

2023 Updates to the Louisiana Childrens Code

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Art. 305. Divestiture of juvenile court jurisdiction; original criminal court jurisdiction over children

A.(1) When a child is fifteen years of age or older at the time of the commission of first degree murder, second degree murder, aggravated or first degree rape, or aggravated kidnapping, he is subject to the exclusive jurisdiction of the juvenile court until either:

(a) An indictment charging one of these offenses is returned.

(b) The juvenile court holds a continued custody hearing pursuant to Articles 819 and 820 and finds probable cause that he committed one of these offenses, whichever occurs first. During this hearing, when the child is charged with aggravated or first degree rape, the court shall inform him that if convicted he shall register as a sex offender for life, pursuant to Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

(2)(a) The district attorney shall have the discretion to file a petition alleging any of the offenses listed in Subparagraph (1) of this Paragraph in the juvenile court or, alternatively, to obtain an indictment. If the child is being held in detention, the district attorney shall file the petition or indictment in the appropriate court within sixty calendar days after the child's arrest, unless the child waives this right.

(b) Failure to institute prosecution as provided in this Subparagraph shall result in release of the child if, after a contradictory hearing with the district attorney, just cause for the failure is not shown. If just cause is shown, the court shall reconsider bail for the child. Failure to institute prosecution as provided in this Subparagraph shall result in the release of the bail obligation if, after a contradictory hearing with the district attorney, just cause for the delay is not shown.

(c) When the juvenile court holds a continued custody hearing pursuant to Articles 819 and 820 and finds probable cause that the child committed one of the offenses listed in Subparagraph (1) of this Paragraph, the time limitations contained in this Code are inapplicable, and the time period for filing an indictment after arrest shall be governed by Code of Criminal Procedure Article 701.

(3) Thereafter, if an indictment is returned, the child is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail applications, and the court exercising criminal jurisdiction may order that the child be transferred to the appropriate adult facility for detention prior to his trial as an adult. If the district attorney elects to file a petition and the child waives the right to a continued custody hearing, the child is subject to the exclusive jurisdiction of the juvenile court for all subsequent procedures, including the review of bail applications.

B.(1) When a child is fifteen years of age or older at the time of the commission of any of the offenses listed in Subparagraph (2) of this Paragraph, he is subject to the exclusive jurisdiction of the juvenile court until whichever of the following occurs first:

(a) An indictment charging one of the offenses listed in Subparagraph (2) of this Paragraph is returned.

(b) The juvenile court holds a continued custody hearing and finds probable cause that the child has committed any of the offenses listed in Subparagraph (2) of this Paragraph and a bill of information charging any of the offenses listed in Subparagraph (2) of this Paragraph is filed. During this hearing, when the child is charged with forcible or second degree rape or second degree kidnapping, the court shall inform him that if convicted he shall register as a sex offender for life, pursuant to Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

(2)(a) Attempted first degree murder.

- (b) Attempted second degree murder.
- (c) Manslaughter.
- (d) Armed robbery.
- (e) Aggravated burglary.
- (f) Forcible or second degree rape.
- (g) Simple or third degree rape.
- (h) Second degree kidnapping.
- (i) Repealed by Acts 2001, No. 301, §2.
- (j) Aggravated battery committed with a firearm.
- (k) A second or subsequent aggravated battery.
- (l) A second or subsequent aggravated burglary.
- (m) A second or subsequent offense of burglary of an inhabited dwelling.
- (n) A second or subsequent felony-grade violation of Part X or X-B of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950 involving the manufacture, distribution, or possession with intent to distribute controlled dangerous substances.

(3)(a) The district attorney shall have the discretion to file a petition alleging any of the offenses listed in Subparagraph (2) of this Paragraph in the juvenile court or, alternatively, to obtain an indictment or file a bill of information. If the child is being held in detention, the district attorney shall file the indictment, bill of information, or petition in the appropriate court within sixty calendar days after the child's arrest, unless the child waives this right.

(b) Failure to institute prosecution as provided in this Subparagraph shall result in release of the child if, after a contradictory hearing with the district attorney, just cause for the failure is not shown. If just cause is shown, the court shall reconsider bail for the child. Failure to institute prosecution as provided in this Subparagraph shall result in the release of the bail obligation if, after a contradictory hearing with the district attorney, just cause for the delay is not shown.

(4) If an indictment is returned or a bill of information is filed, the child is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail applications, and the district court may order that the child be transferred to the appropriate adult facility for detention prior to his trial as an adult.

C. Except when a juvenile is held in an adult jail or lockup, the time limitations for the conduct of a continued custody hearing are those provided by Article 819.

D. The court exercising criminal jurisdiction shall retain jurisdiction over the child's case, even though he pleads guilty to or is convicted of a lesser included offense. A plea to or conviction of a lesser included offense shall not reconstitute jurisdiction in the court exercising juvenile jurisdiction over such a child.

E.(1) If a competency or sanity examination is ordered, except for the filing of a delinquency petition, the return of an indictment, or the filing of a bill of information, no further steps to prosecute the child shall occur until the court exercising criminal jurisdiction appoints counsel for the child and provides notification in accordance with Article 809 and determines the child's mental capacity to proceed.

(2) When an indictment has been returned or a bill of information has been filed pursuant to this Subsection, the district court exercising criminal jurisdiction shall be the proper court to determine the child's mental capacity to proceed. In all other instances, the juvenile court shall be the proper court to make this determination.

Acts 1991, No. 235, §3, eff. Jan. 1, 1992; Acts 1991, No. 501, §1, eff. Jan. 1, 1992; Acts 1992, No. 705, §1, eff. July 6, 1992; Acts 1994, 3rd Ex. Sess., No. 15, §1; Acts 1994, 3rd Ex. Sess.,

No. 39, §1; Acts 1995, No. 367, §1; Acts 1995, No. 959, §1; Acts 1995, No. 979, §1; Acts 2001, No. 301, §2; Acts 2008, No. 222, §1, eff. June 16, 2008; Acts 2010, No. 594, §1; Acts 2012, No. 698, §1; Acts 2015, No. 184, §8; Acts 2016, No. 501, §2, eff. June 14, 2016; Acts 2022, No. 175, §1; Acts 2023, No. 418, §1.

Art. 306. Places of detention; juveniles subject to criminal court jurisdiction

A. Prior to the divesting events specified in Paragraphs A and B of Article 305, the child shall be held in custody in a juvenile detention center, except as hereinafter provided.

B. If a detention facility for juveniles is not available, the child may be held in an adult jail or lockup for identification or processing procedures or while awaiting transportation only as long as necessary to complete these activities for up to six hours, except that in nonmetropolitan areas, the child may be held for up to forty-eight hours if all of the following occur:

(1) The child meets the age and offense criteria set out in Article 305.

(2) A continued custody hearing in accordance with Articles 820 and 821 is held within forty-eight hours after his arrest.

(3) There is no acceptable alternative placement to the jail or lockup in which he is being held.

(4) The sheriff or the administrator of the adult jail or lockup has certified to the court that facilities exist providing for sight and sound separation of the juvenile from adult offenders and that he can be given continuous visual supervision while placed in the jail or lockup.

C. If an indictment has not been returned, a bill of information filed, or a continued custody hearing not held within forty-eight hours, the child held in an adult jail or lockup in a nonmetropolitan area shall be released or removed to a juvenile detention facility.

D. If at the conclusion of the continued custody hearing, the court determines that the child meets the age requirements and that there is probable cause that the child has committed one of the offenses enumerated in Article 305, the court shall order him held for trial as an adult for the appropriate court of criminal jurisdiction. The appropriate court of criminal jurisdiction may thereafter order that the child be held in any facility used for the pretrial detention of accused adults and the child shall apply to the appropriate court of criminal jurisdiction for a preliminary hearing, bail, and for any other rights to which he may be entitled under the Code of Criminal Procedure.

