile justice system.

B. Interagency agreements shall include provisions regarding the specific data to be shared among the agencies, the person or persons allowed by each party to have access to the other party's data, and the security arrangements between the parties to ensure the protection of the data from unauthorized access that would threaten the privacy of persons and the confidentiality of the data. Nevertheless, regardless of the terms of a specific agreement, all laws regarding privacy and confidentiality of information shall remain unaffected by this Section. The parties may not agree to share data pursuant to a specific agreement if any law would otherwise prohibit the sharing of such data by the parties.

C. Interagency agreements shall be in writing and a copy shall be furnished to the court exercising juvenile jurisdiction and to each agency involved in the treatment, care, and rehabilitation of the child.

D. A forum shall be provided for the presentation of interagency recommendations and the resolution of disagreements relating to the

contents of the interagency agreements or the performance by the parties of their respective obligations under the agreement.

E. Agencies involved in facilitating agreements regarding the sharing of information regarding juveniles shall include:

- (1) The Department of Social Services.
- (2) The Department of Health and Hospitals.
- (3) The Department of Education.
- (4) The Department of Public Safety and Corrections.
- (5) The Department of Labor.
- (6) Courts exercising juvenile jurisdiction.
- (7) Offices of district attorneys.
- (8) Law enforcement agencies.
- (9) Schools.
- (10) Truancy Assistance Service Centers.
- (11) Families in Need of Services offices.
- (12) Other juvenile justice agencies.
- (13) Indigent defender boards.

§1463. Confidentiality

A. Any interagency information sharing agreement entered into pursuant to this Chapter shall specify the conditions under which information is to be made available to authorized parties, and it shall include procedures for respecting the confidentiality of all records and information pertaining to a juvenile.

B. Disclosure of information pursuant to any interagency information sharing agreement shall only be made by staff from agencies that are involved in the assessment, diagnosis, treatment, care, or rehabilitation of children and for the purpose of ensuring cooperation

and coordination of all agencies in providing effective case management for juveniles.

§1464. Immunity from civil or criminal liability

A. Any person or agency, who in good faith and pursuant to any interagency agreement discloses any confidential information regarding a juvenile or his family, shall have immunity from any liability, civil, criminal, or otherwise, that might result by reason of the type of information disclosed.

B. The limitation on liability of Subsection A of this Section does not apply if a party to an interagency agreement acts with gross negligence or in bad faith.

Section 3. Subpart C-1 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:251 and 252, is hereby enacted to read as follows:

SUBPART C-1. THE EDUCATION/JUVENILE JUSTICE

PARTNERSHIP ACT

§251. Short title; legislative intent

A. This Subpart may be cited as the "Education/Juvenile Justice Partnership Act".

B. The legislature hereby finds and declares that:

(1) The good behavior and discipline of students are essential prerequisites to academic learning, the development of student character, and the general, as well as educational, socialization of children and youth.

(2) Bad behavior and lack of discipline in many schools of the state are impairing the quality of teaching, learning, character

development, and socialization, and, in some schools, are creating real and potential threats to school and public safety.

(3) Greater communication, coordination, and collaboration need to exist between and among state, city, parish, and other local public school systems and juvenile justice agencies to address effectively issues affecting the behavior and discipline of students, especially with respect to safe school planning, mental health service delivery, family strengthening, alternative schools, special education, school zero tolerance policies, school suspensions, and positive behavioral supports.

§252. School master plans for supporting student behavior and discipline

A.(1) The State Board of Elementary and Secondary Education, in collaboration with the Louisiana Juvenile Justice Planning and Coordination Board, shall formulate, develop, and recommend to the Juvenile Justice Reform Act Implementation Commission by March 1, 2004, a model master plan for improving behavior and discipline within schools.

(2) The model master plan may include but need not be limited to guidelines for accomplishing the following:

(a) Improving communication, coordination, and collaboration between the schools and juvenile justice agencies.

(b) Improving safe school planning.

(c) Revising school zero tolerance policies to ensure compliance with all applicable provisions of law to ensure that schools do not make inappropriate referrals to juvenile justice agencies.

(d) Providing improved mental health services in or through the schools.

(e) Providing better assistance to parents in knowing about and accessing family strengthening programs.

(f) Improving the coordination of special education and juvenile justice services.

(g) Improving classroom management using positive behavioral supports and other effective disciplinary tools.

(h) Improving methods and procedures for the handling of school suspensions and the referral of students to alternative schools.

(i) Providing for better and more useful reporting on an annual basis of school behavioral and disciplinary problems.

B. Each city, parish, and other local public school board shall cause to be developed and shall submit by October 1, 2004, a master plan for each school under the board's jurisdiction for improving behavior and discipline in each such school based on the model master plan developed and approved by the State Board of Elementary and Secondary Education.

Section 4. R.S. 36:4(E) is hereby enacted to read as follows:

§4. Structure of executive branch of state government

* * *

E. The Juvenile Justice Reform Act Implementation Commission, as more specifically provided in R.S. 46:2751 through 2757, shall be placed within the office of the governor and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.

* * *

Section 5. Chapter 59 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2751 through 2757, is hereby enacted to read as follows:

CHAPTER 59. JUVENILE JUSTICE REFORM ACT

IMPLEMENTATION COMMISSION

§2751. Juvenile Justice Reform Act Implementation Commission;
creation; composition; duties

A. The Juvenile Justice Reform Act Implementation Commission, referred to in this Chapter as the "commission", is hereby created in the executive branch.

