

2016 Regular Session

SENATE BILL NO. 302

BY SENATOR MORRELL

CRIMINAL PROCEDURE. Creates the Safe and Fair Return Act of 2016. (8/1/16)

1 AN ACT
2 To amend and reenact Children's Code Arts. 412(C), 905, 906(A) and (B), and 908(A) and
3 (C)(2), and R.S. 15:905(A) and (B), and to enact Children's Code Arts. 412(D)(12)
4 and 908(C)(5), and Part III of Code Title XIV of Chapter 1 of Title 15 of the
5 Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:186.1 through 186.6;
6 to provide relative to juvenile justice; to provide with regard to the release of records,
7 reports or other information on juveniles in custody; to provide for the costs of
8 production of records, reports and information; to provide for presumptions of
9 indigence; to require periodic presentation of juveniles in custody to committing
10 court; to provide relative to the representation of juveniles in custody and their return
11 to the community; to create and provide for the Safe Return Program; to provide for
12 the collection of data and periodic reporting of expenditures and funds by public
13 defenders on the program; to develop and require standards and guidelines in
14 representing indigents; to create the Safe Return Representation Program fund; to
15 provide relative to access by defense counsel to juveniles in custody; and to provide
16 for related matters.

17 Be it enacted by the Legislature of Louisiana:

1 Section 1. Children's Code Arts. 412(C), 905, 906(A) and (B), and 908(A) and (C)(2)
2 are hereby amended and reenacted and Children's Code Arts. 412(D)(12), and 908(C)(5) are
3 hereby enacted to read as follows:

4 Art. 412. Confidentiality of records; disclosure exceptions; sanctions

5 * * *

6 C. Records and reports in individual cases may be released to parties, their
7 counsel or other legal representatives, and court-appointed special advocates
8 (CASAs) in accordance with discovery and disclosure provisions of this Code.

9 **Notwithstanding any other provision to the contrary, all records and reports**
10 **concerning a child in the custody of the office of juvenile justice, including but**
11 **not limited to records relating to condition, housing, supervision, treatment,**
12 **rehabilitation program, education, health, discipline, transition planning, risk**
13 **assessments, and status reports shall be promptly provided to counsel enrolled**
14 **for the child or engaged by the child, or to the child's legal guardian, upon**
15 **written request to the office of juvenile justice. If the child is indigent, the**
16 **records and reports shall be furnished at no cost to the child, the child's family,**
17 **legal guardian, or counsel. Representation by a public defender shall create an**
18 **irrebuttable presumption of indigence for the purposes of this Paragraph.**

19 D. When such information is relevant and necessary to the performance of
20 their respective duties and enhances services to the child or his family, the court may
21 authorize the release of records, reports, or certain information contained therein to
22 appropriate individuals representing:

23 * * *

24 **(12) A district public defender or the district public defender's**
25 **representative, or the representative of a public defender program established**
26 **pursuant to the Louisiana Public Defender Act of 2007.**

27 * * *

28 Art. 905. Progress reports to court

29 A. Any institution or agency to which a child is assigned, upon request, shall

1 provide the court any information concerning the condition, supervision, treatment,
2 or rehabilitation program of the child. **When such information is provided to the**
3 **court, it shall also be provided to the state and to counsel for the child, by the**
4 **same means and at the same time it is provided to the court.**

5 B. Any institution, agency, or person to which a child is assigned shall, not
6 less than once every six months, report in writing the whereabouts and condition of
7 the child to the judge who rendered the judgment of disposition **and to counsel for**
8 **the child. Such reports shall be provided to the court and counsel for the child**
9 **no less than 72 hours before any in-court review hearing.**

10 **C. If the child is indigent, the information and reports contemplated by**
11 **this Article shall be furnished at no cost to the child, the child's family, or to**
12 **counsel. Representation by a public defender shall create an irrebuttable**
13 **presumption of indigence for the purposes of this Article.**

14 * * *

15 Art. 906. Required review hearings; ~~commitment to mental institution~~

16 A. **Commitment to mental institution**

17 **(1)** The medical staff of a mental institution to which a child is committed or
18 placed by the Department of Health and Hospitals after the child has been found not
19 guilty by reason of insanity or after a court determines that the child lacks mental
20 capacity to proceed shall review the child's record after the first sixty days, again
21 after one hundred twenty days of commitment, and every one hundred eighty days
22 thereafter.