E. If for any reason the court determines that the child is not subject to the jurisdiction of the criminal courts, it may continue him in custody only in those places authorized by Article 822.

F. The court authorizing the detention of the child in an adult jail or lockup pursuant to Paragraph B or D of this Article shall submit a written report delineating appropriate reasons for the continued custody to the judicial administrator of the supreme court for review and shall submit copies to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice and to the sheriff or chief of police of the facility in which the child is being detained within seven working days of the court's decision.

G. Notwithstanding any provision of law to the contrary, a child who is subject to criminal jurisdiction pursuant to Article 305 and being held in a juvenile detention facility before trial shall be transferred to the appropriate adult facility for continued pretrial detention upon reaching the age of eighteen.

Acts 1991, No. 235, §3, eff. Jan. 1, 1992; Acts 1992, No. 705, §1, eff. July 6, 1992; Acts 2016, No. 501, §2, eff. June 14, 2016; Acts 2023, No. 445, §1, eff. June 28, 2023.

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

A. Records and reports concerning all matters or proceedings before the juvenile court, except traffic violations, are confidential and shall not be disclosed except as expressly authorized by this Code. Any person authorized to review or receive confidential information shall preserve its confidentiality unless a court order authorizes them to share with others.

B. Nonidentifying information of a general nature, including statistics, is not confidential and may be released without a court order. By court order, an individual may be authorized to review confidential records and reports, including case file samples, for the purpose of collecting nonidentifying general information, including statistics. The court order shall specify the type of information authorized for review and bind the reviewer to preserving the confidentiality of any identifying information reviewed.

C. Records and reports in individual cases may be released to parties, their counsel or other legal representatives, and court-appointed special advocates (CASAs) in accordance with discovery and disclosure provisions of this Code. Notwithstanding any other provision of law to the contrary, access to review all records and reports concerning a child in the custody of the office of juvenile justice, including but not limited to records relating to condition, housing, supervision, treatment, rehabilitation program, education, health, discipline, transition planning, risk assessments, and status reports shall be promptly provided to counsel enrolled for the child or engaged by the child, or to the child's legal guardian, upon written request to the office of juvenile justice. If the child is indigent, copies of all records and reports relevant to post-dispositional defense and reentry advocacy shall be furnished at no cost to the child, the child's family, legal guardian, or counsel. Representation by a public defender shall create an irrebuttable presumption of indigence for the purposes of this Paragraph.

D. When such information is relevant and necessary to the performance of their respective duties and enhances services to the child or his family, the court may authorize the release of records, reports, or certain information contained therein, limited to the specific purpose for which the court authorizes release, to appropriate individuals who represent any of the following when they are providing services to the child whose records are disclosed during the pendency of the matter about which the records are disclosed:

- (1) Other courts and court-affiliated programs.
- (2) The Department of Children and Family Services.
- (3) The office of juvenile justice of the Department of Public Safety and Corrections.
- (4) The Louisiana Department of Health.
- (5) The Department of Education or the local school in which the child is a student.
- (6) The local district attorney's office.
- (7) A multidisciplinary investigative child abuse team.
- (8) A child advocacy center.
- (9) The attorney general's office.

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

E.(1) For good cause when the information is material and necessary to a specific investigation or proceeding, the court may order the release of individual records and reports, or certain information contained therein, to a petitioner, limited to the specific purpose for which the court authorizes release.

- (2) The petition must:

(a) Be filed with the juvenile court and served on the juvenile and his attorney.

(b) State the reason for the request and the intended use of the information, including any intended redisclosure.

(c) State the names of all persons that will have access to the information.

(3) In ruling on the petition, the juvenile court shall consider the privacy of the juvenile, risk of harm to the juvenile, whether a compelling reason exists for releasing the information, and whether the release is necessary for the protection of a legitimate interest. The court shall ensure the juvenile is afforded notice of the hearing and an opportunity to be heard at a contradictory hearing on the petition.

F. The court may release records and reports concerning any proceeding, except adoption, to an adult who, as a child, was the subject of the proceeding. For good cause, the court may also order release of records and reports to the counsel or other appropriate legal representative of a child, still a minor, who was the subject of any proceedings, except adoption.

NOTE: Paragraph (G) eff. until Jan. 1, 2024. See Acts 2023, No. 448.

G. In accordance with Articles 811.1 and 811.3, the district attorney or court may release to the victim of a delinquent act constituting a crime of violence as defined in R.S. 14:2(B), or to the victim's legal representative or designated family member:

(1) The results of adjudication and disposition hearings.

(2) Notice of the taking into custody, release pursuant to Chapter 6 of Title VIII of this Code, release due to a rejection of charges by the district attorney, escape, or re-apprehension of the child accused of the crime of violence against the victim.

(3) Advance notice of court proceedings relating to the delinquent act.

(4) Certain information contained in the predisposition report to the court pursuant to Article 890, limited to those items described in Subparagraph (2) of that Article.

NOTE: Paragraph (G) eff. Jan. 1, 2024. See Acts 2023, No. 448.

G.(1) In accordance with Articles 811.1 and 811.3, the district attorney or court shall, upon request, release to the victim of a delinquent act constituting a crime of violence as defined in R.S. 14:2(B), or to the victim's legal representative or designated family member:

(a) The results of adjudication and disposition hearings.

(b) Notice of the taking into custody, release pursuant to Chapter 6 of Title VIII of this Code, release due to a rejection of charges by the district attorney, escape, or re-apprehension of the child accused of the crime of violence against the victim.

(c) Advance notice of court proceedings relating to the delinquent act.

(d) Certain information contained in the predisposition report to the court pursuant to Article 890, limited to those items described in Subparagraph (A)(2) of that Article.

(e) The name of the judge presiding over the adjudication and disposition hearings.

(f) The offense which forms the basis for adjudication.

(g) The name of the accused.

(2) In a juvenile delinquency case involving a crime of violence as defined in R.S. 14:2(B), the court shall, upon written request, release to the public the following:

(a) The nonidentifying results of adjudication and disposition hearings.

(b) The name of the judge presiding over the adjudication and disposition hearings.

(c) The offense which forms the basis for adjudication.

H. In order to assist in finding and taking into custody a child wanted for a felony-grade delinquent act involving an offense against the person or involving a dangerous weapon, law enforcement agencies may release to the public identifying information regarding the child if a

court has issued an order for taking the child into custody pursuant to Article 813, or if probable cause that the child committed the alleged delinquent act has already been established pursuant to Article 820. Identifying information may include the child's name, age, alleged delinquent act, physical description, and photograph.

I. Any violation of the confidentiality provisions of this Article shall be punishable as a constructive contempt of court pursuant to Article 1509(E).

J. Whenever a child escapes from a juvenile detention center, law enforcement agencies are hereby authorized to release to the public the child's name, age, physical description, and photograph.

K. Every person, other than the juvenile, parents of the juvenile, and attorney for the juvenile, to whom a juvenile record or information from a juvenile is disclosed pursuant to this Article shall execute a non-disclosure agreement that certifies the person is familiar with the applicable disclosure provisions and agrees not to disclose any information to unauthorized persons.

L. Juvenile records or information from juvenile records disclosed pursuant to this Article shall be marked "UNLAWFUL DISSEMINATION OF THIS INFORMATION IS PUNISHABLE AS A CONSTRUCTIVE CONTEMPT OF COURT PURSUANT TO LOUISIANA CHILDREN'S CODE ARTICLE 1509(E)".

