

Regular Session, 2003

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

BY REPRESENTATIVES LANDRIEU, 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 CRAVINS, BAJOIE, LENTINI, MICHOT, MOUNT, BOISSIERE, CHAISSON, FIELDS, HOLDEN, HOLLIS, IRONS, B. JONES, MARIONNEAUX, SCHEDLER, TARVER, AND THOMAS

JUVENILES: Provides with respect to reform of juvenile justice

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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

1           46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.  
2           46:2751 through 2757, to designate Part II of Chapter 45, comprising  
3           R.S. 46:2601 through 2606 as "Part II. Children's Cabinet, Children's  
4           Budget, and Affiliated Boards", all relative to the reform of juvenile  
5           justice; to create the Juvenile Justice Reform Act of 2003; to provide  
6           with respect to the closure of Swanson Correctional Center for Youth-  
7           Madison Parish Unit; to create a juvenile placement review process; to  
8           establish juvenile detention standards and licensing procedures; to  
9           establish interagency agreements for sharing of juvenile information;  
10          to create the Juvenile Justice Reform Act Implementation Commission,  
11          including as one of its duties the creation of a plan for a single state  
12          entity for providing services to children and their families; to create the  
13          Education/Juvenile Justice Partnership Act; to continue until August 15,  
14          2008, the Children's Cabinet; to provide definitions for certain  
15          provisions governing the Children's Cabinet and related boards and  
16          programs; to provide with respect to the powers and duties of the  
17          Children's Cabinet; to provide with respect to the preparation of the  
18          children's budget; to create the Children's Cabinet Research Council; to  
19          create the Louisiana Juvenile Justice Planning and Coordination Board;  
20          to provide for the standardization of service regions; to create the  
21          Louisiana Children's Children, Youth, and Families Investment Fund,  
22          to create the Community-based Sanctions and Services Grant Program;  
23          and to provide for related matters.

24          Be it enacted by the Legislature of Louisiana:

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

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

8           §902.2. Closure of Swanson Correctional Center for Youth-Madison  
9           Parish Unit as a facility for juveniles

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

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

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

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

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

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

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

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

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

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

23                  (3) Beginning on August 1, 2003, and every month thereafter  
24                  until such time as Swanson Correctional Center for Youth-Madison  
25                  Parish Unit is discontinued as a juvenile facility, the department shall

1            submit to the Juvenile Justice Reform Act Implementation Commission  
2            a status report detailing:

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

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

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

9                    (d) Other information requested by the commission.

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

16                    §902.3. Juvenile placement review process

17                    A. The legislature hereby finds that in order to improve our  
18                    juvenile justice system it is necessary that every juvenile in the custody  
19                    of the Department of Public Safety and Corrections be reviewed  
20                    periodically in order to determine whether the juvenile is placed in the  
21                    least restrictive placement most appropriate to their needs and  
22                    consistent with the circumstances of the case and the protection of the  
23                    best interests of society and the safety of the public within the state. In  
24                    order to facilitate the transition of the Swanson Correctional Center for  
25                    Youth-Madison Parish Unit to alternate adult offender utilization as

1           provided in R.S. 15:902.2, the provisions of this Section shall be  
2           applicable.

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

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

16          D. When the assessment results in a determination that the  
17          juvenile be transferred to a less restrictive setting, including but not  
18          limited to release pursuant to R.S. 15:906 or transfer pursuant to R.S.  
19          15:907, the department shall develop recommendations for placement,  
20          care, and treatment in accordance with the assessment.

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

26                 (1) The recommendation of the department.

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

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

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

9                   (1) Rejects the recommendations and denies the motion.

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

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

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

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18                   PART XI-A. JUVENILE DETENTION STANDARDS AND  
19                   LICENSING PROCEDURES

20                   §1110. Licensing standards

21                   A. The single state entity created pursuant to R.S. 46:2757 shall  
22                   develop and recommend uniform standards and licensing procedures  
23                   for local juvenile detention facilities. These standards should comport  
24                   with nationally recognized and accepted standards for practice within  
25                   the local juvenile detention facilities. The uniform standards and

1            licensing procedures shall address, but not be limited to the following  
2            areas:

3                    (1) Operational requirements.

4                    (2) Staff qualifications and training of local juvenile detention  
5            staff, which shall include educational programs designed to improve the  
6            quality of services and specific training in recognizing and reporting of  
7            child abuse and neglect.

8                    (3) The ratio of staff to children in each local juvenile detention  
9            facility.

10                  (4) Policies for admission, transfer, discharge, aftercare  
11            supervision, and follow-up services appropriate to the needs of the  
12            child.

13                  (5) Standards of care, including provisions to administer any  
14            early, periodic screening, diagnosis, and treatment program and to treat  
15            appropriately any condition revealed by screening.

16                  (6) Treatment needs for those with substance abuse disabilities.

17                  (7) Standards to assure a safe, humane, and caring environment.

18                  (8) Access to required programs and services, including  
19            educational services.

20                  (9) A risk and needs assessment for each child, including  
21            criteria for the placement of a child in a particular local juvenile  
22            detention center or in a nonsecure alternative.