B.(1) The commission shall be composed of five members as follows:

(a) The original chairman of the Juvenile Justice Commission, created by House Concurrent Resolution No. 94 of the 2001 Regular Session, and upon his resignation from the commission, a representative appointed by the speaker of the House.

(b) One senator appointed by the president of the Senate.

(c) A supreme court justice appointed by the chief justice of the state supreme court.

(d) The commissioner of administration.

(e) The vice president for Administration and Management, Southern University and A&M College or his designee.

(2) Members shall be appointed, if required, and shall take office not later than July 15, 2003. Vacancies shall be filled in the manner of the original selection or as otherwise provided in this Section.

C. The commission shall have as its purpose the implementation of the recommendations contained in the Juvenile Justice Reform Act of 2003 and HCR 56 or SCR 31, or both, of the 2003 Regular Session, and the continued reform of the state's juvenile justice system.

§2752. Rules; meetings; officers

A. The commission shall adopt such rules and procedures as it shall find necessary for the conduct of the activities and meetings of the commission.

B. No action shall be taken by the commission except by a favorable vote of a majority of the members. A quorum of the commission shall consist of a majority of the total membership thereof, and in the case of a vacancy, a quorum will consist of the majority of the remaining members.

C. The commission shall meet for the first time no later than August 1, 2003, and shall meet at such other times as shall be necessary to accomplish its purposes.

D. The commission shall elect such officers as it finds necessary.

§2753. Compensation; receipt and expenditure of funds

A. The members of the commission shall serve without additional compensation. Travel, per diem, and other expenses may be paid by the member's respective employer or affiliated agency.

B. The commission may receive and expend funds appropriated or otherwise made available by the legislature or from any other source, including donations or gifts of money or services from public or private organizations or from any other sources, to be utilized for the purposes of the commission.

§2754. Commission authority generally; staff services; state agency assistance

A. The commission is authorized to utilize the personnel, facilities, and services of the legislature, executive departments and agencies, and the courts and judicial administrator. The commission may request of and utilize such counsel, research, assistance, personnel, facilities, and advice as may be obtained from any and all public sources and from any and all private sources, including but not restricted to private research agencies, consulting groups, individuals, and organizations.

B. The commission is authorized to make, or cause to be made, any study, review, or analysis that it may find useful to the purposes of this Chapter through personnel as provided in Subsection A of this Section or in cooperation with any public or private agency including universities, colleges, foundations, charitable corporations, research organizations, and consulting groups, and the commission may call upon the members or staffs of any and all existing departments or agencies of the state for data or assistance, or both, and all such agencies and departments shall cooperate with the commission.

C. The chairman of the commission may enter into any contract for the purpose of facilitating any provision of Subsections A or B of this Section.

D.(1) The commission shall have the power and authority to hold hearings, subpoena witnesses, administer oaths, require the production of books and records, and do all other things necessary to discharge its duties and responsibilities under this Chapter. However, a subpoena or a subpoena duces tecum shall be issued only upon the

approval of a majority of the members of the commission. Subpoenas shall be served by the sheriff or by any other officer authorized by law to serve process in this state.

(2) In the case of failure or refusal of a person to comply with a subpoena issued by the commission, or in the case of the refusal of a witness to testify or answer as to a matter regarding that which he may be lawfully interrogated, any district court on the application of the commission may issue an attachment for the person to compel him to comply with the subpoena and to appear before the commission with the desired documents and to give testimony upon whatever matters are lawfully required. The court may punish for contempt those disobeying its orders as in the case of disobedience of a subpoena issued by the court or refusal to testify therein.

§2755. Powers and duties

A. The commission shall make, or cause to be made, all such studies, reviews, or analysis which it finds necessary to effect its purpose.

B. The commission in its consideration of the recommendations of the Juvenile Justice Reform Act of 2003 and HCR 56 or SCR 31, or both, of the 2003 Regular Session, and in the consideration of recommendation of other juvenile justice reform measures shall address such issues as:

(1) The creation of a single state entity for providing services to children and their families, as more fully set forth in R.S. 46:2757.

(2) The closure of Swanson Correctional Center for Youth-Madison Parish Unit as a facility for juveniles, as more fully set forth in R.S. 15:902.2, and the development of a comprehensive plan to

reduce the over reliance on secure incarceration and provide community-based services including a time schedule for statewide implementation for the plan.

(3) The priorities of state entities funding children and family services by:

(a) Receiving reports of the allocations and expenditures of all federal and state juvenile grant funds earmarked for law enforcement, treatment, rehabilitation, and education.

(b) Evaluating how juvenile monies, both state and federal, are utilized in implementing juvenile delinquency prevention programs by state and local agencies.

(c) Identifying and evaluating the effectiveness of state and local public awareness and delinquency prevention programs in both the public and private sectors to develop a series of recommendations for improving the effectiveness of such programs.

(d) Evaluating specific problem areas relating to the enforcement of laws concerning juvenile delinquency and making recommendations to improve the impact of those laws through legislative refinement or executive order.

(e) Assessing the roles and interaction of federal, state, and local law enforcement agencies and entities in combating juvenile delinquency to make recommendations for improving their effectiveness.

C. The commission may also:

(1) Review and comment on the progress reports submitted to it by the Children's Cabinet and its affiliated boards.

(2) Review and comment on various proposals for the annual Children's Budget before completion and submission of the budget to the appropriate standing committees of the legislature by the Children's Cabinet.

(3) Make recommendations for improving juvenile justice through proposed legislation, resolutions, or other expressions of legislative intent.

(4) Monitor and advocate for juvenile justice legislation and other actions relating to the reform of juvenile justice and the restructuring of the delivery of services to children and their families.

