

Regular Session, 2014

HOUSE BILL NO. 1061

BY REPRESENTATIVE SCHRODER

CHILDREN/ABUSE: Provides relative to legal representation for children and indigent parents in child protection cases

1 AN ACT

2 To amend and reenact Children's Code Articles 401, 552(2), 553(A) and (B), the heading of
3 Part II of Chapter 6 of Title V of the Louisiana Children's Code, Children's Code
4 Articles 558, 560(A), 571(B), 574, 575(B), 607, 608, 624(A), 625(A)(4), 627(E),
5 631(B), 720(A), (B)(introductory paragraph) and (6), (C), and (D), 723(D), 724(A)
6 and (B), 1016(B) and (C), and 1269.4, to enact Chapter 7 of Title V of the Louisiana
7 Children's Code, to be comprised of Children's Code Article 581, and Children's
8 Code Articles 635.1 and 1405.1, and to repeal Children's Code Articles 559 and
9 571(C), relative to legal representation for children and indigent parents in child
10 protection cases; to establish and provide for functions of the Louisiana Child
11 Representation System and the Child Protection Representation Commission; to
12 provide for the Child Advocacy Program of the Mental Health Advocacy Service;
13 to provide relative to child in need of care proceedings; to provide for designation
14 of programs by the Louisiana Supreme Court for provision of child representation
15 services in certain courts; to provide for right to counsel for parents and conditions
16 for waiving such right; to provide for custody hearings and orders; to provide for
17 motions, case review reports, case plans, and filing in child protection cases; to
18 provide for local rules of juvenile courts; and to provide for related matters.

19 Be it enacted by the Legislature of Louisiana:

1 Section 1. Children's Code Articles 401, 552(2), 553(A) and (B), the heading of Part
2 II of Chapter 6 of Title V of the Louisiana Children's Code, Children's Code Articles 558,
3 560(A), 571(B), 574, 575(B), 607, 608, 624(A), 625(A)(4), 627(E), 631(B), 720(A),
4 (B)(introductory paragraph) and (6), (C), and (D), 723(D), 724(A) and (B), 1016(B) and (C),
5 and 1269.4 are hereby amended and reenacted and Chapter 7 of Title V of the Louisiana
6 Children's Code, comprised of Children's Code Article 581, and Children's Code Articles
7 635.1 and 1405.1 are hereby enacted to read as follows:

8 Art. 401. Adoption of local rules of court

9 A. ~~A~~ Unless procedures are otherwise provided through rules promulgated
10 by the Louisiana Supreme Court, a court may adopt administrative rules governing
11 internal operating procedures not in conflict with provisions of this Code, or of other
12 laws ~~for the conduct of proceedings before it.~~ When a court has more than one
13 judge, its rules shall be adopted or amended by a majority of the judges thereof
14 sitting en banc.

15 B. The rules shall be ~~entered on the minutes of the court,~~ made available to
16 the public by filing a copy with the Judicial Council of the Louisiana Supreme Court
17 and by filing a copy with the clerk of court, and a copy shall be furnished on request
18 to any attorney licensed to practice law in this state.

19 * * *

20 Art. 552. Definitions

21 As used in this Chapter:

22 * * *

23 (2) "Program" means ~~the Child Advocacy Program established in accordance~~
24 ~~with Children's Code Article 558~~ a program approved by the Louisiana Supreme
25 Court to provide qualified legal representation of children in child abuse and neglect
26 cases.

27 Art. 553. Access to child; records; communication

28 A. Any attorney representing a child in a child abuse and neglect case as
29 defined herein shall have reasonable access to and the opportunity to consult with the

1 child whenever and wherever necessary in the performance of his duties and shall
2 have ready access to view and copy all medical, mental health, developmental
3 disability, and education records pertaining to his client whether such records are in
4 hard copy or electronic form.

5 B. The person with whom or facility ~~with whom~~ in which the child is placed
6 shall provide ~~adequate~~ reasonable access and privacy for the purpose of attorney-
7 client consultation.

8 * * *

9 PART II. LOUISIANA CHILD ADVOCACY PROGRAM

10 REPRESENTATION SYSTEM

11 Art. 558. Louisiana Child Advocacy Program Representation System; establishment
12 ~~A Child Advocacy Program~~ The statewide Louisiana Child Representation
13 System is hereby established ~~within the Mental Health Advocacy Service~~ authorized
14 pursuant to R.S. 28:64 under the oversight of the Louisiana Supreme Court.