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



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

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

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

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

11 (15) Procedures for reporting complaints.

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

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

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

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

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

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1           CHAPTER 14. INTERAGENCY AGREEMENTS FOR  
2           INFORMATION SHARING CONCERNING JUVENILES

3           §1461. Legislative findings

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

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

19          C. The legislature finds that such data sharing and integration  
20          can serve the best interests of the child and the family, contribute to  
21          higher levels of effectiveness in service delivery, greater efficiency and  
22          productivity, and eventually reductions in the costs of juvenile justice  
23          services. Specifically, such data sharing and integration can reduce  
24          redundant data entry, expedite the processing of cases, provide for more  
25          timely service delivery, ensure more accurate and up-to-date

1 information, and contribute to better performance and greater  
2 accountability by all involved parties.

3 §1462. Cooperation of boards; data sharing

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

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

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

22 D. A forum shall be provided for the presentation of interagency  
23 recommendations and the resolution of disagreements relating to the  
24 contents of the interagency agreements or the performance by the  
25 parties of their respective obligations under the agreement.

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

3                    (1) The Department of Social Services.

4                    (2) The Department of Health and Hospitals.

5                    (3) The Department of Education.

6                    (4) The Department of Public Safety and Corrections.

7                    (5) The Department of Labor.

8                    (6) Courts exercising juvenile jurisdiction.

9                    (7) Offices of district attorneys.

10                  (8) Law enforcement agencies.

11                  (9) Schools.

12                  (10) Truancy Assistance Service Centers.

13                  (11) Families in Need of Services offices.

14                  (12) Other juvenile justice agencies.

15                  (13) Indigent defender boards.

16                  §1463. Confidentiality

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

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

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

3           §1464. Immunity from civil or criminal liability

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

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

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

15                   SUBPART C-1. THE EDUCATION/JUVENILE JUSTICE

16                                   PARTNERSHIP ACT

17                   §251. Short title; legislative intent

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

20                           B. The legislature hereby finds and declares that:

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

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

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

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

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

13           A(1) The State Board of Elementary and Secondary Education,  
14           in collaboration with the Louisiana Juvenile Justice Planning and  
15           Coordination Board, shall formulate, develop, and recommend to the  
16           Juvenile Justice Reform Act Implementation Commission by March 1,  
17           2004, a model master plan for improving behavior and discipline within  
18           schools.

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

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

23           (b) Improving safe school planning.

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

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

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

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

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

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

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

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

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

20                  §4. Structure of executive branch of state government

21   \*         \*         \*

22                  E. The Juvenile Justice Reform Act Implementation  
23                  Commission, as more specifically provided in R.S. 46:2751 through

1           2757, shall be placed within the office of the governor and shall  
 2           perform and exercise its powers, duties, functions, and responsibilities  
 3           as provided by law.

4                           \*       \*       \*

5           Section 5. Chapter 59 of Title 46 of the Louisiana Revised Statutes of  
 6           1950, comprised of R.S. 46:2751 through 2757, is hereby enacted to read as  
 7           follows:

8                           CHAPTER 59. JUVENILE JUSTICE REFORM ACT

9                                   IMPLEMENTATION COMMISSION

10           §2751. Juvenile Justice Reform Act Implementation Commission;  
 11           creation; composition; duties

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

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

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

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

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

24           (d) The commissioner of administration.

25           (e) The president of Xavier University or his designee.



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

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

9           §2752. Rules; meetings; officers

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

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

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

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

23           §2753. Compensation; receipt and expenditure of funds

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

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

6           §2754. Commission authority generally; staff services; state agency  
7           assistance

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

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

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

4           D.(1) The commission shall have the power and authority to  
5           hold hearings, subpoena witnesses, administer oaths, require the  
6           production of books and records, and do all other things necessary to  
7           discharge its duties and responsibilities under this Chapter. However,  
8           a subpoena or a subpoena duces tecum shall be issued only upon the  
9           approval of a majority of the members of the commission. Subpoenas  
10           shall be served by the sheriff or by any other officer authorized by law  
11           to serve process in this state.

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

22           §2755. Powers and duties

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

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

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

8                   (2) The closure of Swanson Correctional Center for Youth-  
9                   Madison Parish Unit as a facility for juveniles, as more fully set forth  
10                  in R.S. 15:902.2, and the development of a comprehensive plan to  
11                  reduce the over reliance on secure incarceration and provide  
12                  community-based services including a time schedule for statewide  
13                  implementation for the plan.

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

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

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

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

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

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

9           C. The commission may also:

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

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

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

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

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

24           §2756. Reports; recommendations

25           The commission shall report to the legislature and the governor  
26           with respect to the findings of such studies, reviews, and analysis as it

1            may undertake. The commission shall submit its initial report prior to  
2            the 2004 Regular Session of the Legislature and at such other times as  
3            it shall deem appropriate.