(5) Take any other action it deems appropriate relating to the restructuring or rendering, or both, of juvenile services.

§2756. Reports; recommendations

The commission shall report to the legislature and the governor with respect to the findings of such studies, reviews, and analysis as it may undertake. The commission shall submit its initial report prior to the 2004 Regular Session of the Legislature and at such other times as it shall deem appropriate.

§2757. Single state entity for children; additional duties and functions

A. The legislature hereby finds and declares that the creation of a single state entity for the delivery of services to children and their families would offer the state many benefits, including:

(1) The facilitation of more effective communication, coordination, and collaboration of agencies and personnel within the new state entity.

(2) The facilitation of the development of a new system of service delivery providing a single pool of financing, single points of

entry, a comprehensive system of case management, and wraparound services for children and families.

(3) The generation of savings from the elimination of redundant administrative, management, and programmatic functions and from the realignment of state and local functions, particularly the new programmatic emphasis on community-based services, and the reinvestment of those savings into new services for children and families.

(4) The creation of new leadership, infused with a sense of urgency and a more appropriate sense of mission, to aggressively create a better culture and structure for administering juvenile justice.

B. The legislature hereby further finds and declares that the creation of a single state entity for the delivery of services to children and their families should incorporate, to the extent deemed appropriate by the commission, services rendered by the office of community services, Department of Social Services, the office of public health and office of mental health, Department of Health and Hospitals, the office of youth development, Department of Public Safety and Corrections, and the Department of Education.

C.(1) Based on the findings and intent of the legislature as declared in Subsection A and B of this Section, the commission shall develop no later than March 1, 2004, a plan for the creation of a single state entity to provide services to children and their families, which plan shall:

(a) Clearly state the purpose and objectives of the single state entity.

(b) Designate and describe the nature of the single state entity, including the appropriate level of the organizational unit and its placement in the organizational structure of state government.

(c) Provide for the internal organization and structure of the single state entity, including its officers and component units and the structure, powers, duties, functions, and responsibilities of each.

(d) Provide for the transfer of organizational entities of state government and their powers, duties, functions, and responsibilities to the single state entity and for any organizational changes made necessary by such transfers in other affected units of government.

(e) Identify and provide specifics concerning requirements for implementing the single state agency, including but not limited to necessary personnel, funds, office space, facilities, and equipment. Such specifics shall include such information as: total dollars requested by appropriate budget categories and, to the extent appropriate by program and by organizational unit; the number and classification of necessary personnel, by program and organizational unit; explanation of how the requirements will be provided, including the transfer and utilization of the personnel, funds, facilities, and equipment of transferred entities; how functions, including management and finance related functions and data processing, will be consolidated and how services may be provided more effectively.

(f) Provide additional funding requests for technology capable of allowing the electronic sharing and integration of data and information relating to child protection, delinquency, families in need of services, and other children, youth and family information.

(2) The commission shall submit the proposed plan to the governor and the legislature for adoption of the plan and enactment of implementing legislation during the 2004 Regular Session of the Legislature.

D. In development of the plan, the commission shall also consider the recommendations of the Louisiana Juvenile Justice Planning Coordination Board created by R.S. 46:2605.2.

Section 6. R.S. 46:2601(A)(1), 2603(A) and (B)(2), 2604, and 2607 are hereby amended and reenacted and Part I of Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2600, 2605.1, 2605.2, and 2605.3, and Part III of Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2608 through 2610, are hereby enacted, and Part II of Chapter 45, comprised of R.S. 46:2601 through 2606, is hereby designated as "Part II. Children Cabinet, Children's Budget, and Affiliated Boards", to read as follows:

CHAPTER 45. CHILDREN'S CABINET

PART I. GENERALLY

§2600. Definitions

As used in this Chapter:

(1) "Community-based program" means programs that are accessible, culturally and linguistically, in locations that people use in the community, such as community centers, schools, shopping areas, and governmental buildings and which are operated by either:

(a) A local public agency.

(b) An independent, private for-profit or not-for-profit organization when the communities service needs are defined by the local community and planned and monitored by a broad-based group of

community representatives invested by a local government with the authority and responsibility to plan such services.

(2) "Exemplary and promising program" means programs that meet high scientific standards, as evidenced in published evaluations, and that have been shown to work effectively and can be expected to have a positive result in a wide range of community settings.

(3) "Exemplary sanctions" may include but are not limited to electronic monitoring, diversion, community service, victim restitution, house arrest, intensive juvenile supervision, tracker programs, substance abuse assessment and testing, first-time offender programs, intensive individual and family treatment, structured day treatment and structured residential programs, aftercare or parole community supervision, balanced and restorative justice programs, and residential and nonresidential services for juvenile offenders.

(4) "Juvenile justice" means the system of public and private services in Louisiana that includes prevention, early identification, early intervention, child protection, law enforcement, prosecution, defense, adjudication, diversion and informal processing, probation, corrections, aftercare, transitional living, and other services provided to children and families who either are or are likely to be brought into a court with juvenile jurisdiction because of problems such as abuse, neglect or abandonment, mental illness, substance abuse, aspects of a divorce and breakup of families, pre-delinquency, social irresponsibility or delinquent behavior, or spousal abuse involving children.

(5) "Regionally based programs" means those programs that are delivered in one of the nine regional service areas.

(6) "Regional service area" means the following nine regions:

(a) Region 1 includes the parishes of Jefferson, Orleans, Plaquemines, and St. Bernard.

(b) Region 2 includes the parishes of East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West Feliciana.

(c) Region 3 includes the parishes of Livingston, St. Helena, St. Tammany, Tangipahoa, and Washington.

