

2022 Regular Session

HOUSE BILL NO. 433

BY REPRESENTATIVES PHELPS AND JENKINS

JUVENILES: Provides relative to review hearings for juveniles

1 AN ACT

2 To enact Children's Code Article 898(B)(5) and (6), relative to disposition in juvenile
3 proceedings; to provide relative to felony-grade offenses; to provide for credit for
4 time served; to provide for review hearings; to provide for contradictory hearings;
5 to provide for conditions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Children's Code Article 898(B)(5) and (6) are hereby amended and
8 reenacted to read as follows:

9 Art. 898. Duration of a disposition based on a felony-grade adjudication

10 * * *

11 B. If a child is adjudicated delinquent for a felony-grade offense that is not
12 a crime of violence as defined in R.S. 14:2 and is committed to the custody of the
13 Department of Public Safety and Corrections pursuant to Article 897(D):

14 * * *

15 (5) If the total duration of the commitment served exceeds nine months,
16 including credit for time served spent in secure detention prior to the imposition of
17 the disposition, the following conditions shall be met:

18 (a) The child is brought in person before the court for a review hearing six
19 months after the imposition of disposition. The hearing date shall be set at the time

Proposed law retains present law and adds that if the total duration of the commitment served exceeds nine months, the following conditions shall be met:

- (1) The child shall be brought before the court for a review hearing six months after the imposition of disposition. The custodian of the child shall provide all written reports about the child within 10 days prior to the review.
- (2) If the child remains in a secure detention following the six-month review hearing, a nine-month review hearing shall be set. The custodian of the child shall provide all written reports about the child within 10 days prior to the review.
- (3) At either the six or nine-month hearing, the court may set a date for a contradictory hearing for the modification of placement for the child to a less restrictive setting. This contradictory hearing shall be set no less than 10 days following the six-month review hearing.

Proposed law provides that a child's commitment may continue up to the maximum amount of disposition if the following conditions are met:

- (1) The child is brought in person before the court for review hearing every six months.
- (2) The court determines by clear and convincing evidence that the child's treatment is better provided in a restrictive setting or that the child's treatment cannot be accessed and completed in a less restrictive setting.

(Adds Ch.C. Art. 898(B)(5) and (6))