4            §2757. Single state entity for children; additional duties and functions

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

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

11           (2) The facilitation of the development of a new system of  
12           service delivery providing a single pool of financing, single points of  
13           entry, a comprehensive system of case management, and wraparound  
14           services for children and families.

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

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

24           B. The legislature hereby further finds and declares that the  
25           creation of a single state entity for the delivery of services to children  
26           and their families should incorporate, to the extent deemed appropriate

1 by the commission, services rendered by the office of community  
2 services, Department of Social Services, the office of public health and  
3 office of mental health, Department of Health and Hospitals, the office  
4 of youth development, Department of Public Safety and Corrections,  
5 and the Department of Education.

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

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

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

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

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

23 (e) Identify and provide specifics concerning requirements for  
24 implementing the single state agency, including but not limited to  
25 necessary personnel, funds, office space, facilities, and equipment.

26 Such specifics shall include such information as: total dollars requested

1            by appropriate budget categories and, to the extent appropriate by  
2            program and by organizational unit; the number and classification of  
3            necessary personnel, by program and organizational unit; explanation  
4            of how the requirements will be provided, including the transfer and  
5            utilization of the personnel, funds, facilities, and equipment of  
6            transferred entities; how functions, including management and finance  
7            related functions and data processing, will be consolidated and how  
8            services may be provided more effectively.

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

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

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

20           Section 6. R.S. 46:2601(A)(1), 2603(A) and (B)(2), and 2604 and 2607  
21           are hereby amended and reenacted and Part I of Chapter 45 of Title 46 of the  
22           Louisiana Revised Statutes of 1950, comprised of R.S. 46:2600, and R.S.  
23           46:2605.1, 2605.2, and 2605.3, and Part III of Chapter 45 of Title 46 of the  
24           Louisiana Revised Statutes of 1950, comprised of R.S. 46:2608 through 2610,  
25           are hereby enacted, and Part II of Chapter 45, comprised of R.S. 46:2601



1 through 2606, is hereby designated as "Part II. Children Cabinet, Children's  
2 Budget, and Affiliated Boards", to read as follows:

3 CHAPTER 45. CHILDREN'S CABINET

4 PART I. GENERALLY

5 §2600. Definitions

6 As used in this Chapter:

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

11 (a) A local public agency.

12 (b) An independent, private for-profit or not-for-profit  
13 organization when the communities service needs are defined by the  
14 local community and planned and monitored by a broad-based group of  
15 community representatives invested by a local government with the  
16 authority and responsibility to plan such services.

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

21 (3) "Exemplary sanctions" may include but are not limited to  
22 electronic monitoring, diversion, community service, victim restitution,  
23 house arrest, intensive juvenile supervision, tracker programs,  
24 substance abuse assessment and testing, first-time offender programs,  
25 intensive individual and family treatment, structured day treatment and  
26 structured residential programs, aftercare or parole community

1 supervision, balanced and restorative justice programs, and residential  
2 and nonresidential services for juvenile offenders.

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

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

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

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

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

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

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

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

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

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

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

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

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

15                                   PART II. CHILDREN'S CABINET, CHILDREN'S

16   BUDGET, AND AFFILIATED BOARDS

17                   §2601. Legislative findings and intent

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

26   \*           \*           \*

1 §2603. Children's Cabinet; powers and duties

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

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

11 (2) Develop and recommend a plan by December 31, 2003, for  
12 reforming the way in which services, including juvenile justice  
13 services, are delivered to children and families. The plan shall be  
14 submitted to the Juvenile Justice Reform Act Implementation  
15 Commission and to such other legislative committees as the  
16 implementation commission may direct and may recommend, at a  
17 minimum, the following features for consideration by the commission  
18 and legislature:

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

24 (b) A coordinated system of specially trained and certified case  
25 managers who shall, either as teams or as individuals in consultation  
26 with other case managers, accept or reject applications for assistance

1 based on clearly defined eligibility standards. The case manager or  
2 case management team may develop case management plans that will  
3 specify all of the services recommended for the child or family, or both,  
4 and how such services may be accessed. The acceptance notice and  
5 case management plan should be forwarded to the central intake  
6 system, which, in turn, will contact the child and family.

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

11 (d) A plan to provide for the establishment of a system for  
12 funding those community-based services meeting the guidelines  
13 established by the cabinet. The plan should provide for initial start-up  
14 funds for the community-based programs, for local matching  
15 requirements, for monitoring and evaluation, and for accessing funding  
16 to pay for the vouchers associated with each case management plan.  
17 The plan should also investigate the feasibility of providing  
18 community-based services through a regional mobile delivery system  
19 providing intake, health, assessment, early identification, informational,  
20 and other services.

21 (e) A plan to provide for the identification and pooling of funds  
22 from as many sources as possible, with the exception of federal grant  
23 funds that have guidelines disallowing the pooling of certain funds,  
24 such as the funding of the Louisiana Commission on Law Enforcement  
25 and the Office of Juvenile Justice and Delinquency Prevention Board,

1           and for the use of such funds for any or all purposes lawfully authorized  
2           to be used for such purposes.

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

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

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

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

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

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

19                           (b) Below average foster care board payments.