23 **(2)** The purpose of these reviews is to determine the child's present mental
24 condition and whether he is presently capable of being discharged, conditionally or
25 unconditionally, or being placed on probation, without being a danger to others or
26 himself, or is presently capable of proceeding.

27 **(3)** The department or the superintendent of the private institution shall make
28 such recommendations to the court as provided in Article 835 or Article 838.

29 B. **Children in the custody of the office of juvenile justice**

1 (1) Any child committed by a court to the custody of the office of juvenile
 2 justice must be physically transported to the committing court for an in-person
 3 review hearing not more than six months after the child's commitment, and at
 4 least every six months thereafter, unless such an in-person hearing is waived by
 5 counsel for the child and by the committing court.

6 (2) At such hearings, the court shall review its disposition for the purpose
 7 of ensuring that the child is receiving necessary treatment and services and that
 8 the terms and conditions of the disposition are being met. The court may also
 9 consider any motions for modification of disposition pursuant to Children's
 10 Code Articles 909 et seq. concurrently with such dispositional review hearings.

11 (3) For the purposes of this Paragraph, a child is deemed "committed by
 12 a court to the custody of the office of juvenile justice" if he is judicially
 13 committed to the legal custody of the office of juvenile justice, regardless of
 14 where the child is physically held, including but not limited to state-run secure
 15 facilities, state-run non-secure facilities, private facilities with which the office
 16 of juvenile justice contracts, and detention centers.

17 * * *

18 Art. 908. Care and treatment by department

19 A. Notwithstanding any provision of law to the contrary, and except
 20 ~~Except~~ as provided in Article 906, the Department of Public Safety and Corrections,
 21 youth services, office of juvenile justice shall have sole authority over the
 22 placement, care, treatment, or any other considerations deemed necessary from the
 23 resources that are available for children judicially committed to the department.

24 * * *

25 C. At least six months prior to the release of the child, the department shall
 26 prepare a written, individualized, and thorough transitional plan developed in
 27 collaboration with the child and any agency or department assuming his custody,
 28 care, or responsibility.

29 * * *

1 (2) A copy of the transitional plan shall be provided to the court, counsel for
2 the child, **the child's legal guardian**, and the district attorney.

3 * * *

4 **(5) The department shall provide the child and counsel for the child,**
5 **prior to or at the time of the child's release, with a complete copy of all records**
6 **and other documents in its files relevant to the child's condition, supervision,**
7 **treatment, rehabilitation program, education, health, discipline, and transition**
8 **planning. If the child is indigent, the records and reports shall be furnished at**
9 **no cost to the child, the child's family or legal guardian, or to counsel.**
10 **Representation by a public defender shall create an irrebuttable presumption**
11 **of indigence for the purposes of this Subparagraph.**

12 * * *

13 Section 2. R. S. 15:905(A) and (B) are hereby amended and reenacted and Part III
14 of Code Title XIV of Chapter 1 of Title 15 of the Louisiana Revised Statutes of 1950,
15 comprised of R.S. 15:186.1 through 186.6, is hereby enacted to read as follows:

16 **PART III. REPRESENTATION OF CHILDREN IN CUSTODY**

17 **§15:186.1 Purpose**

18 **The purpose of this Part is to provide for an effective and efficient**
19 **system of providing qualified legal representation for indigent children**
20 **committed to the custody of the office of juvenile justice pursuant to Title VII**
21 **and Title VIII of the Louisiana Children's Code and to promote safe return and**
22 **reentry for youth in custody.**

23 **§186.2 Definitions**

24 **For the purposes of this Part, the following words shall have the**
25 **following meanings:**

26 **(1) "Board" means the Louisiana Public Defender Board, or any**
27 **successor to that board, which is authorized to regulate the providing of legal**
28 **services to indigent persons in criminal proceedings in which the right to**
29 **counsel attaches under the United States and Louisiana Constitutions. The**

1 board is also authorized to regulate the providing of representation to indigent
2 parents as authorized by this Part.