M. Records of juvenile criminal conduct shall not be made a part of any state or local criminal background check.

Acts 1991, No. 235, §4, eff. Jan. 1, 1992; Acts 1993, No. 596, §1; Acts 1993, No. 634, §1, eff. June 15, 1993; Acts 1993, No. 840, §1; Acts 1994, 3rd Ex. Sess., No. 23, §2; Acts 1994, 3rd Ex. Sess., No. 76, §1; Acts 1994, 3rd Ex. Sess., No. 120, §1, eff. July 7, 1994; Acts 1994, 3rd Ex. Sess., No. 140, §1; Acts 1995, No. 1313, §1, eff. June 29, 1995; Acts 1999, No. 515, §1; Acts 1999, No. 976, §1; Acts 2001, No. 461, §1; Acts 2003, No. 567, §1; Acts 2008, No. 715, §1; Acts 2012, No. 792, §1; Acts 2016, No. 617, §1; Acts 2017, No. 362, §1; Acts 2023, No. 448, §1, eff. Jan. 1, 2024.

Art. 543. Interagency information sharing; interagency agreements

A. Through the Children's Cabinet, the agencies specified in Article 543(F) shall develop policies to facilitate interagency information sharing in the most effective and expeditious manner. However, the adoption of formal policies shall not be prerequisite to the implementation of the provisions of this Chapter.

B. The Children's Cabinet shall facilitate the development of interagency agreements and cooperation regarding the sharing of data concerning children and families involved in the juvenile justice system.

C. Interagency agreements shall include provisions regarding the specific data to be shared among agencies, the person or persons allowed by each party to have access to the other party's data, and the security arrangements between parties to ensure the protection of the data from unauthorized access that may threaten the privacy of persons and the confidentiality of the data.

D. Interagency agreements shall be in writing and a copy shall be furnished to the court exercising juvenile jurisdiction, the Children's Cabinet, and to each agency involved in the treatment, care, and rehabilitation of the child.

E. The Children's Cabinet shall provide procedures, which may include a forum, for the presentation of interagency recommendations and the resolution of disagreements relating to the

contents of interagency agreements or the performance by the parties of their respective obligations under such agreements.

F. Agencies involved in facilitating agreements regarding the sharing of information regarding children and families shall include:

- (1) The Department of Children and Family Services.
- (2) The Louisiana Department of Health.
- (3) The Department of Education.
- (4) Youth services of the Department of Public Safety and Corrections.
- (5) The Louisiana Workforce Commission.
- (6) Courts exercising juvenile jurisdiction.
- (7) Offices of district attorneys.
- (8) Law enforcement agencies.
- (9) City, parish, and other local public school boards.
- (10) Truancy assessment service centers.
- (11) Families in Need of Services offices.

Acts 2005, No. 119, §1, eff. Jan. 1, 2006; Acts 2008, No. 743, §7, eff. July 1, 2008; Acts 2023, No. 387, §2, eff. June 14, 2023.

Art. 610. Reporting procedure; reports to the legislature and the United States Department of Defense Family Advocacy Program

NOTE: Subparagraph (A)(1) eff. until Jan. 1, 2023. See Acts 2022, No. 662.

A.(1) Reports of child abuse or neglect or that such was a contributing factor in a child's death, where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, shall be made immediately to the department. A permitted reporter shall make a report through the designated state child protection reporting hotline telephone number or in person at any child welfare office. A mandatory reporter shall make a report through the designated state child protection reporting hotline telephone number, via the Louisiana Department of Children and Family Services Mandated Reporter Portal online, or in person at any child welfare office. Reports in which the abuse or neglect is believed to be perpetrated by someone other than a caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, and the caretaker is not believed to have any responsibility for the abuse or neglect shall be made immediately to a local or state law enforcement agency. Dual reporting to both the department and the local or state law enforcement agency is permitted.

NOTE: Subparagraph (A)(1) as amended by Acts 2022, No. 662, eff. Jan. 1, 2023.

A.(1) Reports of child abuse or neglect or that such was a contributing factor in a child's death, where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, shall be made immediately to the department. A permitted reporter shall make a report through the designated state child protection reporting hotline telephone number or in person at any child welfare office. A mandatory reporter shall make a report through the designated state child protection reporting hotline telephone number, via the Louisiana Department of Children and Family Services

Mandated Reporter Portal online, or in person at any child welfare office. Reports in which the abuse or neglect is believed to be perpetrated by someone other than a caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, and the caretaker is not believed to have any responsibility for the abuse or neglect, shall be made immediately to a local or state law enforcement agency. Dual reporting to both the department and the local or state law enforcement agency is permitted. If a report involves alleged sex trafficking, all mandatory reporters shall report to the department regardless of whether there is alleged parental or caretaker culpability.

(2) In an investigation of a report of abuse or neglect allegedly committed by a person responsible for a child's care, custody, or welfare, the department shall determine whether the person is an active duty member of the United States Armed Forces or the spouse of a member on active duty. If the department determines the person is an active duty member of the United States Armed Forces or the spouse of a member on active duty, the department shall notify the United States Department of Defense Family Advocacy Program at the closest active duty military installation of the investigation.

(3) A report made to the department by facsimile does not relieve the reporter of his duty to report in accordance with the applicable requirements of this Article.

B. The report shall contain the following information, if known:

(1) The name, address, age, sex, and race of the child.

(2) The nature, extent, and cause of the child's injuries or endangered condition, including any previous known or suspected abuse to this child or the child's siblings.

(3) The name and address of the child's parent(s) or other caretaker.

(4) The names and ages of all other members of the child's household.

(5) The name and address of the reporter.

(6) An account of how this child came to the reporter's attention.

(7) Any explanation of the cause of the child's injury or condition offered by the child, the caretaker, or any other person.

(8) The number of times the reporter has filed a report on the child or the child's siblings.

(9) Any other information which the reporter believes might be important or relevant.

C. The report shall also name the person or persons who are thought to have caused or contributed to the child's condition, if known, and the report shall contain the name of such person if he is named by the child.

D. If the initial report was in oral form by a mandatory reporter, it shall be followed by a written report made within five days via the online Mandated Reporter Portal of the department or by mail to the centralized intake unit of the department at the address provided on the website of the department; or, if necessary, to the local law enforcement agency. The reporter may use a form for the written report, which shall be developed, approved, and made available by the Department of Children and Family Services. The form is optional and may be available electronically on the department's website.

E.(1) All reports made to any local or state law enforcement agency involving abuse or neglect in which the child's parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, is believed responsible shall be promptly communicated to the department through the designated state child protection reporting

hotline telephone number in accordance with a written working agreement developed between the local law enforcement agency and the department.

(2) The department shall promptly communicate abuse or neglect cases not involving a parent, caretaker, or occupant of the household to the appropriate law enforcement agency in accordance with a written working agreement developed between the department and law enforcement agency. The department also shall report all cases of child death which involve a suspicion of abuse or neglect as a contributing factor in the child's death to the local and state law enforcement agencies, the office of the district attorney, and the coroner.

(3) Reports involving a felony-grade crime against a child shall be promptly communicated to the appropriate law enforcement authorities as part of the interagency protocols for multidisciplinary investigations of child abuse and neglect in each judicial district as provided in Articles 509 and 510.

NOTE: Subparagraph (E)(4) eff. Jan. 1, 2023. See Acts 2022, No. 662.

(4) The department shall communicate as soon as possible all reports involving alleged child victims of sex trafficking to the Louisiana State Police for referral to the appropriate local law enforcement agency for investigation or other action as appropriate.

F. Any commercial film or photographic print processor who has knowledge of or observes, within the scope of this professional capacity or employment, any film, photograph, video tape, negative, or slide depicting a child who he knows or should know is under the age of seventeen years, which constitutes child pornography as defined in Article 603, shall report immediately to the local law enforcement agency having jurisdiction over the case. The reporter shall provide a copy of the film, photograph, videotape, negative, or slide to the agency receiving the report.

G.(1) If a physician has cause to believe that a newborn was exposed in utero to an unlawfully used controlled dangerous substance, as defined by R.S. 40:961 et seq., the physician shall order a toxicology test upon the newborn, without the consent of the newborn's parents or guardian, to determine whether there is evidence of prenatal neglect. If the test results are positive, the physician shall issue a report, as soon as possible, in accordance with this Article. If the test results are negative, all identifying information shall be obliterated if the record is retained, unless the parent approves the inclusion of identifying information. Positive test results shall not be admissible in a criminal prosecution.