(d) Region 4 includes the parishes of Ascension, Assumption, Lafourche, St. Charles, St. James, St. John the Baptist, and Terrebonne.

(e) Region 5 includes the parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, and Vermilion.

(f) Region 6 includes the parishes of Allen, Beauregard, Calcasieu, Cameron, and Jefferson Davis.

(g) Region 7 includes the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Vernon, and Winn.

(h) Region 8 includes the parishes of Bienville, Bossier, Caddo, Claiborne, Desoto, Jackson, Natchitoches, Red River, Sabine, and Webster.

(i) Region 9 includes the parishes of Caldwell, East Carroll, Franklin, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll.

(7) "School-based programs" means those programs operated at the school and developed in coordination with juvenile justice agencies, parents, and community agencies to address student behavioral and discipline issues.

PART II. CHILDREN'S CABINET, CHILDREN'S
BUDGET, AND AFFILIATED BOARDS

§2601. Legislative findings and intent

A.(1) The legislature finds that programs and services to children and their families, including juvenile justice services, are provided by a myriad of state departments, offices, and agencies, as well as many entities at the local level. Funding for such programs is provided from numerous sources, federal, state, and local. There is a serious need to coordinate and focus programs and funding to achieve the most effective and efficient use of monetary, human, and organizational resources.

* * *

§2603. Children's Cabinet; powers and duties

A. In order to carry out the purposes of this Chapter and the purposes for which it is created, the Children's Cabinet shall:

(1) Develop and implement a comprehensive plan for coordination of policy making and planning for all state agencies and programs responsible for services to children and their families. Such plan shall be completed and adopted by the cabinet and submitted to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare for review not later than January 31, 1999, and shall be updated annually thereafter.

(2) Develop and recommend a plan by December 31, 2003, for reforming the way in which services, including juvenile justice services, are delivered to children and families. The plan shall be submitted to the Juvenile Justice Reform Act Implementation Commission and to such other legislative committees as the

implementation commission may direct and may recommend, at a minimum, the following features for consideration by the commission and legislature:

(a) A system of centralized intake that would allow individuals, as well as public and private service providers, to access common intake forms via the internet and that would initiate eligibility, screening, and case planning processes through local provider networks.

(b) A coordinated system of specially trained and certified case managers who shall, either as teams or as individuals in consultation with other case managers, accept or reject applications for assistance based on clearly defined eligibility standards. The case manager or case management team may develop case management plans that will specify all of the services recommended for the child or family, or both, and how such services may be accessed. The acceptance notice and case management plan should be forwarded to the central intake system, which, in turn, will contact the child and family.

(c) A plan to allow the applicant, upon approval and communication of the plan by the coordinated system of case managers, to use the plan as a voucher for accessing all of the services indicated in the plan in accordance with the plan's terms and conditions.

(d) A plan to provide for the establishment of a system for funding those community-based services meeting the guidelines established by the cabinet. The plan should provide for initial start-up funds for the community-based programs, for local matching requirements, for monitoring and evaluation, and for accessing funding to pay for the vouchers associated with each case management plan.

The plan should also investigate the feasibility of providing community-based services through a regional mobile delivery system providing intake, health, assessment, early identification, informational, and other services.

(e) A plan to provide for the identification and pooling of funds from as many sources as possible, with the exception of federal grant funds that have guidelines disallowing the pooling of certain funds, such as the funding of the Louisiana Commission on Law Enforcement and the Office of Juvenile Justice and Delinquency Prevention Board, and for the use of such funds for any or all purposes lawfully authorized to be used for such purposes.

(f) A plan to require contracts with service providers to include a monitoring and evaluation component based on outcomes and performance and based on the quality of the evaluation and not simply the "lowest bidder" rationale.

(g) A plan to allow for the full reimbursement of the cost of authorized services delivered by private providers having agreements with the state.

(h) A plan to ensure that the new system of funding benefits from the maximum draw of matching federal funds.

(i) A plan to provide for ways to hold parents accountable for assisting their children in obtaining needed treatment.

(3) Propose ways to the legislature to address in a planned manner financial issues affecting foster care including but not limited to the following:

(a) Inadequate payments to residential and private foster care providers.

(b) Below average foster care board payments.

(c) Reduction in funding suitable staff for the office of community services.

(d) Lack of psychiatric hospital beds for foster children.

(e) Lack of funding of after-care and transitional services for foster care children.

(4) Provide for and implement the coordination of service delivery by all state agencies and programs having responsibility for services to children and their families, including juvenile justice services, resolve conflicts among programs and agencies, and develop and implement structures and procedures necessary to accomplish such coordination.

~~(3)(5) Monitor and evaluate the effectiveness and efficiency of~~
Develop instruments to ensure that individual programs and the ~~effectiveness and efficiency of~~ delivery of services by coordinated programs are monitored and evaluated on the basis of appropriate scientific standards.

~~(4)(6)~~ Undertake studies and develop proposals and recommendations to redirect programs for children and their families from crisis intervention and residential programs toward early intervention and prevention and family preservation when such redirection will be more efficient and effective in terms of human costs and monetary costs.

~~(5)(7)~~ Adopt and implement provisions for a children's budget, as more specifically provided in R.S. 46:2604.

~~(6)~~(8) Require and receive such reports from state agencies and programs having responsibility for children and their families as shall be necessary to carry out its purposes and functions.

~~(7)~~(9) Submit an annual report to the governor and the legislature by January thirty-first summarizing the accomplishments of the past year and indicating specific goals for the next fiscal year.