3 (2) "Custody" means the legal custody of the office of juvenile justice,
4 which follows on commitment by a Louisiana court exercising juvenile
5 jurisdiction to the office of juvenile justice as provided in Titles VII and VIII of
6 the Louisiana Children's Code.

7 (3) "District office" means the office of a district public defender.

8 (4) "District public defender", "chief indigent defender", or "chief
9 public defender" means an attorney employed by or under contract with the
10 board to supervise service providers and enforce standards and guidelines
11 within a judicial district or multiple judicial districts.

12 (5) "Safe Return Program" or "the program" means the Safe Return
13 Representation Program administered pursuant to the Part.

14 (6) "Indigent child representation" means the providing of legal services
15 to indigent children committed to the custody of the office of juvenile justice
16 pursuant to Title VII and Title VIII of the Louisiana Children's Code.

17 (7) "Office of juvenile justice" and "the office" means the Department
18 of Public Safety and Corrections, youth services, office of juvenile justice.

19 (8) "Public defender" or "indigent defender" means an attorney
20 employed by or under contract with the board, the district public defender, or
21 a nonprofit organization contracting with the board or the district public
22 defender to provide representation as required by the provisions of the
23 Louisiana Children's Code.

24 §186.3 Safe Return Representation Program; duties of the board; subject to
25 appropriations

26 (A)(1) Subject to appropriation and the availability of other monies to
27 the program, the board shall administer a program to provide qualified legal
28 representation for indigent children committed to the custody of the office of
29 juvenile justice pursuant to Title VII and Title VIII of the Louisiana Children's

1 Code and promote safe return and reentry for youth in custody.

2 (2) Except for the regulatory authority of the Louisiana Supreme Court
3 provided for in Article V, Section 5, of the Louisiana Constitution, the Louisiana
4 Public Defender Board or any successor to that board, shall have all regulatory
5 authority, control, supervision, and jurisdiction, including auditing and
6 enforcement, and all power necessary to administer the program throughout the
7 state.

8 B. In the administration of the Safe Return Program, the board shall:

9 (1) Regularly collect detailed data from judicial districts, where
10 applicable, of workload, resources, employees, and expenditures relating to
11 representation of children in the custody of the office of juvenile justice.

12 (2) Review and evaluate the operations of the program and emphasize
13 special training for counsel representing children in the custody of the office of
14 juvenile justice.

15 (3) Review and approve an annual budget for the program.

16 (4) Review and approve an annual report on the operation of the
17 program and submit such report to the legislature, the governor, and the chief
18 justice of the Louisiana Supreme Court.

19 (5) Submit an annual report to the legislature regarding the state of the
20 program. Such report shall include:

21 (a) Recommendations for changes in the law regarding the board or any
22 regulated activity.

23 (b) A report that provides a detailed explanation of all revenues and
24 expenditures.

25 (c) Comprehensive workload data regarding the Program.

26 (6) Ensure all policies, procedures, and public pronouncements of the
27 board recognize the role of attorneys in safeguarding fundamental rights and
28 promoting the safety, reintegration, and well-being of children in the custody
29 of the office of juvenile justice.

1 **(7) Promote accessible family preservation, medical resources,**
2 **educational resources, substance abuse treatment, vocational training, and**
3 **mental health resources for children in the custody of the office of juvenile**
4 **justice.**

5 **(8) Take such actions as necessary and appropriate to secure private and**
6 **state, federal, or other public funds to help support the program.**

7 **(9) Institute or cause to be instituted legal proceedings as necessary to**
8 **enforce any of the duties or powers of the program.**

9 **(10) Provide for the employing or contracting with and training of**
10 **attorneys and other professional and nonprofessional staff that may be**
11 **necessary to carry out the functions of the program. All attorneys representing**
12 **indigent children through this program shall be licensed to practice law in**
13 **Louisiana and qualified in accordance with the standards and guidelines**
14 **adopted by rule of the board.**

15 **(11) Have the ability to contract with organizations or individuals for the**
16 **legal services for indigent children in the custody of the office of juvenile justice.**

17 **(12) Administer an efficient and effective statewide program for the**
18 **representation of indigent children which safeguards their rights and facilitates**
19 **timely and fair decision-making concerning safety, reentry, reintegration, and**
20 **well-being.**

21 **(13) Establish and modify a plan of organization to conduct the business**
22 **of regulating and controlling the delivery of program services. The plan of**
23 **organization shall provide for:**