(2) If there are symptoms of withdrawal in the newborn or other observable and harmful effects in his physical appearance or functioning that a physician has cause to believe are due to the chronic or severe use of alcohol by the mother during pregnancy or are the effects of fetal alcohol spectrum disorder, the physician shall issue a report in accordance with this Article.

H.(1) The provisions of this Paragraph shall be known and may be cited as The Alfred C. Williams Child Protection Act.

(2) Beginning May 1, 2017, and annually thereafter, the department shall provide to the legislature the following child-specific information regarding reports of child abuse or neglect reported to the department pursuant to the provisions of this Article:

(a) The actual or estimated age, the sex, and the race of each child at the time the latest report was received.

(b) The parish location of primary case name of the latest report accepted for investigation received.

(c) The categories, levels, and final findings assigned to each allegation contained in reports received for each child.

(d) The number of cases accepted for investigation in which the child was an alleged or valid victim during the report year.

(e) The number of cases accepted for investigation in which the child was a valid victim during the report year.

(f) The number of reports accepted for investigation prior to report year in which the child was an alleged or valid victim.

(g) The number of other alleged victims in reports accepted for investigation in each child's cases prior to report year.

(h) The number of reports accepted for investigation prior to the report year in which the child was a valid victim.

(i) The number of other validated victims in reports accepted for investigation in each child's cases prior to report year.

(j) The number of distinct reporter names for all investigations in which the child is an alleged or valid victim.

(3) For purposes of this Paragraph, the following words shall have the following meanings:

(a) "Alleged victim" includes a child who is the subject of an investigation and for whom there is an allegation of abuse or neglect.

(b) "Valid victim" or "validated victim" includes an alleged victim for whom one or more allegations of abuse or neglect have been determined to be justified pursuant to Article 615.

(4) The information provided in the annual report required by Subparagraph (2) of this Paragraph shall not include the name, street address, or other identifying information of any child, parent, sibling, or reporter.

(5) If the department fails to submit timely the report required by Subparagraph (2) of this Paragraph, then the legislature or either house thereof, through its authorized representative, may petition the Nineteenth Judicial District Court for writs of mandamus to compel the submission of the report. Any failure to obey a writ of mandamus issued by the court may be punishable by the court as contempt thereof.

Acts 1991, No. 235, §6, eff. Jan. 1, 1992; Acts 1997, No. 1103, §1, eff. July 14, 1997; Acts 1999, No. 1178, §1, eff. July 9, 1999; Acts 2004, No. 75, §1, eff. May 28, 2004; Acts 2004, No. 78, §1, eff. May 28, 2004; Acts 2006, No. 157, §1; Acts 2007, No. 396, §1; Acts 2012, No. 268, §2, eff. May 25, 2012; Acts 2012, No. 614, §2, eff. June 7, 2012; Acts 2016, No. 302, §1; Acts 2017, No. 359, §§1, 3, and 4; Acts 2018, No. 104, §1; Acts 2018, No. 207, §1; Acts 2022, No. 662, §1, eff. Jan. 1, 2023.

Art. 622. Placement pending a continued custody hearing

A. Prior to the continued custody hearing required in Article 624, a suitable relative or other suitable individual may intervene or seek and obtain an ex parte court order to take provisional custody of the child pending the continued custody hearing. The provisions of Code of Civil Procedure Article 3945 are inapplicable to an ex parte order rendered pursuant to this Paragraph.

B. Unless the best interest of the child requires a different placement, a child who appears to be a child in need of care and whose immediate removal is necessary shall be placed, pending a continued custody hearing, in accordance with the following priorities of placement:

(1) In the home of a suitable relative who is of the age of majority and with whom the child has been living in a stable and safe environment if the relative is willing and able to continue to

offer such environment for the child pending an adjudication hearing and if the relative agrees to the safety plan.

(2) In the home of a suitable relative who is of the age of majority if the relative is willing and able to offer a stable and safe environment for the child pending an adjudication hearing and if the relative agrees to the safety plan.

(3) In the home of a suitable individual who is of the age of majority if the individual is willing and able to offer a stable and safe environment for the child pending an adjudication hearing and if the individual agrees to the safety plan.

(4) In foster care under the supervision of the department until further orders of the court.

(5) In a shelter care facility if the child, who is not in the custody of the department, has been the victim of human trafficking as provided for in R.S. 14:46.2 or trafficking of children for sexual purposes as provided for in R.S. 14:46.3.

Acts 1991, No. 235, §6, eff. Jan. 1, 1992; Acts 1992, No. 705, §1, eff. July 6, 1992; Acts 1997, No. 1152, §1; Acts 1999, No. 754, §1; Acts 1999, No. 1317, §2; Acts 2005, No. 148, §1; Acts 2006, No. 278, §1; Acts 2017, No. 376, §1; Acts 2022, No. 272, §1; Acts 2023, No. 226, §1.

Art. 650. Intervention

A. For good cause shown, the court may allow any family member or interested person to intervene to facilitate the placement of the child and to ensure that the best interests of the child are protected.

B. The court may limit the nature and extent of the intervenor's participation in the adjudication hearing.

C. For the purposes of this Article, "interested person" means any person with whom the child enjoys a close, established, significant relationship, yet not a blood relative, including a neighbor, godparent, teacher, or close friend of the parent.

Acts 2023, No. 226, §1.

Art. 791.1. Purpose

The purpose of this Chapter is to authorize the creation of truancy assessment service centers. Truancy has long been demonstrated nationwide as a primary indicator of a path to juvenile delinquency. Parishes and judicial districts have demonstrated a willingness to address truancy by providing a physical location in each parish where personnel from local schools, law enforcement, courts exercising jurisdiction over juveniles, district attorneys, correction and substance abuse counselors, and family and child-serving agencies can work together in a coordinated effort. Early intervention has been demonstrated as the key to providing the greatest chance for correcting the actions of juveniles who demonstrate a propensity for destructive or criminal behavior. The earliest possible venue for addressing the problem begins in kindergarten. By intervening at this phase, it is possible to correct potential delinquent behavior before the chances for correction become insurmountable. The centers will address the underlying causes of truancy by pooling existing resources targeted at the child and family through appropriate action by service and treatment agencies.

Acts 1999, No. 1372, §1; Acts 2001, No. 745, §1; Acts 2002, 1st Ex. Sess., No. 24, §1; Acts 2003, No. 277, §1; Acts 2003, No. 377, §1; Acts 2004, No. 570, §1; Acts 2007, No. 169, §1, eff. June 27, 2007; Acts 2023, No. 387, §1, eff. June 14, 2023.

Art. 791.3. State, state agencies; participation

A. The state recognizes that juvenile crime is a statewide problem which is increasing and which adversely affects all its citizens starting with the child and family. In metropolitan areas of the state, juvenile courts report that almost all of its families under the Families in Need of Services program involve school-related issues and the overwhelming majority are truant cases involving children below the age of twelve. "Out-of-school" suspension rates in elementary schools are comparable to those of middle and junior high schools.

B. The state is obligated to provide certain social and health care services to needy families through the Department of Children and Family Services and the Louisiana Department of Health. These services for assessment and psychiatric evaluation and treatment, if deemed needed, must be continued. The state substance abuse clinics, through its employees and contracted programs, shall accept referrals for substance abuse evaluation and treatment if warranted. The legislature recognizes that each parish included in this Chapter has committed through binding interagency agreements to provide certain enumerated services, including providing physical space. This commitment by the parishes is predicated on financial assistance from the state in order to fully comply with the creation of truancy assessment service centers. Additionally, in order to support each truancy assessment service center with sufficient services pursuant to this Chapter, the state will continue to provide social and health-related services where available.

Acts 1999, No. 1372, §1; Acts 2023, No. 387, §2, eff. June 14, 2023.