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

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

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

25                   (4) Provide for and implement the coordination of service  
26                   delivery by all state agencies and programs having responsibility for

1 services to children and their families, including juvenile justice  
2 services, resolve conflicts among programs and agencies, and develop  
3 and implement structures and procedures necessary to accomplish such  
4 coordination.

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

10 ~~(4)(6) Undertake studies and develop proposals and~~  
11 recommendations to redirect programs for children and their families  
12 from crisis intervention and residential programs toward early  
13 intervention and prevention and family preservation when such  
14 redirection will be more efficient and effective in terms of human costs  
15 and monetary costs.

16 ~~(5)(7) Adopt and implement provisions for a children's budget,~~  
17 as more specifically provided in R.S. 46:2604.

18 ~~(6)(8) Require and receive such reports from state agencies and~~  
19 programs having responsibility for children and their families as shall  
20 be necessary to carry out its purposes and functions.

21 ~~(7)(9) Submit an annual report to the governor and the~~  
22 legislature by January thirty-first summarizing the accomplishments of  
23 the past year and indicating specific goals for the next fiscal year.

24 ~~(8)(10) Adopt and promulgate rules and regulations and~~  
25 formulate all necessary policies, procedures, and rules of administration  
26 and operation necessary to carry out the purposes of this Chapter, all

1 subject to the Administrative Procedure Act. Legislative oversight of  
 2 the cabinet, pursuant to the Administrative Procedure Act, shall be the  
 3 responsibility of the Senate Committee on Health and Welfare and the  
 4 House Committee on Health and Welfare.

5 ~~(9)~~(11) Do all the things reasonably necessary to accomplish the  
 6 purposes for which the cabinet is created.

7 ~~(10)~~(12) Develop proposals and recommendations for state  
 8 agencies that provide residential and/or foster care to children to  
 9 integrate life skills training into their daily programming and provide  
 10 for reports to the cabinet on the implementation thereof. Such  
 11 proposals and recommendations shall comply with relevant federal  
 12 statutory provisions and regulations.

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

15 \* \* \*

16 (2) Create and appoint such advisory committees or task forces  
 17 to act in an advisory capacity to the cabinet to assist in its studies,  
 18 composed of such representatives of the public and private sectors, as  
 19 it shall deem appropriate, and support and collaborate with the  
 20 Louisiana Juvenile Justice Planning and Coordination Board.

21 \* \* \*

22 §2604. Children's budget; preparation and submission

23 A. In adopting the children's budget annually, the cabinet shall  
 24 hold such hearings and solicit and review such information and  
 25 recommendations from affected agencies and programs and other  
 26 sources as it shall find necessary. To the extent possible, the cabinet



1 shall seek to establish agreement among and support by the affected  
2 agencies and programs with respect to the children's budget.

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

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

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

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

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

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

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

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

17           (i) Exemplary or promising mental health services.

18           (ii) Exemplary or promising substance abuse treatment services.

19           (iii) Exemplary or promising alternative sanctions.

20           (iv) Nonsecure residential programs.

21           (v) Exemplary or promising family strengthening programs.

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

25           (d) All existing services, except existing services that are being  
26           extended to additional jurisdictions, should be funded at current levels

1 until the effectiveness of the services are properly evaluated. Programs  
2 shown through evaluation to not be cost-effective should be altered or  
3 eliminated. Programs shown through evaluation to be effective should  
4 be funded at higher levels if there is sufficient need for such programs.

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

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

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

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

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

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

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

1            Ð.E. The General Appropriation Act enacted by the legislature  
 2            shall include the children’s budget. This shall be a separate section of  
 3            the Act which shall include a compilation and listing of all  
 4            appropriations contained in the various schedules and appropriations in  
 5            the Act which are for services and programs for children and their  
 6            families as well as the cost estimates of all nonappropriated elements  
 7            of the budget.

8    \*        \*        \*

9            §2605.1. Children's Cabinet Research Council

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

13           B. The purposes of the research council are to:

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

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

22           (3) Assist the Louisiana Juvenile Justice Planning and  
 23           Coordination Board in developing a system of statistics, indicators, and  
 24           measures, common assessment models including risk, safety, service  
 25           needs, family, and strengths-based instruments that are practice oriented

1           ~~and not just theoretical in design, and a system of monitoring and~~  
2           ~~evaluation.~~

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

5           C.(1) The research council shall be composed of one appointed  
6           representative of each of the following entities: the Louisiana Board of  
7           Regents, the Board of Supervisors of the Louisiana State University  
8           System, the Board of Supervisors of the Southern University System,  
9           the Board of Supervisors of the University of Louisiana System,  
10          Centenary College, Dillard University, Loyola University, Our Lady of  
11          Holy Cross College, Xavier University, the Louisiana State University  
12          Medical Center, the Tulane University Medical School, the Louisiana  
13          State University Law School, the Southern University Law School, the  
14          Loyola University Law School, and the Tulane University Law School.