~~(8)~~(10) Adopt and promulgate rules and regulations and formulate all necessary policies, procedures, and rules of administration and operation necessary to carry out the purposes of this Chapter, all subject to the Administrative Procedure Act. Legislative oversight of the cabinet, pursuant to the Administrative Procedure Act, shall be the responsibility of the Senate Committee on Health and Welfare and the House Committee on Health and Welfare.

~~(9)~~(11) Do all the things reasonably necessary to accomplish the purposes for which the cabinet is created.

~~(10)~~(12) Develop proposals and recommendations for state agencies that provide residential and/or foster care to children to integrate life skills training into their daily programming and provide for reports to the cabinet on the implementation thereof. Such proposals and recommendations shall comply with relevant federal statutory provisions and regulations.

B. In addition to the above duties and responsibilities, in order to carry out its purposes and functions, the cabinet may:

* * *

(2) Create and appoint such advisory committees or task forces to act in an advisory capacity to the cabinet to assist in its studies, composed of such representatives of the public and private sectors, as

it shall deem appropriate, and support and collaborate with the Louisiana Juvenile Justice Planning and Coordination Board.

* * *

§2604. Children's budget; preparation and submission

A. In adopting the children's budget annually, the cabinet shall hold such hearings and solicit and review such information and recommendations from affected agencies and programs and other sources as it shall find necessary. To the extent possible, the cabinet shall seek to establish agreement among and support by the affected agencies and programs with respect to the children's budget.

B.(1) In reviewing the children's budget recommendations, the cabinet shall ensure that the following costs and cost estimates are included:

(a) Estimates of all costs associated with the direct delivery of child and family welfare services and juvenile justice services by executive branch agencies, including planning and legal services.

(b) Estimates of all costs of child and family welfare and juvenile justice services administered by courts and agencies of the judicial branch, including the estimated costs of adjudication, law enforcement by sheriffs, district legal representation, juvenile forensic activity, local juvenile probation, local juvenile detention, FINS, juvenile drug courts, truancy centers, CASA programs, child support adjudication and enforcement, improvements to foster care adjudication, and domestic violence programs. The estimates shall include all costs, including state, local, self-generated, and federal or other grant funding, regardless of the source of the expenditures.

(c) Estimate of the total expenditures of local government, exclusive of federal and state funds provided to the local government from the state, on children's services, including the costs of recreation, elementary and secondary education, juvenile law enforcement by municipal police departments, juvenile justice services, including local probation, local detentions, and treatment services directly administered by the local government.

(2) The budget shall also include goals and benchmarks for measuring year-to-year progress and for comparing Louisiana's progress in putting children first with the efforts of other states. The cabinet shall define a comprehensive continuum of services, including juvenile justice services, and shall estimate the total cost of funding the continuum. The state's progress in funding the continuum of services shall be measured by comparing the costs of the total need of the continuum versus the estimated costs expended by state and local government each year in support of the continuum.

(3) In reviewing the annual children's budget recommendations, the executive departments, agencies, and cabinet shall adhere, to the extent possible and reasonable, to the following policy priorities:

(a) The highest funding priority should be given to prevention and early intervention services.

(b) High funding priority should be given to the following programmatic areas:

(i) Exemplary or promising mental health services.

(ii) Exemplary or promising substance abuse treatment services.

(iii) Exemplary or promising alternative sanctions.

(iv) Nonsecure residential programs.

(v) Exemplary or promising family strengthening programs.

(c) Funded programs should, for the most part, be school-based or community-based, unless greater efficiency and effectiveness can be achieved through regionally-based programs.

(d) All existing services, except existing services that are being extended to additional jurisdictions, should be funded at current levels until the effectiveness of the services are properly evaluated. Programs shown through evaluation to not be cost-effective should be altered or eliminated. Programs shown through evaluation to be effective should be funded at higher levels if there is sufficient need for such programs.

(e) Special funding attention within these priority areas should also be directed to services for female youth offenders, juvenile sexual offenders, and juvenile victims of sexual abuse.

C. In studying and recommending the children's budget, the cabinet shall determine the feasibility, advisability, and merit of:

~~(1) Identification of and pooling of funds from as many sources as possible and use of such funds for any or all purposes for which any such funds may be used.~~ Organizing and presenting the budget in terms of the continuum of services in addition to by department.

~~(2) Single-purchase systems for purchase of services and other means to eliminate competing rates.~~

~~(3) Using funding mechanisms to effect greater coordination of services.~~

~~(4) Directing funding to family preservation and nonresidential options directed toward long-range savings by avoiding residential placement.~~

€.D. The governor's executive budget shall include the governor's recommended children's budget which shall be a compilation and listing of the recommended budgets contained in the various schedules of the executive budget for all services and programs for children and their families.

Đ.E. The General Appropriation Act enacted by the legislature shall include the children's budget. This shall be a separate section of the Act which shall include a compilation and listing of all appropriations contained in the various schedules and appropriations in the Act which are for services and programs for children and their families as well as the cost estimates of all nonappropriated elements of the budget.

* * *

§2605.1. Children's Cabinet Research Council

A. The Children's Cabinet Research Council, hereafter referred to as the "research council", is hereby established as a specialized advisory function to the cabinet.

B. The purposes of the research council are to:

(1) Identify and communicate to university researchers the research needs of the cabinet and the Louisiana Juvenile Justice Planning and Coordination Board.

(2) Promote at one or more of the state's universities the development of centers of excellence and specialization in child welfare and juvenile justice clinical, research, and educational services, and to seek federal funding for the establishment of one or more child welfare resource centers.