Art. 791.4. Monitoring

A. In order to determine the effectiveness of the program, the Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall develop and implement a monitoring and evaluation program subject to state funding.

B. The commission may also develop and implement a monitoring and evaluation program for all parishes with truancy assessment service centers subject to state funding.

Acts 1999, No. 1372, §1; Acts 2001, No. 745, §1; Acts 2004, No. 570, §1; Acts 2007, No. 169, §1, eff. June 27, 2007; Acts 2023, No. 387, §1, eff. June 14, 2023.

Art. 791.5. Reporting; operation

A. The Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall report statistical data indicating the effectiveness of this program to the Joint Legislative Committee on the Budget for use by the committee in consideration of continuation or expansion of the program.

B. The provisions of this Chapter with respect to any parish which has a truancy assessment service center shall be operational subject to appropriation by the legislature to the commission.

C. The commission may use appropriated funds to provide for the reasonable costs of administering the provisions of this Chapter and to provide funding for the local truancy assessment service centers.

Acts 2001, No. 745, §1; Acts 2004, No. 570, §1; Acts 2007, No. 169, §1, eff. June 27, 2007; Acts 2023, No. 387, §1, eff. June 14, 2023.

Art. 811.1. Rights of the victim of alleged delinquent act

A. The juvenile court, district attorneys, and law enforcement agencies shall provide the following services to victims of alleged delinquent acts, providing the victim reported the act to law enforcement authorities within seventy-two hours of its occurrence or discovery, unless extenuating circumstances exist for later reporting:

(1) The district attorney shall, whenever practical, inform the victim or his legal representative of judicial proceedings relating to their case including:

(a) The taking into custody of the alleged delinquent.

(b) Adjudication hearings and disposition hearings relating to the alleged delinquent.

(c) The release pending adjudication after a continued custody hearing whenever an alleged delinquent is accused of a violent offense, such as attempted murder, rape, or a crime against another child.

(2) The district attorney shall, whenever practical, notify the victim or his legal representative if a court proceeding to which he has been subpoenaed will not go on as scheduled, in order to save the person an unnecessary trip to court.

(3) The district attorney shall notify the victim or his legal representative whenever he is notified that a child accused of a violent offense such as attempted murder, rape, or a crime against another child, has escaped from lawful confinement or has been released in accordance with Chapter 6 of this Title, and whenever a child committed to the Department of Public Safety and Corrections has escaped or has been released from a secure institution. The district attorney shall also inform the victim that the sheriff shall provide information relative to victim assistance.

(4) The sheriff shall inform the victim or his legal representative of financial assistance, fees, or other social services available as a result of being a victim of a crime, including information on how to apply for the financial assistance and services.

NOTE: Subparagraph (A)(5) eff. until Jan. 1, 2024. See Acts 2023, No. 448.

(5) The court should provide, whenever possible, a secure waiting area during court proceedings that does not require victims and their legal representatives to be in close proximity to accused children and their families and friends. The juvenile court shall provide a secure waiting area in cases involving violent crime.

NOTE: Subparagraph (A)(5) eff. Jan. 1, 2024. See Acts 2023, No. 448.

(5) The court should provide, whenever possible, a secure waiting area during court proceedings that does not require victims and their legal representatives to be in close proximity to accused children and their families and friends. The juvenile court shall provide a secure waiting area in cases involving violent crime. The victim, or the designated member of the victim's family in a case involving homicide or injury to a minor, shall have the right to be present at all court proceedings and, whenever practical, be allowed to observe the proceedings by simultaneous transmission through audiovisual equipment, if such technology is available in the courtroom.

(6) All judicial and law enforcement agencies shall expeditiously return any stolen or other personal property to victims when no longer needed as evidence.

(7) The appropriate law enforcement agency shall ensure that the victim receives emergency, social, and medical services as soon as possible. The appropriate law enforcement agency shall also distribute to the victim, or to the family of a homicide victim, a crime victim's brochure prepared by the Crime Victims Reparations Board as provided in R.S. 46:1844(T), and supplemented as necessary by the district attorney with victim information specific to the parish in which the delinquent act is alleged to have occurred, as provided in R.S. 46:1844(A).

(8) All law enforcement agencies shall provide a private setting for all interviewing of victims of crime. "Private setting" shall mean an enclosed room from which the occupants are not visible or otherwise identifiable and whose conversations cannot be heard from outside such room. Only those persons directly and immediately related to the interviewing of the victim, specifically the victim, a social worker, psychologist, or other professional, the victim advocate designated by the sheriff's office, or a representative from a not-for-profit victim service organization, including but not limited to rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups providing emotional support to the victim, shall be present, unless the victim requests the exclusion of such person from the interview, and, where appropriate, the parent or parents of the victim.

(9) The victim or the family of the victim shall have the right to retain counsel to confer with law enforcement and judicial agencies on the disposition of the victim's case. The prosecutor, in accordance with the provisions of Code of Criminal Procedure Article 63, may confer with the counsel retained by the victim or victim's family in the prosecution of the case.

NOTE: Subparagraph (A)(10) eff. until Jan. 1, 2024. See Acts 2023, No. 448.

(10) If requested, the victim of a violent felony-grade offense and the designated member of the victim's family in the case of homicide or injury to a minor shall be consulted by the prosecutor in order to obtain their view regarding:

NOTE: Subparagraph (A)(10) eff. Jan. 1, 2024. See Acts 2023, No. 448.

(10) The district attorney shall, whenever practical, consult the victim or the designated member of the victim's family in the case of homicide or injury to a minor in order to obtain their view regarding:

(a) The disposition of the delinquency case by dismissal, plea bargaining, or adjudication hearing.

(b) The use of available disposition alternatives such as placement in secure detention, probation, community service, and the payment of restitution to the victim.

(11) The victim or a member of the victim's family may file a victim notice form as provided in R.S. 46:1842. Upon filing of a victim notice form by a victim or a family member, it shall be the duty of the Department of Public Safety and Corrections to notify the victim or family member by certified mail of appeal or release at the time of such appeal, discharge, or parole of a delinquent named in that form. Such form shall be included in the delinquent's commitment documents to be delivered to the state training facility where such delinquent has been confined or transferred.

(12) The victim or witness who so requests shall be assisted by judicial and law enforcement agencies in informing employers that the need for victim and witness cooperation in the prosecution of the case may necessitate absence of the victim or witness from work.

B. The family members of all homicide victims shall be afforded all of the rights under this Article accruing to victims. Communication with the appropriate law enforcement or judicial agencies concerning the rights of the victim's family members shall be made through a designated family member. A designated family member is a member of the victim's family designated by a majority of the victim's family members to make such communications.

C. No order or disposition shall be invalidated because of failure to comply with the provisions of this Article.

D. The juvenile court, the district attorney, the sheriff, and law enforcement agencies are exempt from the requirements of this Section in any case in which either:

(1) The victim has failed to provide a current address.

(2) The victim refuses the services offered.

E. Nothing in this Article shall be construed as creating a right of appeal on behalf of any person nor as creating a cause of action on behalf of any person against any public employee, office, or department responsible for the provision of services set forth in this Article.

NOTE: Paragraph (F) eff. until Jan. 1, 2024. See Acts 2023, No. 448.

F. Any information about the status of the case in juvenile court which is received by the victim or his legal representative shall remain subject to the confidentiality restrictions of Article 412 and shall not be further disclosed by him.

NOTE: Paragraph (F) eff. Jan. 1, 2024. See Acts 2023, No. 448.

F.(1) In order to protect the identity and provide for the safety and welfare of juvenile crime victims under the age of eighteen years, all public officials and officers and public agencies, including but not limited to all law enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court, and the Department of Children and Family Services or any division thereof, shall not publicly disclose the name, address, or identity of a juvenile victim of crime who at the time of the commission of the offense is under eighteen years of age. The public disclosure of the name of the juvenile crime victim by any public official or officer or public agency is not prohibited by this Subparagraph when the crime resulted in the death of the victim.