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

19          (3) The research council shall be chaired by the executive  
20          director of the cabinet or the director's designee. The research council  
21          shall meet at least quarterly according to a schedule established by the  
22          research council's chair. Meetings shall also be held on call of the chair  
23          or at the request of at least three members of the research council. The  
24          chair shall give seven days' notice to the members of the research  
25          council of the date, time, and place where regular or special meetings  
26          will be held.

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

4           §2605.2. Louisiana Juvenile Justice Planning and Coordination Board

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22          (9) Coordinate the development and acceptance of common  
23          assessment instruments including risk, safety, needs, family, and  
24          strengths-based instruments that are practice oriented and not just  
25          theoretical in design, by all child welfare, juvenile justice, mental  
26          health, and substance abuse agencies.



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

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

10           (12) Conduct a study to determine whether Families in Need of  
11           Services (FINS) and Truancy Assistance Service Centers (TASC)  
12           should be merged. The study should address specifically whether  
13           merger would result in better economies of scale, more flexibility in  
14           funding, less duplication, and more effective service delivery than the  
15           current divided programs.

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

23           B.(1) The Louisiana board shall be composed of the executive  
24           director of the cabinet and one appointed representative of each of the  
25           following entities: The office of the governor, the Louisiana  
26           Commission on Law Enforcement, Juvenile Justice Delinquency and

1           Prevention Board, the Supreme Court of Louisiana, the Louisiana  
2           Council of Juvenile and Family Court Judges Association, the  
3           Louisiana Court Administrators' Association, the Louisiana District  
4           Attorney's Association, the Louisiana Sheriffs' Association, the  
5           Louisiana Association of Chiefs of Police, the Independent Juvenile  
6           Probation Officers, the Independent Juvenile Detention Centers,  
7           Victims and Citizens Against Crime, the Louisiana State University  
8           Office of Social Services Research and Development, the Louisiana  
9           Association of Child Care Agencies, You Who, Prevent Child Abuse,  
10           the Louisiana Children's Trust Fund, the Louisiana Indigent Defense  
11           Assistance Board, the Juvenile Justice Project of Louisiana, the  
12           Children's Cabinet Research Council, Families and Friends of  
13           Louisiana's Incarcerated Children, Agenda for Children, Urban League  
14           of Greater New Orleans, Mental Health Association of Louisiana,  
15           Metropolitan Crime Commission, and Louisiana Interfaith Together  
16           (LIFT).

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

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

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

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

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

16           §2605.3. Regional service areas; coordination by service agencies

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

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

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

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

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

3                   (5) The Department of Labor.

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

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

11                                   \*       \*       \*

12                  §2607. Termination

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

16                  PART III. LOUISIANA CHILDREN, YOUTH, AND FAMILIES

17                                   INVESTMENT FUND

18                  §2608. Purposes and intent

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

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

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

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

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

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

9           §2609. Establishment of the Louisiana Children, Youth and Families  
10           Investment Fund

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

17           B. The fund may be comprised of monies from the following  
18           sources: savings from the reduction of youth in secure facilities, receipt  
19           of funds from private foundations and trusts, savings from restructuring  
20           executive branch departments as provided in R.S. 46:2757, matching  
21           funds provided by regional, local governmental, and private service  
22           providers, and funding from specific legislative appropriations. After  
23           compliance with the requirements of Article VII, Section 9(B) of the  
24           Constitution of Louisiana, relative to the Bond Security and  
25           Redemption Fund, and prior to monies being placed in the state general  
26           fund, an amount equal to that deposited as required in this Subsection

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

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

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

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

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

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

3 (4) Supplemental compensation of prosecutors and indigent  
4 defenders.

5 §2610. Community-based, school-based, and regionally based  
6 sanctions and services grant program

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

20          (B) Savings attributed to the reduction of services and employees  
21          otherwise needed at SCCY-MPU but for the transitioning of adjudicated  
22          juveniles pursuant to the provisions of Section 2 of this Act, shall be used as  
23          follows:

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

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

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

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### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Landrieu, et al.

HB No. 2018

**Abstract:** Creates the Juvenile Justice Reform Act of 2003 upon recommendation of the Juvenile Justice Commission.

**Swanson Correctional Center for Youth  
 Madison Parish Unit, at Tallulah**  
 (Sections 2 and 7 of the bill, R.S. 15:902.2)

Proposed law provides for the closure of Swanson Correctional Center for Youth-Madison Parish Unit, (SCCY-MPU) as a facility for juveniles. More specifically, proposed law requires, by December 31, 2004, that SCCY-MPU no longer be used as a juvenile facility. However, proposed law allows a five-month extension, not to extend beyond May 31, 2005, if the governor declares a state of emergency which necessitates the use of SCCY-MPU. Proposed law requires DPS&C to develop a comprehensive plan for the transitioning of juveniles out of SCCY-MPU based upon the health, safety, and best interests of each child and the protection and public safety of society. The comprehensive plan must include a plan for aftercare services, a specific date after which youths will no longer be assigned or reassigned to SCCY-MPU, and must be submitted to the governor and legislature before August 1, 2003. Proposed law additionally requires that the plan be updated every month detailing the total number of youths in SCCY-MPU, the number of youths transitioned out of SCCY-MPU and the facility to which the child was transferred, and the number of youths, if any, placed in SCCY-MPU, and the reason for this placement as opposed to placement in another juvenile facility.