(3) Assist the Louisiana Juvenile Justice Planning and Coordination Board in developing a system of statistics, indicators, and measures, common assessment models including risk, safety, service needs, family, and strengths-based instruments that are practice oriented and not just theoretical in design, and a system of monitoring and evaluation.

(4) Provide such advice as may be requested by the cabinet or the Louisiana Juvenile Justice Planning and Coordination Board.

C.(1) The research council shall be composed of the executive director of the cabinet and one appointed representative of each of the following entities: the Louisiana Board of Regents, the Louisiana State University School of Social Work, Office of Social Services Research and Development, the Board of Supervisors of the Southern University System, the Board of Supervisors of the University of Louisiana System, Centenary College, Dillard University, Loyola University, Our Lady of Holy Cross College, Xavier University, the Louisiana State University Health Services Center, the Tulane University Medical School, the Louisiana State University Law School, the Southern University Law School, the Loyola University Law School, and the Tulane University Law School.

(2) Members shall serve for a term of two years. However, members may be appointed by their appointing authorities for multiple terms. All members shall serve without additional compensation and without reimbursement of expenses from the state.

(3) The research council shall be chaired by the executive director of the cabinet and a vice chairman shall be nominated and elected by a majority of a quorum at the first meeting of the research

council. The research council shall meet at least quarterly according to a schedule established by the research council's chair. Meetings shall also be held on call of the chair or at the request of at least three members of the research council. The chair shall give seven days' notice to the members of the research council of the date, time, and place where regular or special meetings will be held.

(4) A quorum of the research council shall consist of five members. The use of proxies is permitted, the limits and procedures of which shall be defined by the chair.

§2605.2. Louisiana Juvenile Justice Planning and Coordination Board

A. The Louisiana Juvenile Justice Planning Coordination Board, hereafter referred to as the "Louisiana board", is hereby established as an interim, planning and coordination board of the cabinet authorized to perform the following responsibilities:

(1) Develop a strategic planning process for juvenile justice that utilizes data collection and trend analysis, addresses resources and gaps in services, identifies research-based effective programs and practices, and incorporates impact evaluation methodology to measure outcomes, and to develop an annual implementation plan.

(2)(a) Develop and recommend a plan delineating how the following functions will be accomplished in the state's regional service areas, including establishing the entities responsible for performing these functions:

(i) Identifying and prioritizing gaps in the continuum of services needed for each area.

(ii) Conducting regular regional, multi-parish, or area training, especially with regard to comprehensive strategizing, restorative justice concepts, and graduated sanctions.

(iii) Communicating the vision, goals, and strategies of the Juvenile Justice Reform Act within each region.

(iv) Providing recommendations to the Children's Cabinet.

(b) Provide the agencies identified in R.S. 46:2605.3 a forum in which to discuss and resolve any differences or disputes regarding the coordinated delivery of services within a regional service area.

(3) Monitor and report as needed during its tenure to the governor, the cabinet, the Juvenile Justice Reform Act Implementation Commission, other appropriate legislative committees, and the general public on Louisiana's progress in developing and implementing the strategic plan and the annual implementation plan.

(4) Ensure and supervise the preparation of a juvenile justice component of the children's budget and assist the cabinet in presenting the budget to the appropriate legislative budget committees and to the Juvenile Justice Reform Act Implementation Commission.

(5) Create, with the advice and counsel of the Children's Cabinet Research Council, a system of statistics, indicators, and measures, and a system for contracting, monitoring, and evaluating the performance and outcomes of the juvenile justice system throughout the state.

(6) Ensure the planning, development, and maintenance of a central repository of bibliographic, statistical, and directory information on juvenile justice in association with an appropriate state database and web-based function.

(7) Ensure that the priorities of state entities funding children and family services are consistent with the policies of the cabinet and the Louisiana board by:

(a) Receiving reports of the allocations and expenditures of all federal and state juvenile grant funds earmarked for law enforcement, treatment, rehabilitation and education.

(b) Evaluating how juvenile monies, both state and federal, are utilized in implementing juvenile delinquency prevention programs by state and local agencies.

(c) Identifying and evaluating the effectiveness of state and local public awareness and delinquency prevention programs in both the public and private sectors to develop a series of recommendations for improving the effectiveness of such programs.

(d) Evaluating specific problem areas relating to the enforcement of laws concerning juvenile delinquency and making recommendations to improve the impact of those laws through legislative refinement or executive order.

(e) Assessing the roles and interaction of federal, state, and local law enforcement agencies and entities in combating juvenile delinquency to make recommendations for improving their effectiveness.

(8) Ensure that the design of Louisiana's continuum of services for children includes the full range of juvenile justice services, including alternative and community-based services.

(9) Coordinate the development and acceptance of common assessment instruments including risk, safety, needs, family, and strengths-based instruments that are practice oriented and not just

theoretical in design, by all child welfare, juvenile justice, mental health, and substance abuse agencies.

(10) Assist the cabinet in the development of a centralized intake system that would allow all providers to access common intake forms and to assist their clients in completing and returning them via a website to a central intake database and to a system of case managers.

(11) Assist community, local, and regional entities in developing a planning and collaborative capacity, especially with respect to the comprehensive strategy, the principles of balanced and restorative justice, and the continuum of community-based, graduated sanctions and services.

(12) Develop a comprehensive strategy to foster interagency agreements and cooperation regarding the sharing of information and data concerning children, youth, and families involved in the juvenile justice system, and provide a forum for the presentation of interagency recommendations and the resolution of disagreements relating to the contents of the interagency agreements or the performance of the parties of their respective obligations under the agreement.