(2) Notwithstanding any other provision of law to the contrary, all public officials, officers, and public agencies, including but not limited to all law enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court, and the Department of Children and Family Services or any division thereof, charged with the responsibility of knowing the name, address, and identity of juvenile crime victims as a necessary part of their duties shall have full and complete access to this information regarding a juvenile crime victim, and they may lawfully utilize initials, abbreviations, or other forms of indefinite descriptions on all public documents used in the performance of their duties to whatever extent they deem necessary, to prevent the public disclosure of the name, address, or identity of a juvenile victim of crime under the age of eighteen years.

NOTE: Paragraph (G) eff. until Jan. 1, 2024. See Acts 2023, No. 448.

G.(1) In order to protect the identity and provide for the safety and welfare of juvenile crime victims under the age of seventeen years, all public officials and officers and public agencies, including but not limited to all law enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court, and the Department of Children and Family Services or any division thereof, shall not publicly disclose the name, address, or identity of a juvenile victim of crime who at the time of the commission of the offense is under seventeen years of age. The public disclosure of the name of the juvenile crime victim by any public official or officer or public agency is not prohibited by this Subparagraph when the crime resulted in the death of the victim.

(2) Notwithstanding any other provision of law to the contrary, all public officials, officers, and public agencies, including but not limited to all law enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court, and the Department of Children and Family Services or any division thereof, charged with the responsibility of knowing the name, address and identity of juvenile crime victims as a necessary part of their duties shall have full and complete access to this information regarding a juvenile crime victim and they may lawfully utilize initials, abbreviations, or other forms of indefinite descriptions on all public documents used in the performance of their duties to whatever extent they deem necessary, to prevent the public disclosure of the name, address, or identity of a juvenile victim of crime under the age of seventeen years.

(3) Notwithstanding the provisions of Subparagraph (1) of this Paragraph, all information regarding juvenile crime victims that is required by a child abduction alert system which assists law enforcement in the successful resolution of child abduction cases, such as the AMBER Alert network, shall be made available to said network as quickly as possible.

NOTE: Paragraph (G) eff. Jan. 1, 2024. See Acts 2023, No. 448.

G. Repealed by Acts 2023, No. 448, §2, eff. Jan. 1, 2024.

Acts 1993, No. 634, §1, eff. June 15, 1993; Acts 1995, No. 522, §1; Acts 1995, No. 835, §1; Acts 1997, No. 732, §2; Acts 2003, No. 5, §2; Acts 2005, No. 74, §1; Acts 2023, No. 448, §§1, 2, eff. Jan. 1, 2024.

Art. 811.3. Definitions

In this Chapter:

NOTE: Paragraphs (1)-(3) eff. until Jan. 1, 2024. See Acts 2023, No. 448.

(1) "Juvenile crime victim" means a person under the age of seventeen against whom an offense against the person that is a felony has been committed.

(2) "Victim" means a person against whom an offense that is a felony-grade delinquent act has been committed.

(3) "Victim's family" means a spouse, parent, child, stepchild, sibling, or legal representative of the victim, except when the person is in custody for an offense or is the defendant.

NOTE: Paragraphs (1)-(3) eff. Jan. 1, 2024. See Acts 2023, No. 448.

(1) "Juvenile crime victim" means a person under the age of eighteen against whom a delinquent act has been committed.

(2) "Victim" means a person against whom an offense that is a delinquent act has been committed.

(3) "Victim's family" means the spouse, child, stepchild, sibling, parent, grandparent, guardian, legal custodian, or legal representative of the victim, except when the person is in custody for an offense or is the defendant.

Acts 1995, No. 522, §1; Acts 1995, No. 835, §1; Acts 1997, No. 732, §2; Acts 2022, No. 271, §8; Acts 2023, No. 448, §1, eff. Jan. 1, 2024.

Art. 815. Child taken into custody; place of detention

A.(1) The peace officer or an appropriate representative of the arresting agency shall have the authority and responsibility to transport the child to the appropriate place of detention as specified in this Article, unless the child has been released to the care of his parents pursuant to Article 814(B)(1). Beginning July 1, 2020, a detention screening instrument shall be administered to the child prior to transportation of the child to the appropriate place of detention or upon the child's arrival at the appropriate place of detention, unless it cannot be completed at that time. If the detention screening instrument cannot be completed prior to the child's transportation to the appropriate place of detention or upon the child's arrival at the appropriate place of detention, the detention screening instrument shall be completed as soon as possible after the child has been admitted into the detention center. Reasonable efforts shall be made to administer the instrument at the earliest possible time.

(2) The detention screening instrument shall include, but need not be limited to, consideration of the following factors:

(a) The current offense for which the child was taken into custody.

(b) The child's history of prior delinquent acts.

- (c) The child's history of failure to appear.
- (d) The child's history of being a runaway.
- (e) Any mitigating and aggravating circumstances.

(3) When the child is detained prior to the completion of the detention screening instrument, the results of the detention screening instrument shall be communicated to the court promptly upon its completion.

B. Except as provided in Paragraph E of this Article, if the child has been taken into custody for the commission of a felony-grade delinquent act or of a misdemeanor-grade delinquent act based upon an offense against the person of another, the child may be taken to a juvenile detention center and the procedures regarding the administration of the detention screening instrument set forth in Paragraph A of this Article shall apply.

C. Except as provided in Paragraph E of this Article, for the commission of any other misdemeanor-grade delinquent act, the child may be taken to a juvenile detention center or shelter care facility or released to a parent or guardian upon the written promise of the parent or guardian to bring the child to court pursuant to Article 814. If the child is not released to a parent or guardian, the officer shall follow the procedures set forth in Paragraph A of this Article.

D. The governing authority of the parish or municipality requesting placement of a juvenile in either a regional detention center or a shelter care facility shall be responsible to the regional detention center or shelter care facility for the cost of confinement in accordance with a schedule which may be adopted by the regional detention center or shelter care facility.

E. No child under the age of thirteen shall be detained in a juvenile detention center after being taken into custody for the alleged commission of a misdemeanor-grade delinquent act.

F. If a juvenile detention center is not available, a juvenile may be held in an adult jail or lockup for purposes of and only as long as necessary to complete identification or processing procedures or while awaiting transportation, but not to exceed six hours. However, in nonmetropolitan areas, the juvenile may be held for up to forty-eight hours if all of the following occur:

- (1) The juvenile is accused of a nonstatus offense.
- (2) A continued custody hearing in accordance with Articles 820 and 821 is held within forty-eight hours after his arrest.
- (3) There is no acceptable alternative placement to the jail or lockup in which the juvenile is being held.
- (4) The sheriff or the administrator of the adult jail or lockup has certified to the court that facilities exist that provide for sight and sound separation of the juvenile from adult offenders and the juvenile can be given continuous visual supervision while placed in the jail or lockup.

Acts 1991, No. 235, §8, eff. Jan. 1, 1992; Acts 1993, No. 818, §1; Acts 1995, No. 1158, §1; Acts 1999, No. 1356, §1, eff. July 12, 1999; Acts 2004, No. 120, §1; Acts 2016, No. 499, §2; Acts 2019, No. 147, §1; Acts 2023, No. 445, §1, eff. June 28, 2023.

Art. 879. Presence at adjudication hearing; exclusion of witnesses

A. The child, his parents, counsel, the district attorney, authorized officials of the court, and witnesses called by the parties may be present at the adjudication hearing.

B.(1) All proceedings in a juvenile delinquency case involving a crime of violence as defined in R.S. 14:2(B) or a delinquent act which is a second or subsequent felony-grade adjudication shall be open to the public.