Proposed law, in Section 7 of the bill, specifically provides that as long as the state is obligated for debt service on SCCY-MPU, it must provide alternative

uses for the facility as a correctional facility. Additionally, proposed law provides that 40% of the savings, up to \$3,000,000, attributed to the reduction of services and employees at SCCY-MPU due to the transitioning of adjudicated juveniles pursuant to this Act, is to be used for alternative programs for juveniles being served in the parishes of East Carroll, West Carroll, Madison, Richland, and Tensas and for a community-based system of care for juveniles residing in those parishes in order to offset the loss of services and jobs which would have otherwise been required to provide juvenile services at SCCY-MPU. The balance of the savings are to be used to increase the availability of a community-based system of care for adjudicated juveniles in all other parishes.

### **Placement Review Process**

(Section 2 of the bill, R.S. 15:902.3)

Proposed law creates a placement review process in order to facilitate the transition of SCCY-MPU to alternate adult offender utilization. Proposed law requires the placement review to be conducted by DPS&C through a multi-disciplinary review panel designated by the secretary, including 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. Proposed law requires the secretary to establish and promulgate rules, regulations, and procedures to govern the placement review process, including provisions for the department to notify appropriate law enforcement communities and any registered crime victim. Proposed law provides that if the assessment results in a determination that the juvenile be transferred to a less restrictive setting, the department must develop recommendations for placement, care, and treatment in accordance with the assessment. Proposed law further provides that if the recommendation includes placement in a less restrictive setting, the department must file a motion with the court and serve a copy of the motion on the district attorney. Proposed law provides that the recommendations will be implemented unless the court, within fourteen days of receipt of the motion 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; or (3) schedules a hearing and issues an order rejecting or modifying the recommendations of the department. Proposed law provides that juveniles adjudicated delinquent and given a disposition under the provisions of Children's Code Article 897.1 (mandatory sentencing provision) are not to be eligible for consideration under this placement review process.

### **Standards and Licensing for Juvenile Facilities**

(Section 2 of the bill, R.S. 15:1110)

Proposed law requires a single state entity (a new state entity consolidating various services to children, youth, and families, as more fully digested under heading "Single State Entity for Children") to develop uniform standards and licensing procedures for local juvenile detention facilities. The uniform standards and licensing procedures are required to address operations of the local juvenile detention facilities, programs and services offered at the facilities, training of staff, the rights of children in a facility, educational and

substance abuse needs of the children, population limits of the facilities, and such other standards that will ensure a safe, secure, and humane environment for children within the facilities.

### **Interagency Agreements for Data Sharing**

(Section 2 of the bill, R.S. 15:1461-1464)

Proposed law relative to the sharing and integration of appropriate data and information relating to child protection, delinquency, families in need of services, and other concerns, requires the single state entity to develop a comprehensive strategy to foster interagency agreements and cooperation regarding the sharing of information and data concerning juvenile offenders. Proposed law authorizes agencies to execute specific agreements defining the data to be shared between the parties, the person or persons allowed to have access to the data, and the security arrangements necessary to ensure the protection of the data from unauthorized access. Proposed law recognizes DSS, DHH, DOE, DPS&C, DOL, courts, district attorneys, law enforcement agencies, schools and others as agencies involved in facilitating agreements regarding the sharing of information regarding juveniles. Proposed law requires interagency information sharing agreements to specify the conditions under which information is to be made available to authorized parties and to include procedures for respecting the confidentiality of all records and information pertaining to a juvenile. Proposed law provides that any person or agency, who in good faith, and pursuant to any interagency agreement, discloses confidential information regarding any juvenile, shall have immunity from any liability, civil, criminal, or otherwise, that might result by reason of the type of information disclosed. However, this limitation on liability does not apply if a party acts with gross negligence or in bad faith.

### **The Education/Juvenile Justice Partnership Act**

(Section 3 of the bill, R.S. 17:251-252)

Proposed law creates the Education/Juvenile Justice Partnership Act which requires BESE, in collaboration with the Louisiana Juvenile Justice Planning and Development Board, to formulate, develop, and approve a model master plan for improving behavior and discipline within schools, including: improving communication, coordination, and collaboration between the schools and juvenile justice agencies; improving safe school planning; formulating, developing, and implementing effective school discipline zero tolerance policies that comply with all applicable provisions of state law; providing improved mental health services in or through the schools; providing better assistance to parents in knowing about and accessing family strengthening programs; improving the coordination of special education and juvenile justice services; improving classroom management using positive behavioral supports and other effective disciplinary tools; improving methods and procedures for the handling of school suspensions and the referral of students to alternative schools; and, providing for better and more useful reporting on an annual basis of school behavioral and disciplinary problems. Proposed law requires each city, parish, and other local public school board to develop by October 1, 2004, a master plan for each school under the board's jurisdiction.