B.(1) The Louisiana board shall be composed of the executive director of the cabinet, the chairman of the North Delta Law Enforcement Planning District, the chairman of the Capital District Law Enforcement Planning Council, one assistant district attorney who regularly prosecutes juveniles appointed by the Louisiana District Attorney's Association, and one appointed representative of each of the following entities: The office of the governor, the Louisiana

Commission on Law Enforcement, Juvenile Justice Delinquency and Prevention Board, the Supreme Court of Louisiana, the Louisiana Council of Juvenile and Family Court Judges Association, the Louisiana Court Administrators' Association, the Louisiana District Attorney's Association, the Louisiana Sheriffs' Association, the Louisiana Association of Chiefs of Police, the Independent Juvenile Probation Officers, the Independent Juvenile Detention Centers, Victims and Citizens Against Crime, the Louisiana State University Office of Social Services Research and Development, the Louisiana Association of Child Care Agencies, You Who, Prevent Child Abuse, the Louisiana Children's Trust Fund, the Louisiana Indigent Defense Assistance Board, the Juvenile Justice Project of Louisiana, the Children's Cabinet Research Council, Families and Friends of Louisiana's Incarcerated Children, Agenda for Children, Urban League of Greater New Orleans, Mental Health Association of Louisiana, Metropolitan Crime Commission, Louisiana Interfaith Together (LIFT), and the Magnolia Peace Officers Association.

(2) Members shall serve for a term of two years or until their term of service is ended on December 31, 2004, at which time the board shall cease to exist. Members may be replaced at any time by written communication of the appointing authority directed to the director of the Louisiana board. All members shall serve without compensation or travel reimbursements, and without reimbursement of expenses from the state.

(3) The Louisiana board shall be chaired by a member appointed by the executive director of the cabinet or the director's designee. The vice chair and other officers of the Louisiana board shall

also be appointed by the executive director of the cabinet or the director's designee. The Louisiana board shall meet at least quarterly according to a schedule established by the chair. Meetings shall also be held on call of the chair or at the request of at least three members of the Louisiana board. The chair shall give seven days' notice to the members of the Louisiana board of the date, time, and place where regular or special meetings will be held.

(4) A quorum shall consist of a majority of members of the Louisiana board. The use of proxies is not permitted.

(5) The executive director of the Louisiana board shall be appointed by the governor. At the request of the executive director of the Louisiana board and with the approval of the appointing entities, the Louisiana board may receive intergovernmental staffing assistance from other executive branch agencies, either or both houses of the legislature, the supreme court, and local governments.

§2605.3. Regional service areas; coordination by service agencies

A. In order to provide a coordinated and comprehensive delivery of services to children and their families by region, the following agencies shall, to the extent feasible, develop a plan for the delivery of services in the state's regional service areas:

(1) The office of community services by the secretary of the Department of Social Services.

(2) The office of public health and the office of mental health by the secretary of the Department of Health and Hospitals.

(3) The Louisiana Commission on Law Enforcement and the Administration of Criminal Justice.

(4) The office of youth development by the secretary of the Department of Public Safety and Corrections.

(5) The Department of Labor.

(6) The state Department of Education by the superintendent.

B. In the event there is a dispute or conflict regarding the coordination of the delivery of services within a regional service area, any two or more of these agencies may request the Louisiana Juvenile Justice Planning and Coordination Board to hold a hearing to discuss and resolve any dispute or conflict regarding the coordinated delivery of services within a service region area.

* * *

§2607. Termination

The existence of the Children's Cabinet shall terminate, all legal authority therefor shall cease, and this Chapter shall be repealed on ~~August 15, 2003~~ August 15, 2008.

PART III. LOUISIANA CHILDREN, YOUTH, AND FAMILIES

INVESTMENT FUND

§2608. Purposes and intent

A. The legislature hereby finds and declares that the children and families of Louisiana are the state's most precious resource.

B. The legislature further finds that the state should make further strategic investments in this resource in order to:

(1) Prevent child abuse and neglect, substance abuse, mental illness, and predelinquent and delinquent behavior.

(2) Make early interventions that will effectively address family problems.

(3) Provide comprehensive strategies for effectively rehabilitating children and families at whatever stage these problems are manifested.

C. The legislature affirms its belief that such strategic investments will not only preserve and develop the state's human resources but also save the state large amounts of money currently being invested in law enforcement, child protection, adjudication, and corrections.

§2609. Establishment of the Louisiana Children, Youth and Families

Investment Fund

A. There is hereby established in the state treasury the Louisiana Children, Youth and Families Investment Fund, hereinafter referred to as the fund. The fund shall be administered by the division of administration in collaboration with the cabinet until such time as a single state agency is created pursuant to R.S. 46:2757, at which time the fund shall be administered by said entity.

B. The fund may be comprised of monies from the following sources: savings from the reduction of youth in secure facilities, receipt of funds from private foundations and trusts, savings from restructuring executive branch departments as provided in R.S. 46:2757, matching funds provided by regional, local governmental, and private service providers, and funding from specific legislative appropriations. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general

fund, an amount equal to that deposited as required in this Subsection and monies appropriated by the legislature shall be credited to the fund. The monies in this fund shall be used solely as provided in Subsection C of this Section and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund. The monies in this fund shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to this fund, again following compliance with the requirement of Article VII, Section 9(B), relative to the Bond Security and Redemption Fund.

C. Subject to annual appropriation by the legislature, monies in the fund may be used in accordance with procedures and guidelines which may be developed by the single state entity created pursuant to R.S. 46:2757, including but not limited to the following purposes:

(1) Prevention and early intervention, including school-based, community-based, and regionally based programs to prevent or to intervene early to address child abuse and neglect, predelinquency, delinquency, and domestic abuse.