(2) Except as otherwise provided by law, in all juvenile delinquency proceedings involving the violation of first degree murder (R.S. 14:30), second degree murder (R.S. 14:30.1), aggravated or first degree rape (R.S. 14:42), aggravated kidnapping (R.S. 14:44), armed robbery (R.S. 14:64), negligent homicide (R.S. 14:32), or vehicular homicide (R.S. 14:32.1), the court shall allow the victim, the victim's spouse, children, siblings, parents, grandparents, guardians, and legal custodians to be present at the adjudication hearing.

C. On its own motion the court may, and on the request of a party the court shall, order that the witnesses, other than parties, be excluded from the courtroom or from a place where they can see or hear the proceedings, and refrain from discussing the facts of the case with anyone other than counsel in the case. In the interest of justice, the court may exempt any witness from its order. NOTE: Paragraphs (D) and (E) eff. Jan. 1, 2024. See Acts 2023, No. 448.

D. This Article does not authorize exclusion of any of the following witnesses:

(1) A party who is a natural person.

(2) A single officer or single employee of a party which is not a natural person designated as its representative or case agent by its attorney.

(3) A person whose presence is shown by a party to be essential to the presentation of his cause such as an expert.

(4) The victim of the offense or the family of the victim.

E. A court may impose appropriate sanctions for violations of its exclusion order including contempt, or when such sanctions are insufficient, disqualification of the witness.

Acts 1991, No. 235, §8, eff. Jan. 1, 1992; Acts 1993, No. 769, §1; Acts 1994, 3rd Ex. Sess., No. 120, §1, eff. July 7, 1994; Acts 1995, No. 1313 §1, eff. June 29, 1995; Acts 2011, No. 251, §2; Acts 2015, No. 184, §8; Acts 2023, No. 448, §1, eff. Jan. 1, 2024.

Art. 897.1. Disposition after adjudication of certain felony-grade delinquent acts

A. After adjudication of a felony-grade delinquent act based upon a violation of R.S. 14:30, first degree murder or R.S. 14:30.1, second degree murder, the court shall commit the child who is fourteen years or older at the time of the commission of the offense to the custody of the Department of Public Safety and Corrections to be confined in secure placement until the child attains the age of twenty-one years without benefit of parole, probation, suspension of imposition or execution of sentence, or modification of sentence.

B. After adjudication of a felony-grade delinquent act based upon a violation of R.S. 14:42, first degree rape, or R.S. 14:44, aggravated kidnapping, the court shall commit the child who is fourteen years or older at the time of the commission of the offense to the custody of the Department of Public Safety and Corrections to be confined in secure placement until the child attains the age of twenty-one years without benefit of probation or suspension of imposition or execution of sentence.

C. After adjudication of a felony-grade delinquent act based upon a violation of R.S. 14:64, armed robbery, or R.S. 14:64.2, carjacking, the court shall commit the child who is fourteen years of age or older at the time of the commission of the offense to the custody of the Department of Public Safety and Corrections to be confined in secure placement without benefit of probation or suspension of imposition or execution of sentence.

D. Juveniles in secure care for an adjudication for a violation of R.S. 14:42 or 44 shall be eligible for modification after serving thirty-six months of the disposition. Juveniles in secure care for an adjudication for a violation of R.S. 14:64 or 64.2 shall be eligible for modification after

serving thirty-six months of the disposition or, if the disposition is less than thirty-six months, two-thirds of the disposition.

E. A motion for modification of a disposition shall be filed pursuant to Article 910 et seq. and a contradictory hearing shall be set no sooner than thirty days from the date of notice to the district attorney. To grant a motion for modification of disposition, the court must find that the child poses a reduced risk to the community based on the following considerations:

- (1) The most recent risk assessment conducted by the office of juvenile justice.
- (2) The recommendation of the office of juvenile justice.
- (3) A reentry plan that includes an appropriate placement to conduct supervision and achieve aftercare goals.
- (4) Any additional evidence provided by the child, the state, or the office of juvenile justice.

F. At least six months prior to the release of the child, the department shall prepare an individualized and thorough transitional plan that identifies the techniques, programs, personnel, and facilities that will be used to assist the child in achieving a successful return to his family and the community. A copy of the transitional plan shall be mailed to the court that ordered the disposition of commitment.

G. The provisions of this Article shall apply to all children in the custody of the Department of Public Safety and Corrections, office of juvenile justice, on or after August 1, 2018.

Acts 1993, No. 430, §2; Acts 2004, No. 484, §1; Acts 2015, No. 184, §8; Acts 2018, No. 467, §2; Acts 2023, No. 420, §1.

Art. 1004. Petition for termination of parental rights; authorization to file

A. At any time, including in any hearing in a child in need of care proceeding, the court on its own motion may order the filing of a petition on any ground authorized by Article 1015 or 1015.1.

B. Counsel appointed for the child pursuant to Article 607 may petition for the termination of parental rights of the parent of the child if the petition alleges a ground authorized by Article 1015(5), (6), or (7) and, although eighteen months have elapsed since the date of the child's adjudication as a child in need of care, no petition has been filed by the district attorney or the department.

C. The district attorney may petition for the termination of parental rights of the parent of the child on any ground authorized by Article 1015.

D. The department may petition for the termination of parental rights of the parent of the child when any of the following apply:

(1) The child has been subjected to abuse or neglect after the child is returned to the parent's care and custody while under department supervision, and termination is authorized by Article 1015(4)(j).

(2) The parent's parental rights to one or more of the child's siblings have been terminated due to neglect or abuse and prior attempts to rehabilitate the parent have been unsuccessful, and termination is authorized by Article 1015(4)(k).

(3) The child has been abandoned and termination is authorized by Article 1015(5).

(4) The child has been placed in the custody of the state and termination is authorized by Article 1015(6).

(5) The child is in foster care because the parent is incarcerated and termination is authorized by Article 1015(7).

(6) The child is in foster care and, despite diligent efforts by the department to identify the child's father, his identity is unknown and termination is authorized by Article 1015(10).

E. When termination is authorized by Article 1015, other than on the grounds specified by Paragraph D of this Article, by special appointment, the district attorney may designate counsel for the department as a special assistant authorized to act in his stead in all such termination actions or in a particular case.

F. By special appointment for a particular case, the court or the district attorney may designate private counsel authorized to petition for the termination of parental rights of the parent of the child on the ground of abandonment authorized by Article 1015(5).

G. Foster parents who intend to adopt the child may petition for the termination of parental rights of the foster child's parents when, in accordance with Article 702(D), adoption is the permanent plan for the child, the child has been in state custody under the foster parent's care for seventeen of the last twenty-two months, and the department has failed to petition for such termination.

H. When termination is authorized by Article 1015(1) or (2) and no petition is filed to terminate the parental rights of the surviving parent pursuant to Paragraph A, C, or E of this Article after a written request to file such action is made to the district attorney by any interested person and no petition is filed within sixty days by the district attorney, that person may file suit to terminate the parental rights of the surviving parent.

I. Repealed by Acts 2023, No. 271, §3, eff. June 9, 2023.

Acts 1991, No. 235, §10, eff. Jan. 1, 1992; Acts 1992, No. 705, §1, eff. July 6, 1992; Acts 1997, No. 256, §1; Acts 1999, No. 449, §1, eff. July 1, 1999; Acts 1999, No. 1067, §1; Acts 2001, No. 567, §1; Acts 2005, No. 80, §1; Acts 2016, No. 608, §1; Acts 2017, No. 151, §1, eff. June 12, 2017; Acts 2017, No. 239, §1; Acts 2023, No. 271, §1, 3, eff. June 9, 2023.

Art. 1004.1. Petition for termination of parental rights; child conceived as a result of a sex offense

At any time, including prior to or during an adoption proceeding, when a child is conceived as the result of the conviction or commission of a sex offense as defined in R.S. 15:541, the victim of the sex offense may petition to terminate the rights of the perpetrator of the sex offense. Termination shall result in the loss of all parental rights of the perpetrator regarding the child, including any rights to custody, visitation, and contact, as well as any right to intervene in such action. The termination shall not affect the inheritance rights of the child. The perpetrator shall be cast in judgment for all court costs.