24 **(a) The granting of contracts.**

25 **(b) The review of investigative and audit reports and findings.**

26 **(c) The enforcement of board rules.**

27 **(14) Develop and disseminate standards, procedures, and policies that**
28 **will ensure that quality representation of indigent children in the custody of the**
29 **office of juvenile justice is provided consistently throughout the state.**

1 **(15) Prepare and submit to the Joint Legislative Committee on the**
2 **Budget on or before March first of each year an annual financial report which**
3 **outlines the expenditures of all program funds, including local, state, and**
4 **federal funds, for the previous calendar year.**

5 **(16) Prepare as of June first of each year, an estimate of unexpended**
6 **balances in every account in the custody of the board and submit a copy to the**
7 **governor, the legislative auditor, and the legislative fiscal officer.**

8 **(17) Develop and maintain a comprehensive information system on the**
9 **revenues received by the board and any district from local, state, and federal**
10 **sources, as well as the expenditure of any revenue, and submit a summary of the**
11 **information annually to the legislature.**

12 **(18) Assign appropriate staff to:**

13 **(a) Coordinate training and performance evaluation for attorneys**
14 **representing indigent children under the program.**

15 **(b) Apply for and assist in the disbursement of federal funds or other**
16 **grant money to aid the statewide program, provided that such gifts, grants, and**
17 **donations are not otherwise prohibited by law or rule.**

18 **(c) Assist district public defenders in maintaining compliance with**
19 **standards and guidelines adopted by the board pursuant to this Section. The**
20 **board staff shall assist the district public defenders with implementation of**
21 **standards, guidelines, supervision, policy, and procedures to maintain**
22 **compliance.**

23 **(19) Work with public and private representatives, including but not**
24 **limited to, judges, social service personnel, district attorneys, and service**
25 **providers to promote sound juvenile justice policy and practice.**

26 **C. The powers and duties of the board provided for by this Section shall**
27 **be in addition to the powers and duties provided for in R.S. 15:147.**

28 **§186.4. Standards and guidelines for representation of indigent children in**
29 **custody; rulemaking**

1 A. The board shall adopt all rules necessary to implement the provisions
2 of this Part.

3 B. The rules shall include mandatory statewide standards and guidelines
4 for the representation of indigent children in the custody of the Office of
5 Juvenile Justice to be provided in a uniform manner and consistent throughout
6 the state.

7 C. All rules shall be adopted pursuant to the provisions of the
8 Administrative Procedure Act and shall be subject to legislative oversight by the
9 House Committee on Health and Welfare and the Senate Committee on Health
10 and Welfare.

11 §186.5. Safe Return Representation Program Fund

12 A. "The Louisiana Safe Return Representation Program Fund",
13 hereafter referred to as "the fund", is hereby created within the state treasury.
14 Interest earned on the investment of monies in the fund shall be deposited into
15 the fund. Unexpended and unencumbered monies in the fund at the close of
16 each fiscal year shall remain in the fund. Monies in the fund shall be
17 appropriated, administered, and used solely as provided in this Section.

18 B. The fund shall be comprised of all monies appropriated by the
19 legislature specifically for the program or other monies made available to the
20 program. All monies required to be deposited in the state treasury in
21 accordance with Article VII, Section 9(A), of the Louisiana Constitution shall
22 be deposited in the fund after first meeting the requirements of Article VII,
23 Section 9(B), of the Louisiana Constitution.

24 C. The fund shall be segregated from all other funds and shall be used
25 solely to provide for the implementation and operation of the Safe Return
26 Representation Program. Monies appropriated to the fund shall also be used to
27 supplement the judicial district indigent defender funds as provided in R.S.
28 15:168 and shall not be used to displace, replace, or supplant monies available
29 for this program or the purpose of providing legal representation to children in

1 the custody of the office of juvenile justice.

2 D. The fund shall be administered by the Louisiana Public Defender
3 Board, or any successor to that board.

4 E. The board shall not commingle the monies in the fund with any other
5 monies of the board.

6 §186.6 Implementation of Safe Return Representation Fund

7 A. Subject to appropriation, or the availability of other monies to the
8 program, the board shall develop a program to consider establishing a flexible
9 delivery system that is responsive to jurisdictional variances and local
10 community needs. The board may implement the program incrementally
11 throughout the state with the goal of full implementation by July 1, 2017.