15 * * *

16 Art. 560. ~~Duties of the program~~ Provision of services; qualifications of counsel

17 A. ~~The program shall provide qualified legal counsel to children in child~~
18 ~~abuse and neglect cases, subject to availability as determined by the director~~ A
19 program designated by the Louisiana Supreme Court shall provide child
20 representation services to each court exercising jurisdiction over abuse and neglect
21 cases in accordance with a plan for service delivery developed by the program and
22 approved by the supreme court.

23 * * *

24 Art. 571. Legislative findings

25 * * *

26 B. The legislature finds that there is a need for a ~~more~~ uniform system of
27 representation of indigent parents statewide that provides for appropriate oversight,
28 minimization of potential conflicts, and adequate local and state funding. To this
29 end, the legislature finds that local public defender offices ~~representing children in~~

1 ~~child abuse and neglect cases should transition within a defined period of time to~~
 2 ~~representing indigent parents consistent with a statewide implementation plan to be~~
 3 ~~developed by the Louisiana Indigent Defense Assistance Board, or any successor to~~
 4 ~~that board in conjunction with the Task Force on Legal Representation in Child~~
 5 ~~Protection Cases created by House Concurrent Resolution No. 44 of the 2003~~
 6 ~~Regular Session of the Legislature~~ best serve the interests of children and families
 7 by representing indigent parents in child abuse and neglect cases consistent with the
 8 provisions of R.S. 15:185.1 et seq., and with the Trial Court Performance Standards
 9 for Attorneys Representing Parents in Child in Need of Care and Termination of
 10 Parental Right Cases provided in Part XV of Title 22 of the Louisiana Administrative
 11 Code.

* * *

13 Art. 574. Indigent Parents' Representation Program; establishment

14 An Indigent Parents' Representation Program is hereby established ~~to be~~
 15 ~~developed~~ within the Louisiana ~~Indigent Defense Assistance~~ Public Defender Board,
 16 or its successor in accordance with the provisions of R.S. 15:185.1 through 185.9.

17 Art. 575. Duties of the program; qualifications of counsel

18 * * *

19 B. Legal representation of indigent parents in child abuse and neglect cases
 20 shall comply with standards promulgated by the ~~Indigent Defense Assistance~~
 21 Louisiana Public Defender Board, or any successor to that board in accordance with
 22 R.S. 15:185.1 through 185.9 to ensure competent and fair representation.

23 CHAPTER 7. CHILD PROTECTION REPRESENTATION COMMISSION

24 Art. 581. Child Protection Representation Commission; establishment; purpose and
 25 functions

26 A. The Child Protection Representation Commission, referred to hereinafter
 27 as the "commission", is hereby established for the purpose of reviewing the system
 28 of representation of children and indigent parents in child protection cases as

1 provided in Chapters 5 and 6 of this Title. The commission shall be composed of the
2 following members:

3 (1) The secretary of the Department of Children and Family Services or his
4 designee.

5 (2) The chief justice of the Louisiana Supreme Court or his designee.

6 (3) The chairman of the House Committee on Civil Law and Procedure or
7 his designee.

8 (4) The chairman of the Senate Committee on Judiciary A or his designee.

9 (5) The president or designee of the Louisiana Bar Association.

10 (6) The executive director or designee of the Louisiana District Attorneys
11 Association.

12 (7) The state public defender or designee of the Louisiana Public Defender
13 Board.

14 (8) The president or designee of the Louisiana Council of Juvenile and
15 Family Court Judges.

16 B. The members of the commission shall serve without compensation,
17 except for the members of the legislature who shall receive a per diem in accordance
18 with R.S. 42:3.1.

19 C. The commission shall request and have the authority to obtain all
20 information necessary to review the system of representation and shall meet
21 periodically but in no event less than once annually. The commission shall ascertain
22 the continued effectiveness and efficiency of the system and the adequacy of funding
23 and may, at its discretion, issue such reports and recommendations as it deems
24 necessary to ensure the programmatic efficacy and fiscal viability of the system.