**Juvenile Justice Reform Act Implementation Commission**  
(Sections 4 and 5 of the bill, R.S. 36:4(E) and R.S. 46:2751-2756)

Proposed law creates, within the office of the governor, the Juvenile Justice Reform Act Implementation Commission, composed of the following five members: chairman of the Juvenile Justice Commission, a senator, a supreme court justice, the commissioner of administration, and the president of Xavier University. Proposed law provides that the commission has as its purpose the implementation of the recommendations contained in the Juvenile Justice Reform Act of 2003 and HCR 56 or SCR 31 and the continued reform of the state's juvenile justice system. Proposed law provides that the commission may receive and expend funds appropriated by the legislature or from any other source, including public or private organizations. Proposed law grants the commission certain powers and authorities, including the ability to hold hearings, subpoena witnesses, administer oaths, and require the production of books and records. Proposed law provides that the commission shall address, among other things, the creation of a single state entity for providing services to children and their families and the closure of Swanson/Tallulah as a facility for juveniles. Proposed law requires the commission to report to the legislature and governor.

**Single State Entity for Children**  
(Section 5 of the bill, R.S. 46:2757)

Proposed law states legislative findings regarding the creation of a single state entity, including the finding that a single state entity for the delivery of services to children and their families should incorporate, to the extent deemed appropriate by the Juvenile Justice Reform Act Implementation Commission, services rendered by the office of community services, DSS, the office of public health and office of mental health, DHH, the office of youth development, DPS&C, and DOE. Proposed law requires the plan to: clearly state the purpose and objectives of the single state entity; designate 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; provide for the internal organization and structure of the single state entity; provide for the transfer of organizational entities of state government and their powers, duties, functions, and responsibilities to the single state entity; identify and provide specifics concerning requirements for implementing the single state agency, including personnel, funds, office space, facilities, and equipment. Proposed law requires the commission to 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.

**Children's Cabinet, Generally**  
(Section 6 of the bill, R.S. 46:2600 and R.S. 46:2607)

Present law provides that the cabinet terminates, and all applicable provisions of law are automatically repealed, on August 15, 2003. Proposed law changes that date to August 15, 2008.

Proposed law defines the terms community-based programs, exemplary and promising programs, exemplary sanctions, juvenile justice, regionally based programs, regional service areas, and school-based programs.

### **Children's Cabinet and Children's Budget**

(Section 6 of the bill, R.S. 46:2601-2604)

Proposed law includes "juvenile justice services" within the ambit of the powers and duties of the cabinet. Proposed law charges the cabinet with the additional duty of developing and recommending, by March 1, 2004, a plan for reforming the way in which juvenile justice services are delivered to children and families, including centralized intake, coordinated system of specially trained and certified case managers, a voucher system for assessing services, a system for funding community-based services, identification and pooling of funds, monitoring and evaluation of service providers, reimbursement for private providers, maximizing federal matching dollars, parental accountability and foster care financial issues. Present law provides for review of the children's budget by the cabinet. Proposed law retains present law and further requires detailed information to be included in the budget, including estimates of all costs associated with the direct delivery of juvenile justice services and goals and benchmarks for measuring progress. Proposed law further establishes, to the extent possible, the prioritizing of the budget in the following hierarchy: highest funding priority to prevention and early intervention services, high funding priority to programmatic areas including certain exemplary or promising services, funding priority to school and community-based programs, and current level funding to existing programs. Proposed law also provides for a special funding consideration for programs directed to service juvenile female offenders.

### **Children's Cabinet Research Council**

(Section 6 of the bill, R.S. 46:2605.1)

Proposed law creates the Children's Cabinet Research Council to identify and communicate to university researchers the research needs of the cabinet and the Louisiana Juvenile Justice Planning and Coordination Board. Additionally, proposed law requires the research council to promote at one or more of the state's universities the development of centers of excellence and specialization in child welfare and juvenile justice, assist the Louisiana Juvenile Justice Planning and Coordination Board in developing a system of accountability, and, generally, to assist the cabinet or the Louisiana Juvenile Justice Planning and Coordination Board. Proposed law provides for the composition of the research council, including appointees of the Louisiana Board of Regents, the Board of Supervisors of the Louisiana State University System, 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 Medical 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. Proposed law establishes terms of the members, establishes the executive director of the cabinet as the chair of the research council, provides

with respect to number and calling of meetings, establishment of a quorum, and use of proxies.