(2) Alternative sanctions, including funding of alternatives to incarceration and detention for youth adjudicated to be predelinquent or delinquent, as provided for in R.S. 46:2610.

(3) Consultation, training, and technical assistance to provide resources for training, especially cross training, and technical assistance to judges, other court personnel, agency case workers, probation workers, prosecutors, defense attorneys, law enforcement officers, and other personnel involved in prevention, treatment, or other services

relating to child abuse and neglect, domestic abuse, predelinquency, and delinquency.

(4) Supplemental compensation of prosecutors and indigent defenders.

§2610. Community-based, school-based, and regionally based sanctions and services grant program

A. The legislature hereby finds that the state's over-reliance on juvenile incarceration, especially in large correctional institutions, is contrary to the best interests and well-being of juveniles and frequently inconsistent with the state and federal law requiring intervention by the least restrictive method. The legislature further finds that the lack of available alternatives within local communities is a significant factor in the over-incarceration of juveniles in such large correctional facilities.

B. To address such lack of available alternatives to the incarceration of juveniles, the legislature declares it to be the policy of the state of Louisiana to assist in the development and establishment of a community-based, school-based, and regionally based system of progressive intensive sanctions and treatment programs and services for juveniles who have committed or are at risk of committing delinquent acts.

C. The purposes of this Section shall be to assist in the provision of appropriate preventive, diversionary, and dispositional alternatives for juveniles, encourage coordination of the elements of the juvenile services system, and provide an opportunity for local involvement in developing community-based, school-based, and

regionally based programs for juveniles so that the following objectives may be obtained:

(1) Improved deterrence of juvenile crime by providing immediate, effective, and more cost-effective sanctions that emphasize accountability for the juvenile offender for his actions and reduce the pattern of repeat offending.

(2) Preservation of the family unit whenever the best interests of the juvenile are served and such preservation does not place the juvenile at imminent risk.

(3) Limitation on intervention to those actions which are necessary and the utilization of the least restrictive yet most effective and appropriate resources.

(4) Encouragement of active family participation, except when the best interests of the juvenile indicates otherwise.

(5) Treatment in the community rather than commitment to a distant correctional facility, except when the best interests of the juvenile indicates otherwise.

(6) Assistance in the development of alternatives to secure temporary custody for juveniles who do not require secure detention.

(7) Encouragement of a public and private partnership in the design and delivery of services for juveniles.

(8) Encouragement of parental responsibility and the provision of community-based sanctions and services for juveniles and their families, holding child and family accountable for their behavior.

(9) Encouragement of the principles and practices of balanced and restorative justice.

D.(1) To be eligible for participation in this services grant program, a parish or municipal governing authority, a court or other governmental entity, or a school system shall adopt a plan for their jurisdiction based on the principles of the comprehensive strategy and balanced and restorative justice and as required by the guidelines to be prepared and promulgated by the cabinet and approved by the legislature. The applicant entity shall submit its plan to the cabinet at such times and in advance of such deadlines as defined by the cabinet. In the event a single state entity is created pursuant to R.S. 46:2757, oversight and administration of this program shall be transferred to said entity.

(2) Plans may also be submitted jointly by two or more parishes, municipal governments, courts, or school boards within any regional service area.

E. After approval of an applicant's plan, an applicant may submit, at times specified by the cabinet, a proposal for funding one or more community-based, school-based, or regionally based sanctions or pre-dispositional and post-dispositional services that are consistent with the applicant's plan and that are nationally validated exemplary or promising programs as indicated in the guidelines promulgated by the cabinet or, after its creation, the department.

F. A parish or municipal governing authority, court or other governmental entity, or a school system may contract with an independent, private for-profit or not-for-profit organization to provide the community-based, school-based, or regionally based services contained in the applicant's plan, however, the request for funding of

one or more of the approved services or programs shall contain a statement regarding the existence of such contract and its terms.

G.(1) To receive funding for a grant, applicants must provide a cash match based on a percentage of total cost not to exceed twenty percent as indicated in the schedule of match percentages to be provided by the cabinet in its programmatic guidelines.

(2) Funding requests for approved plans submitted jointly by two or more parishes, municipal governments, courts, or school boards within a regional service area shall be given preference for funding should funds be limited.

H. Each recipient shall report quarterly to the director of the cabinet such data as may be required by the cabinet or the department to measure progress on stated objectives and to evaluate programs and services provided by each recipient.

Section 7.(A) Notwithstanding the provisions of Section 2 of this Act, for as long as the state is obligated for debt service on the Swanson Correctional Center for Youth-Madison Parish Unit (SCCY-MPU) facility at Tallulah, Louisiana, the state shall provide alternative uses for the facility as a correctional facility.

(B) The executive budget submitted annually by the governor shall provide that savings attributed to the reduction of services and employees otherwise needed at SCCY-MPU but for the transitioning of adjudicated juveniles pursuant to the provisions of Section 2 of this Act, shall be used as follows:

(1) To increase the availability of alternative programs for adjudicated juveniles being served in the parishes of East Carroll, West Carroll, Madison, Richland, and Tensas and for a community-based system of care for

adjudicated juveniles residing in those parishes, through the funding of contract services programs in the amount of forty percent of the savings, not to exceed three million dollars, in order to offset the loss of services and jobs which would have otherwise been required to provide juvenile services at SCCY-MPU.

(2) To increase the availability of a community-based system of care for adjudicated juveniles in all other parishes through the funding of contract services programs in an amount equal to the balance of the savings.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____