25 * * *

26 Art. 607. Child's right to appointed counsel; payment

27 A. ~~In every proceeding under this Title, the~~ The court shall appoint the
28 program designated for the jurisdiction by the Louisiana Supreme Court to provide
29 qualified, independent counsel for the child, including a referral to the district public

1 ~~defender at the time the order setting the first court hearing is signed. If attorneys~~
2 ~~are available through the Child Advocacy Program, the court shall contact the office~~
3 ~~of the program and request the assignment of an attorney who shall be appointed.~~
4 Neither the child nor anyone purporting to act on his behalf may be permitted to
5 waive this right.

6 B. The child shall be a party to the proceedings, and the attorney for the child
7 shall have the authority to represent the child at all stages of the proceedings. The
8 attorney for the child shall have the authority to take actions, including but not
9 limited to the following:

10 (1) Accompany the child and be present for all court appearances, school
11 hearings, and educational and other meetings related to the child.

12 (2) View and copy the child's medical, dental, psychological, psychiatric,
13 educational, or counseling records.

14 C. If the court finds that the parents of the child are financially able, it may
15 order the parents to pay some or all of the costs of the child's representation in
16 accordance with Children's Code Articles 320 and 321.

17 ~~E. D.~~ In any dispositional or postdispositional hearing which may result in
18 the mental health institutionalization of a child who is in the custody of the state, the
19 child shall be entitled to representation by an attorney appointed by the Mental
20 Health Advocacy Service, unless unavailable as determined by the director, ~~or~~
21 ~~representation by retained private counsel who shall represent only the interest of the~~
22 ~~child.~~

23 Art. 608. Parents' right to counsel; payment

24 A. The parents of a child who is the subject of a child in need of care
25 proceeding shall be entitled to qualified, independent counsel at the continued
26 custody hearing and at all stages of the proceedings thereafter, ~~which~~ This right
27 may be waived by ~~the parents.~~ a parent if the court determines that the parent
28 choosing to waive his right to representation has been instructed by the court about

1 his rights and the possible consequences of waiver. Before accepting a waiver of
2 counsel, the court shall ensure each of the following:

3 (1) The parent has been informed by the court that the Department of
4 Children and Family Services cannot provide legal advice to the parent or represent
5 the parent's interest.

6 (2) The parent has been informed by the court that the child's attorney cannot
7 provide legal advice to the parent and does not represent the parent's interest.

8 (3) The parent has been informed by the court that a proceeding brought
9 under this Title may ultimately result in a termination of parental rights and a
10 complete and permanent separation of the parent from the child.

11 (4) The parent has been informed by the court that if he is unable to afford
12 an attorney, one will be provided by the Indigent Parents' Representation Program.

13 (5) That the parent is eighteen years of age or older.

14 B. ~~If the parents~~ a parent of a child ~~are~~ is financially unable to afford
15 counsel, the court shall ~~appoint counsel, or refer the parents~~ parent for representation
16 by the ~~district public defender, or any program created by law to provide~~
17 ~~representation to indigent parents in child abuse and neglect cases and to be~~ Indigent
18 Parents' Representation Program administered by the Louisiana Public Defender
19 Board.

20 C. If a parent of the child is entitled to representation by the Indigent Parents'
21 Representation Program, the unavailability of counsel to represent the parent shall
22 be good cause for a continuance of the continued custody hearing for up to three
23 days and the hearing shall not proceed until a qualified, independent attorney is
24 provided to the parent.

25 * * *

26 Art. 624. Continued custody hearing

27 A. If a child is not released to the care of his parents, a hearing shall be held
28 by the court within three days after the child's removal or entry into custody. An

1 order setting the hearing shall provide for appointment of counsel for the child and
2 notice to the program approved to represent children.

3 * * *

4 Art. 625. Advice of rights and responsibilities of parents, counsel, and department;
5 absent parents

6 A. At the continued custody hearing, the court shall advise the parents and
7 may advise the child, insofar as practicable, of:

8 * * *

9 (4) The right to be represented by counsel and the right ~~to have counsel~~
10 ~~appointed as provided in Chapter 4 of this Title~~ of indigent parents to representation
11 by the Indigent Parents' Representation Program in accordance with Children's Code
12 Article 608.

13 * * *

14 Art. 627. Continued custody order; special provisions; appointments

15 * * *

16 E. The court shall order the appointment of ~~counsel for the child and the~~
17 ~~appointment of a curator for any parent who is an absentee.~~ The court may order the
18 ~~appointment of counsel for the parents or the appointment~~ of a court-appointed
19 special advocate.