12 B. The board shall choose a method of implementation of the Safe
13 Return Representation Program that is efficient, feasible, practicable, and
14 appropriate to provide the best delivery of indigent parent representation.

15 * * *

16 §905 Rules and regulations; education; training and discipline, work opportunities,
17 vocational training, contracts and agreements

18 A. The Notwithstanding other provisions of law to the contrary, the
19 Department of Public Safety and Corrections, office of juvenile justice, shall have
20 full control of all juvenile institutions, facilities, and programs under its
21 administration and the affairs of such institutions, facilities, and programs and shall
22 adopt all rules and regulations which it deems essential to the proper conduct of these
23 institutions, facilities, and programs. All children in these juvenile institutions,
24 facilities, and programs shall receive appropriate treatment, training, and education
25 commensurate with their needs and abilities. The department may enter into
26 contracts or cooperative agreements to fulfill its obligations to accomplish its goals
27 in the most efficient manner possible.

28 B. The Notwithstanding any provision of law to the contrary, the deputy
29 secretary for youth services shall establish all rules and regulations for the

1 placement, care, and treatment of a juvenile in the custody of the office of juvenile
2 justice. Such rules and regulations shall include:

3 (1) Provisions for prompt and regular daily access to each child in the
4 custody of the office of juvenile justice for defense counsel, and for adequate
5 and confidential meeting space in each juvenile facility for defense counsel and
6 children they represent.

7 (2) Provisions for direct, confidential, and readily accessible telephone
8 or audio-visual connections, to be provided at no cost to children in custody or
9 to their families, between children in the custody of the office of juvenile justice
10 and such defense counsel as may be designated by the Louisiana Public
11 Defender Board. Telephones or audio-visual connections to counsel must be
12 available, by reasonable oral request and on an every hour and every day basis,
13 to all children in the custody of the office of juvenile justice.

14 (3) For purposes of this Paragraph:

15 (a) A child is deemed "in the custody of the office of juvenile justice" if
16 he is judicially committed to the Department of Public Safety and Corrections,
17 youth services, office of juvenile justice, regardless of where the child is
18 physically held, including but not limited to state-run secure facilities, state-run
19 non-secure facilities, contracted facilities, and detention centers.

20 (b) A "juvenile facility" is any facility in which a child judicially
21 committed to the office of juvenile justice is placed, whether the facility is run
22 directly by the state or contracted by any agency or agencies of the state.

23 * * *

24 Section 3. This Act shall be known and may be referred to as the "Safe and Fair
25 Return Act of 2016".

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley E. Menou.

DIGEST

SB 302 Original 2016 Regular Session Morrell

Present law provides that records and reports regarding juvenile court matters, except traffic violations, are confidential and shall not be disclosed except records in individual cases which may be released to parties, their counsel, or other representatives when the court finds such information is relevant and necessary to the performance of duties and enhances services to the child.

Proposed law retains present law and provides that the records of a child in the custody of the office of juvenile justice must be provided to the child's counsel or legal guardian upon the request of the office of juvenile justice. Proposed law further provides that representation by a public defender shall create an assumption of indigence and the records are to be furnished at no cost to the child.

Proposed law retains present law and adds that a district public defender, district public defender's representative, or the representative of a public defender program may be authorized to receive records and reports in individual cases.

Present law allows an institution or agency to request from the court any information on a child to which it is assigned if the information is concerning the condition, supervision, treatment, or rehabilitation program of the child.

Proposed law retains present law and provides that if an institution or agency receives any information regarding a child to which it is assigned, the state and counsel for the child shall also receive the information.

Present law requires an agency or person to which a child is assigned to report to the judge not less than once every six months, the whereabouts and condition of the child.

Proposed law retains present law and requires an agency or institution to which a child is assigned to also send its report on the whereabouts and condition of the child to the child's counsel.

Proposed law further requires an institution, agency, or person to which a child is assigned to send a report in writing regarding the whereabouts and condition of the child to the court and child's counsel no less than 72 hours before any in-court hearing.