**Louisiana Juvenile Justice Planning and Coordination Board**

(Section 6 of the bill, R.S. 46:2605.2)

Proposed law creates the Louisiana Juvenile Justice Planning and Coordination Board as an interim, planning, and coordination board of the Children Cabinet. Proposed law lists the board's responsibilities as: (1) development of 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) reporting 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; (3) supervising the preparation of a juvenile justice component of the children's budget and assisting the cabinet in presenting the budget to the appropriate legislative budget committees and to the Joint Legislative Juvenile Justice Policy Priority Committee; (4) creating, with the advice and counsel of the Children's Cabinet Research Council, a system of accounts and evaluating the performance and outcomes of the juvenile justice system throughout the state; (5) ensuring the planning, development, and maintenance of a central repository of information on juvenile justice in association with an appropriate state database and web-based function; (6) ensuring that the priorities of the state entities funding children and family services are consistent with the policies of the cabinet and the Louisiana Board; (7) ensuring that the design of Louisiana's continuum of services for children includes juvenile justice services; (8) assisting the regional juvenile justice planning and coordination advisory boards in the building of community, local, and regional 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; (9) coordinating the development and acceptance of common assessment instruments including risk, safety, service needs, family, and strengths-based instruments; (10) assisting the cabinet in the development of a centralized intake system; (11) reviewing the recommendations for the continuum of community-based services and sanctions and the proposed legislation, actions, and rules before submitting these recommendations to the Children's Code Committee, the Joint Legislative Juvenile Justice Policy Priority Committee, and other entities; (12) conducting a study to determine if FINS and TASC should be merged; and (13) developing a comprehensive strategy to foster interagency agreements and cooperation regarding the sharing of information and data. Proposed law provides for the composition of the board, including the executive director of the cabinet and a representative of 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 Attorneys' Association, the Louisiana Sheriffs' Association, the Louisiana Association of Chiefs of Police, Victims and Citizens Against Crime, 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, and Louisiana Interfaith Together (LIFT). Proposed law allows the executive director of the cabinet to appoint the chairman and other officers of the board. Proposed law allows the governor to appoint the executive director of the board.

### **Regional Service Areas**

(Section 6 of the bill, R.S. 46:2600(6) and 2605.3)

Proposed law establishes the following nine regional service areas: Region 1 includes the parishes of Jefferson, Orleans, Plaquemines, and St. Bernard; Region 2 includes the parishes of East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West Feliciana; Region 3 includes the parishes of Livingston, St. Helena, St. Tammany, Tangipahoa, and Washington; Region 4 includes the parishes of Ascension, Assumption, Lafourche, St. Charles, St. James, St. John the Baptist, and Terrebonne; Region 5 includes the parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, and Vermilion; Region 6 includes the parishes of Allen, Beauregard, Calcasieu, Cameron, and Jefferson Davis; Region 7 includes the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Vernon, and Winn; Region 8 includes the parishes of Bienville, Bossier, Caddo, Claiborne, Desoto, Jackson, Natchitoches, Red River, Sabine, and Webster; and, Region 9 includes the parishes of Caldwell, East Carroll, Franklin, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll. Proposed law requires the following agencies, to the extent feasible, to develop a plan for the delivery of services in the state's regional service areas: office of community services, DSS; office of public health and the office of mental health, DHH; LCLE; office of youth development, DPS&C; DOL; and DOE.

### **Louisiana Children, Youth, and Families Investment Fund**

(Section 6 of the Bill, R.S. 46:2608-2610)

Proposed law creates within the state treasury the Louisiana Children, Youth and Families Investment Fund to be administered by the division of administration in collaboration with the cabinet, until such time as a single state agency is established. Proposed law provides the following sources of funds: the savings from the reduction of juvenile incarceration, the receipt of funds from private foundations and trusts, the savings from restructuring executive branch departments, the matching funds provided by regional, local governmental, and private service providers, and the funding from specific legislative appropriations. Proposed law allows use of the funds for: 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; alternatives to incarceration and detention for youth adjudicated to be predelinquent or delinquent; 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; and, to supplement the compensation of prosecutors and indigent defenders.

**Community-based, School-based, and Regionally based Sanctions and Services Grant Program**

(Section 6 of the Bill, R.S. 46:2610)

Proposed law creates the community-based, school-based, and regionally based sanctions and services grant program. Proposed law allows a parish or municipal governing authority, a court, or a school system to adopt a plan 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. Proposed law delineates the types of exemplary sanctions and services that may be funded, including 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. Proposed law provides a preference for plans submitted jointly by multiple entities within a regional service area and authorizes a governmental authority to contract with a private provider.

(Amends R.S. 46:2601(A)(1), 2603(A) and (B)(2), 2604, and 2607; Adds R.S. 15:902.2, 902.3, and 1110, and 1461-1464, R.S. 17:251 and 252, R.S. 36:4(E), R.S. 46:2600, 2605.1, 2605.2, 2605.3, 2608-2610, and 2751-2757)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. **Swanson Correctional Center for Youth** - Requires DPS&C to include a plan for aftercare services as an element of its comprehensive plan for the transitioning of juveniles out of this facility. Requires the state to provide an alternative, correctional type use for the facility as long as the state is obligated for the debt-service on the facility. Provides a formula for the use of the savings attributed to the reduction of services and staff at the facility.
2. **Placement Review Process** - Substituted a placement review process in lieu of a risk review panel.
3. **Juvenile Justice Reform Act Implementation Commission** - Moved the proposed placement of this commission from the legislative to the executive branch.

4. **Juvenile Justice Planning and Coordination Board** - Added to the board a representative of 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, and Louisiana Interfaith Together (LIFT).