

## RÉSUMÉ DIGEST

ACT 355 (SB 106)

2018 Regular Session

Morrell

Prior law provided that if a child is adjudicated delinquent for a felony-grade offense that is not a crime of violence and is committed to the custody of the Department of Public Safety and Corrections (DPSC), the total duration of the commitment cannot exceed nine months unless certain conditions are met. New law retains prior law.

Prior law provided that the total duration of a child's commitment can exceed nine months only if:

- (1) The child is brought before the court for a contradictory modification hearing before the end of the initial nine month commitment.
- (2) The court finds by clear and convincing evidence that the continued out-of-home placement is necessary for completion of the child's treatment.

New law requires that the court set the date of the contradictory modification hearing at the time of disposition.

New law changes the court's determination required to extend a child's detention from that continued out-of-home placement is necessary for completion of the child's treatment to that the child's treatment cannot be accessed and completed in a less restrictive setting.

New law provides that the provisions of new law apply to the children in the custody of OJJ on August 1, 2018, and that if a child in OJJ custody on August 1, 2018, has not had a hearing as required by prior law, the court shall schedule a hearing no later than September 30, 2018. Further provides that if a child is eligible for a hearing, the hearing shall take place no later than October 30, 2018.

Prior law provided that if a child's commitment is continued beyond 18 months a hearing must occur at least every six months from the date of disposition and if the court determines extending the out-of-home placement is not necessary to complete treatment the child must be released.

New law requires that a hearing must occur every six months and on the same date as the child's review hearings if the child's commitment is extended beyond nine months.

New law changes the court's determination required to release a child from that extending the child's out-of-home placement is not necessary to complete treatment to a determination by clear and convincing evidence that the child's treatment cannot be accessed and completed in a less restrictive setting.

Prior law required that if a child is adjudicated delinquent for a felony-grade offense that is not a crime of violence and placed on probation the duration of the probation cannot exceed 18 months unless the child is brought before the court for a contradictory modification hearing before the lapse of the initial 18 months.

New law requires that the contradictory modification hearing date be set by the court at the time of disposition and otherwise retains prior law.

Prior law provided that if probation is continued beyond 18 months, a contradictory modification hearing must occur not less than every six months from the disposition.

Prior law provided that at such hearing, if the court determines extending the child's probation is not necessary to complete treatment, the child shall be released.

New law provides that the court's determination be made by clear and convincing evidence and otherwise retains prior law.

Prior law required that all children in the custody of the office of juvenile justice be transported to the committing court for a review hearing within six months of the child's commitment.

New law requires that the initial review hearing date be set at the time of disposition and otherwise retains prior law.

New law provides that the provisions of new law apply to the children in the custody of OJJ on August 1, 2018, and that if a child in OJJ custody on August 1, 2018, has not had a hearing as required by prior law, the court shall schedule a hearing no later than September 30, 2018. Further provides that if a child is eligible for a hearing, the hearing shall take place no later than October 30, 2018.

Effective August 1, 2018.

(Amends Ch.C. Arts. 898(B)(1) and (2) and (C)(1)(a) and (2) and 906(B)(1); adds Ch.C. Arts. 898(B)(4) and 906(B)(4))