20 * * *

21 Art. 631. Authority to file petition; custody

22 * * *

23 B. ~~During the pendency of a child in need of care proceeding~~ At any time
24 prior to adjudication, any person, including a relative of the child, may petition the
25 court for the provisional or permanent legal custody of the child.

26 * * *

27 Art. 635.1. Notice to counsel

28 Upon the filing of the petition, the court shall provide notice and a copy of
29 the petition to the program designated for the jurisdiction to provide counsel for the

1 child in accordance with Children's Code Article 607, and to the program
2 representing indigent parents in accordance with Children's Code Article 608.

3 * * *

4 Art. 720. Motion for guardianship

5 A. After a child has been adjudicated to be in need of care, a motion for
6 guardianship may be filed by the department, parent, or counsel for the child; or the
7 department may submit a case plan along with the case review report to the court and
8 all counsel of record recommending guardianship in accordance with Children's
9 Code Articles 674, 688, and 689.

10 B. The motion, case review report, or case plan shall include all of the
11 following:

12 * * *

13 (6) A plain and concise statement of the facts on which the motion, case
14 review report, or case plan for guardianship is sought and why neither adoption nor
15 reunification with a parent is in the best interest of the child.

16 C. If any of the information required by Paragraph B of this Article is
17 unknown, the motion, case review report, or case plan shall state that fact. In
18 addition, if the location of either parent is unknown, the motion, case review report,
19 or case plan shall disclose efforts to locate him.

20 D. Unless not yet completed, the home study, as required by Children's Code
21 Article 721, shall be attached to the motion, case review report, or case plan. If not
22 attached, ~~it~~ the home study shall be submitted to the court as soon as it is completed.

23 * * *

24 Art. 723. Order of guardianship

25 * * *

26 D. The guardianship order continues until the child ~~obtains~~ attains eighteen
27 years of age, unless earlier modified or terminated by the court in accordance with
28 Article 724.

1 Art. 724. Motion for modification of guardianship; termination of guardianship

2 A. The court shall retain jurisdiction to enforce, modify, or terminate a
3 guardianship order until the child ~~obtains~~ attains eighteen years of age. The program
4 representing the child in the child of need of care proceedings pursuant to Children's
5 Code Article 607 and the program representing the indigent parents in the child in
6 need of care proceedings pursuant to Children's Code Article 608 shall provide
7 representation in guardianship proceedings.

8 B. The department, counsel for the child, the guardian, a parent permitted to
9 intervene under Children's Code Article 707, or the court on its own motion may
10 seek to enforce, modify or terminate a guardianship order. A copy of the motion to
11 modify shall be personally served on the parents, and the court shall promptly notify
12 the programs representing the child and indigent parents, respectively, in child in
13 need of care proceedings.

14 * * *

15 Art. 1016. Right to counsel

16 * * *

17 B. The court shall appoint a the program designated for the jurisdiction by
18 the Louisiana Supreme Court to provide qualified, independent ~~attorney to represent~~
19 counsel for the child in such a proceeding. ~~If attorneys are available through the~~
20 ~~Child Advocacy Program, the court shall contact the office of the program and~~
21 ~~request the assignment of an attorney who shall be appointed.~~

22 C. If the court determines that the parent is indigent and unable to employ
23 counsel solely for that reason, ~~an attorney shall be appointed to represent the parent~~
24 ~~in accordance with Article 320~~ the court shall refer the parent for representation by
25 the Indigent Parents' Representation Program.

26 * * *

27 Art. 1269.4. Filing with court; time limitations

28 A. Within ten days after the petition is filed, the department, attorney for the
29 child, attorney for the parent, or attorney for the prospective adoptive parents shall

1 file in the court in which the adoption is pending an agreement for continuing
2 contact.

3 * * *

4 Art. 1405.1. Child Advocacy Program; establishment within Mental Health
5 Advocacy Service; duties

6 A. The Child Advocacy Program, referred to hereafter in this Article as the
7 "program", is hereby established within the Mental Health Advocacy Service
8 authorized pursuant to R.S. 28:64.