Proposed law provides that if a child is indigent all information and reports regarding the child's whereabouts and condition shall be furnished at no cost to the child, his family, or counsel. Proposed law further creates an irrebuttable presumption of indigence if the child is represented by a public defender.

Present law requires review of a child's record after the first 60 days, after 120 days, and every 180 days after the child's commitment to a mental institution for being found not guilty by reason of insanity or after a court determines that the child lacks mental capacity to proceed to determine if the child is able to be discharged, placed on probation, or capable of proceeding.

Proposed law retains present law and requires an in-person review hearing to occur not more than six months after commitment for a child committed to the custody of the office of juvenile justice, unless waived by counsel.

Proposed law provides that the in-person hearings shall be to ensure the child is receiving

necessary treatment and services and consider any motions for modification.

Proposed law further requires the child be physically transported to the committing court for the review hearing.

Proposed law provides a child is deemed "committed by a court to the custody of the office of juvenile justice" if he is judicially committed to the legal custody of the office of juvenile justice, regardless of where the child is physically held.

Proposed law retains present law and clarifies that the Department of Public Safety and Corrections, youth services, office of juvenile justice has sole authority over the placement, care, and treatment for children judicially committed to the department.

Present law requires a written, individualized transitional plan be developed with a child and any agency assuming his custody at least six month prior to the child's release and sent to the court, child's counsel, and the district attorney.

Proposed law retains present law and requires a copy of the transitional plan be sent to the child's legal guardian.

Proposed law requires the department provide to each child and his counsel a complete copy of all records regarding the child's condition, supervision, treatment, rehabilitation program, education, health, discipline, and transition planning before or at the time of the child's release.

Proposed law further provides that all records shall be furnished at no cost to the child if the child, child's family, legal guardian, or counsel is deemed indigent and representation by a public defender creates an irrebuttable presumption of indigence.

Proposed law provides the following definitions:

- (1) "Board" means the Louisiana Public Defender Board, or any successor to that board, which is authorized to regulate the providing of legal services to indigent persons in criminal proceedings in which the right to counsel attaches under the United States and Louisiana Constitutions.
- (2) "Custody" means the legal custody of the office of juvenile justice, which follows on commitment by a Louisiana court exercising juvenile jurisdiction to the office of juvenile justice as provided in present law.
- (3) "District office" means the office of a district public defender.
- (4) "District public defender", "chief indigent defender", or "chief public defender" means an attorney employed by or under contract with the board to supervise service providers and enforce standards and guidelines within a judicial district or multiple judicial districts.
- (5) "Safe Return Program" or "the program" means the Safe Return Representation Program administered pursuant to proposed law.
- (6) "Indigent child representation" means the providing of legal services to indigent children committed to the custody of the office of juvenile justice pursuant to present law.
- (7) "Office of juvenile justice" and "the office" means the Department of Public Safety and Corrections, youth services, office of juvenile justice.
- (8) "Public defender" or "indigent defender" means an attorney employed by or under

contract with the board, the district public defender, or a nonprofit organization contracting with the board or the district public defender to provide representation as required by the provisions of the Louisiana Children's Code.

Proposed law creates the "Safe Return Representation Program" to provide qualified legal representation to indigent children committed to the custody of the Office of Juvenile Justice and promote safe return and reentry for youth in custody.

Proposed law grants the Louisiana Public Defender Board the power to administer the program and all regulatory authority, control, supervision, and power necessary to administer the program.

Proposed law establishes requirements for the board in the administration of the Safe Return Program. Proposed law requires the board to:

- (1) Regularly collect detailed data from judicial districts, where applicable, of workload, resources, employees, and expenditures relating to representation of children in the custody of the office of juvenile justice.
- (2) Review and evaluate the operations of the program and emphasize special training for counsel representing children in the custody of the office of juvenile justice.
- (3) Review and approve an annual budget for the program.
- (4) Review and approve an annual report on the operation of the program and submit such report to the legislature, the governor, and the chief justice of the Louisiana Supreme Court.
- (5) Submit an annual report to the legislature regarding the state of the program.
- (6) Ensure all policies, procedures, and public pronouncements of the board recognize the role of attorneys in safeguarding fundamental rights and promoting the safety, reintegration, and well-being of children in the custody of the office of juvenile justice.
- (7) Promote accessible family preservation, medical resources, educational resources, substance abuse treatment, vocational training, and mental health resources for children in the custody of the office of juvenile justice.
- (8) Take such actions as necessary and appropriate to secure private and state, federal, or other public funds to help support the program.
- (9) Institute or cause to be instituted legal proceedings as necessary to enforce any of the duties or powers of the program.
- (10) Provide for the employing or contracting with and training of attorneys and other professional and nonprofessional staff that may be necessary to carry out the functions of the program. Require all attorneys representing indigent children through this program shall be licensed to practice law in Louisiana and qualified in accordance with the standards and guidelines adopted by rule of the board.
- (11) Have the ability to contract with organizations or individuals for the legal services for indigent children in the custody of the office of juvenile justice.
- (12) Administer an efficient and effective statewide program for the representation of indigent children which safeguards their rights and facilitates timely and fair decision-making concerning safety, reentry, reintegration, and well-being.

- (13) Establish and modify, a plan of organization to conduct the business of regulating and controlling the delivery of program services.
- (14) Develop and disseminate standards, procedures, and policies that will ensure that quality representation of indigent children in the custody of the office of juvenile justice custody is provided consistently throughout the state.
- (15) Prepare and submit to the Joint Legislative Committee on the Budget on or before March first of each year an annual financial report which outlines the expenditures of all program funds, including local, state, and federal funds, for the previous calendar year.
- (16) Prepare as of June first of each year, an estimate of unexpended balances in every account in the custody of the board and submit a copy to the governor, the legislative auditor, and the legislative fiscal officer.
- (17) Develop and maintain a comprehensive information system on the revenues received by the board and any district from local, state, and federal sources, as well as the expenditure of any revenue, and submit a summary of the information annually to the legislature.
- (18) Assign appropriate staff to coordinate attorneys and aide in compliance.
- (19) Work with public and private representatives, including but not limited to, judges, social service personnel, district attorneys, and service providers to promote sound juvenile justice policy and practice.

Proposed law grants the board authority to adopt rules necessary to implement the program and requires the rules to include mandatory statewide standards and guidelines for the program and adopted pursuant to the Administrative Procedure Act with legislative oversight.

Proposed law creates the "Louisiana Safe Return Representation Program Fund" within the state treasury to administer the Safe Return Representation Program to be funded by appropriations from the legislature or any other source.

Proposed law requires the fund to be segregated from all other funds and allows monies in the fund to supplement the judicial district indigent defender funds.

Proposed law provides the fund shall be administered by the Public Defender Board and the board shall develop a program to consider establishing a flexible delivery system that is responsive to the jurisdictional variances and local community needs. The board can implement the program incrementally with a full implementation goal of July 1, 2017.

Present law gives the Department of Public Safety and Corrections, office of juvenile justice full control of all juvenile institutions and allowing the deputy secretary to establish rules and treatment plans for juveniles in the care of his department.

Proposed law retains present law and further requires the deputy secretary's rules and regulations to include provisions providing for:

- (1) Prompt and regular, daily access to each child by defense counsel, and for adequate and confidential meeting space in each juvenile facility for defense counsel and children they represent.
- (2) Direct, confidential, and readily accessible telephone or audio-visual connections, to be provided at no cost to children in custody or to their families, between children and defense counsel designated by the Public Defender Board. Telephones or

audio-visual connections to counsel must be available, by reasonable oral request and on a 24-hour basis, 365 days a year, to all children.

Proposed law establishes definitions of:

- (1) A child is deemed "in the custody of the office of juvenile justice" if he is judicially committed to the Department of Public Safety and Corrections, youth services, office of juvenile justice, regardless of where the child is physically held, including but not limited to state-run secure facilities, state-run non-secure facilities, contracted facilities, and detention centers.
- (2) A "juvenile facility" is any facility in which a child judicially committed to the office of juvenile justice is placed, whether the facility is run directly by the state or contracted with by any agency or agencies of the state.

Effective August 1, 2016.

(Amends Ch.C. Arts. 412(C), 905, 906(A) and (B), and 908(A) and (C)(2), and R.S. 15:905(A) and (B); adds Ch.C. Arts. 412(D)(12), and 908(C)(5), and R.S. 15:186.1 - 186.6)