

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 2018 by Representative Landrieu

JUVENILES: Provides with respect to reform of juvenile justice

Synopsis of Senate Amendments

1. With respect to the potential savings realized from SCCY-MPU, specifies that the annual executive budget must include the funding formula for the specified parishes and in the amount previously approved by the House.
2. With respect to the Children's Cabinet Research Council, adds one appointed representative of the LSU School of Social Work, Office of Social Services Research and Development.
3. With respect to the duties of the Louisiana Juvenile Justice Planning and Coordination Board, specifies that the LSU School of Social Work, Office of Social Services Research and Development will conduct the FINS/TASC study.

Digest of Bill as Finally Passed by Senate

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 the executive budget submitted annually to the legislature must provide 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 LSU School of Social Work, Office of Social Services Research and Development, 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 be done by LSU School of Social Work, Office of Social Services Research and Development, 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)