9 B. The program shall provide qualified legal counsel to children in child
10 abuse and neglect cases, subject to availability as determined by the director of the
11 program, in those jurisdictions designated by the Louisiana Supreme Court pursuant
12 to Children's Code Article 560.

13 C. The program shall be governed by the board of trustees established
14 pursuant to R.S. 28:64(A)(3).

15 D. The duties of the board of trustees shall include those enumerated in R.S.
16 28:64(B) and all of the following specific duties:

17 (1) To establish general policy guidelines for the operation of the program
18 to provide legal counsel and representation for children in child abuse and neglect
19 cases of this state in order to ensure that their legal rights are protected; however, the
20 board shall not have supervisory power over the conduct of particular cases.

21 (2) To review and evaluate the operations of the program and emphasize
22 special training for attorneys hired by the service.

23 (3) To review and approve an annual budget for the program.

24 (4) To review and approve an annual report on the operation of the program
25 and submit such report to the legislature, the governor, and the chief justice of the
26 Louisiana Supreme Court.

27 E. The duties of the director of the program shall include those enumerated
28 in R.S. 28:64(C) and all of the following specific duties:

1 (1) To organize and administer a program to provide legal counsel and
2 representation for children in child abuse and neglect cases subject to the approval
3 of the board of trustees and in accordance with a plan for service delivery approved
4 by the Louisiana Supreme Court.

5 (2) To identify the needs of children in child abuse and neglect cases for
6 legal counsel and representation within the state and the resources necessary to meet
7 those needs, subject to the approval of the board of trustees.

8 (3) To institute or cause to be instituted such legal proceedings as may be
9 necessary to enforce and give effect to any of the duties or powers of the program.

10 (4) To hire and train attorneys and other professional and nonprofessional
11 staff that may be necessary to carry out the functions of the program. All attorneys
12 representing children through this program shall be licensed to practice law in
13 Louisiana and be qualified in accordance with Supreme Court Administrative Rules,
14 Rule J. Special Rules for Cases Involving the Protection of Children.

15 (5) To establish official rules and regulations for the conduct of work of the
16 program, subject to the approval of the board of trustees.

17 (6) To take such actions as he deems necessary and appropriate to secure
18 private and state, federal, or other public funds to help support the program, subject
19 to the approval of the board of trustees.

20 (7) To have the ability to contract with organizations or individuals for the
21 provision of legal services for children in child abuse and neglect cases, subject to
22 the approval of the board of trustees and in accordance with a plan for service
23 delivery approved by the Louisiana Supreme Court.

24 Section 2. Children's Code Articles 559 and 571(C) are hereby repealed in their
25 entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Schroder

HB No. 1061

Abstract: Provides relative to legal representation for children and indigent parents in child protection cases and establishes the La. Child Representation System under the oversight of the La. Supreme Court.

Present law comprising Titles V through VII of the Louisiana Children's Code provides relative to cases of child abuse and neglect, and to child in need of care (CINC) and families in need of services (FINS) proceedings. Proposed law generally retains present law and revises certain provisions relative to legal representation for children and indigent parents in child protection cases.

Proposed law establishes the La. Child Representation System under the oversight of the La. Supreme Court. Requires that the supreme court, through such program as it may designate, provide child representation services to each court exercising jurisdiction over abuse and neglect cases in accordance with a service delivery plan developed by the program and approved by the supreme court.

Proposed law retains and relocates provisions of present law creating the La. Child Advocacy Program within the Mental Health Advocacy Service and providing for governance and duties of the program.

Present law provides legislative finding that local public defender offices representing children in child abuse and neglect cases should transition to representing indigent parents per a statewide implementation plan to be developed by the La. Indigent Defense Assistance Board, or any successor. Proposed law updates finding to indicate that local public defender offices best serve the interests of children and families by representing indigent parents in child abuse and neglect cases consistent with the provisions of present law, R.S. 15:185.1 et seq., and the Trial Court Performance Standards for Attorneys Representing Parents in Child in Need of Care and Termination of Parental Right Cases provided in present law (LAC 22:XV).

Proposed law relocates the Indigent Parents' Representation Program from the La. Indigent Defense Assistance Board to the La. Public Defender Board.

Proposed law adds provisions requiring that the child be a party to CINC proceedings. Provides that the attorney for the child shall have the authority to represent the child at all stages of the proceedings, and to do all of the following:

- (1) Accompany the child and be present for all court appearances, school hearings, and educational and other meetings related to the child.
- (2) View and copy the child's medical, dental, psychological, psychiatric, educational, or counseling records.

Present law provides that the parents of a child who is the subject of a CINC proceeding shall be entitled to counsel, and that the parents may waive such right. Proposed law revises present law to stipulate that a parent may waive such right if he has been instructed by the court about his rights and the possible consequences of waiver. Provides that before accepting a waiver of counsel, the court shall ensure that the parent is 18 years of age or older and is informed of all of the following:

- (1) The Dept. of Children and Family Services (DCFS) cannot provide legal advice to the parent or represent the parent's interest.
- (2) The child's attorney cannot provide legal advice to the parent and does not represent the parent's interest.
- (3) A proceeding brought under present law and proposed law may ultimately result in a termination of parental rights and a complete and permanent separation of the parent from the child.
- (4) If he is unable to afford an attorney, one will be provided by the Indigent Parents' Representation Program.

Proposed law establishes that if a parent of a child in a CINC proceeding is entitled to representation by the Indigent Parents' Representation Program, the unavailability of counsel to represent the parent shall be good cause for a continuance of the continued custody hearing for up to three days and the hearing shall not proceed until a qualified, independent attorney is provided to the parent.

Proposed law requires that an order setting a continued custody hearing provide for appointment of counsel for the child and notice to the child representation program.

Proposed law provides that upon the filing of a petition for commencement of a CINC proceeding, the court shall provide notice and a copy of the petition to the child representation program designated in accordance with proposed law.

Proposed law provides that after a child has been adjudicated to be in need of care, DCFS may submit a case plan along with the case review report to the court and all counsel of record recommending guardianship in accordance with present law.

Proposed law stipulates that the program providing legal representation to a child in CINC proceedings and the program representing the indigent parents in those proceedings also provide representation in guardianship proceedings.

Proposed law requires that a copy of any motion to modify a guardianship order be personally served on the parents, and that the court promptly notify the programs representing the child and indigent parents, respectively, in CINC proceedings.

Present law provides that within 10 days after filing of a petition relative to continuing contact with a child, DCFS or the attorney for the prospective adoptive parents shall file in the court in which the adoption is pending an agreement for continuing contact. Proposed law adds an attorney for the child and an attorney for the parent as parties authorized to file such agreement within the specified time frame.

Present law provides that a juvenile court may adopt rules not in conflict with provisions of present law relative to the conduct of proceedings. Proposed law establishes that a juvenile court may only establish such rules on the condition that applicable procedures are not otherwise provided through rules promulgated by the La. Supreme Court. Requires that local rules of juvenile courts be made available to the public by filing a copy with the Judicial Council of the supreme court and with the clerk of court.

Proposed law establishes the Child Protection Representation Commission (commission) for the purpose of reviewing the system of representation of children and indigent parents in child protection cases provided in proposed law. Provides that the commission shall be composed of the following members:

- (1) The secretary of the Dept. of Children and Family Services or his designee.
- (2) The chief justice of the La. Supreme Court or his designee.
- (3) The chairman of the House Committee on Civil Law and Procedure or his designee.
- (4) The chairman of the Senate Committee on Judiciary A or his designee.
- (5) The president or designee of the La. Bar Association.
- (6) The executive director or designee of the La. District Attorneys Association.
- (7) The state public defender or designee of the La. Public Defender Board.
- (8) The president or designee of the La. Council of Juvenile and Family Court Judges.

Proposed law provides that the commission shall ascertain the continued effectiveness and efficiency of the representation system and the adequacy of funding and may, at its discretion, issue such reports and recommendations as it deems necessary to ensure programmatic efficacy and fiscal viability of the system.

(Amends Ch.C. Arts. 401, 552(2), 553(A) and (B), the heading of Part II of Chapter 6 of Title V of the Louisiana Children's Code, Ch.C. Arts. 558, 560(A), 571(B), 574, 575(B), 607, 608, 624(A), 625(A)(4), 627(E), 631(B), 720(A), (B)(intro. para.) and (6), (C), and (D), 723(D), 724(A) and (B), 1016(B) and (C), and 1269.4; Adds Ch.C. Arts. 581, 635.1, and 1405.1; Repeals Ch.C. Arts. 559 and 571(C))