Acts 2023, No. 271, §1, eff. June 9, 2023.

NOTE: Former Ch.C. Art. 1004.1 redesignated as Ch.C. Art. 1004.2 by Acts 2023, No. 271, §1, eff. June 9, 2023.

Art. 1004.2. Termination of rights; children in state custody

The department shall file and pursue to judgment in the trial court a petition to terminate the parental rights of the parent or parents if the child has been in state custody for seventeen of the last twenty-two months, unless the department has documented in the case plan a compelling reason why filing is not in the best interest of the child.

Acts 1999, No. 544, §1; Redesignated from Ch.C. Art. 1004.1 by Acts 2023, No. 271, §1, eff. June 9, 2023.

Art. 1015. Grounds; termination of parental rights

The grounds for termination of parental rights are:

(1) Conviction of murder of the child's other parent.
(2) Unjustified intentional killing of the child's other parent.
(3) Misconduct of the parent toward this child or any other child of the parent or any other child which constitutes extreme abuse, cruel and inhuman treatment, or grossly negligent behavior below a reasonable standard of human decency, including but not limited to the conviction, commission, aiding or abetting, attempting, conspiring, or soliciting to commit any of the following:

(a) Murder.
(b) Unjustified intentional killing.
(c) Aggravated crime against nature as defined by R.S. 14:89.1(A)(2).
(d) Rape.
(e) Sodomy.
(f) Torture.
(g) Starvation.
(h) A felony that has resulted in serious bodily injury.
(i) Abuse or neglect which is chronic, life-threatening, or results in gravely disabling physical or psychological injury or disfigurement.

(j) Abuse or neglect after the child is returned to the parent's care and custody while under department supervision, when the child had previously been removed for his safety from the parent pursuant to a disposition judgment in a child in need of care proceeding.

(k) The parent's parental rights to one or more of the child's siblings have been terminated due to neglect or abuse, prior attempts to rehabilitate the parent have been unsuccessful, and the court has determined pursuant to Article 672.1 that current attempts to reunite the family are not required.

(l) Sexual exploitation or abuse, which shall include but is not limited to acts which are prohibited by R.S. 14:43.1, 43.2, 46.3, 80, 81, 81.1, 81.2, 82.1(A)(2), 89, and 89.1.

(m) Human trafficking when sentenced pursuant to the provisions of R.S. 14:46.2(B)(2) or (3).

(4) Abandonment of the child by placing him in the physical custody of a nonparent, or the department, or by otherwise leaving him under circumstances demonstrating an intention to permanently avoid parental responsibility by any of the following:

(a) For a period of at least four months as of the time of the hearing, despite a diligent search, the whereabouts of the child's parent continue to be unknown.

(b) As of the time the petition is filed, the parent has failed to provide significant contributions to the child's care and support for any period of six consecutive months.

(c) As of the time the petition is filed, the parent has failed to maintain significant contact with the child by visiting him or communicating with him for any period of six consecutive months.

(5) Unless sooner permitted by the court, at least one year has elapsed since a child was removed from the parent's custody pursuant to a court order; there has been no substantial parental compliance with a case plan for services which has been previously filed by the department and

approved by the court as necessary for the safe return of the child; and despite earlier intervention, there is no reasonable expectation of significant improvement in the parent's condition or conduct in the near future, considering the child's age and his need for a safe, stable, and permanent home.

(6) The child is in the custody of the department pursuant to a court order or placement by the parent; the parent has been convicted and sentenced to a period of incarceration of such duration that the parent will not be able to care for the child for an extended period of time, considering the child's age and his need for a safe, stable, and permanent home; and despite notice by the department, the parent has refused or failed to provide a reasonable plan for the appropriate care of the child other than foster care.

(7) The relinquishment of an infant pursuant to Chapter 13 of Title XI of this Code.

(8) The child is in the custody of the department pursuant to a court order for at least one year, unless sooner permitted by the court, and the identity of the child's father remains unknown and all the following have occurred:

(a) In the course of investigating the case and providing services to the family, the department has been unable to learn the identity of the father.

(b) No party to the proceedings or the mother, if not a party, is able to provide a first and last name of a putative father or alias sufficient to provide a reasonable possibility of identification and location.

(c) The department has obtained all of the following:

(i) A certified copy of the child's birth certificate with no one indicated thereon as the father of the child, or the father listed has been determined not to be the biological father of the child.

(ii) A recent certificate from the putative father registry indicating that no person is listed or registered as the child's father.

(iii) A recent certificate from the clerk of court in the parish in which the child was born indicating that no acknowledgment with respect to this child has been recorded.

Acts 1991, No. 235, §10, eff. Jan. 1, 1992; Acts 1997, No. 256, §1; Acts 1999, No. 449, §1, eff. July 1, 1999; Acts 2000, 1st Ex. Sess., No. 109, §1, eff. April 17, 2000; Acts 2001, No. 499, §1; Acts 2003, No. 609, §1; Acts 2003, No. 781, §1; Acts 2012, No. 446, §6; Acts 2012, No. 730, §1; Acts 2014, No. 602, §1, eff. June 12, 2014; Acts 2016, No. 608, §1; Acts 2017, No. 239, §1; Acts 2018, No. 206, §6; Acts 2023, No. 271, §1, eff. June 9, 2023.

Art. 1015.1. Grounds; termination of parental rights of perpetrator of a sex offense

Parental rights of a natural parent may be terminated in cases where there is a conviction or commission of a sex offense as defined in R.S. 15:541 by that natural parent which resulted in the conception of the child.

Acts 2023, No. 271, §1, eff. June 9, 2023.

NOTE: Former Ch.C. Art. 1015.1 redesignated as Ch.C. Art. 1015.2 by Acts 2023, No. 271, §1, eff. June 9, 2023.

Art. 1015.2. Termination of parental rights; certain grounds; costs and fees

A. A petitioner shall not be required to prepay nor be cast with court costs or costs of service or subpoena for the filing of the petition pursuant to Article 1015.1. The clerk of court shall immediately file and process the petition, regardless of the ability of the petitioner to pay court costs.

B. All court costs, attorney fees, costs of enforcement and modification proceedings, costs of appeals, evaluation fees, and expert witness fees incurred in filing, maintaining, or defending any proceeding under Article 1015.1 shall be paid by the perpetrator of the sex offense, including all costs of medical and psychological care for the sexually abused adult, or for the child conceived as a result of the sex offense.

Acts 2016, No. 608, §1; Redesignated from Ch.C. Art. 1015.1 by Acts 2023, No. 271, §1, eff. June 9, 2023.

Art. 1016. Right to counsel

A.(1) The child and the identified parent shall each have the right to be represented by separate counsel in a termination proceeding brought in accordance with this Title. Neither the child nor anyone purporting to act on behalf of the child may be permitted to waive the child's right to counsel.

(2) For actions brought under Article 1015.1, the court shall have discretion to decide under the circumstances for each case whether to appoint counsel for the child. In no event shall the petitioner of such action or the minor child be required to interact with the respondent as a condition to pursue termination under this Article. Any counsel acting on behalf of the child shall not require a petitioner to make the child available for any visitation or conversation with the respondent or the respondent's family and shall not require any nonoffending petitioner to take classes or provide updates on the child. A petitioner shall have the right to seek an expedited suspensive appeal for any violation of this Article.

B. The court shall appoint the entity designated for the jurisdiction by the Louisiana Supreme Court to provide qualified, independent counsel for the child in such a proceeding.

C. If the court determines that the parent is indigent and unable to employ counsel solely for that reason, the court shall refer the parent for representation by the Indigent Parents' Representation Program.

Acts 1991, No. 235, §10, eff. Jan. 1, 1992; Acts 2004, No. 301, §1, eff. June 18, 2004; Acts 2004, No. 321, §1; Acts 2006, No. 271, §1; Acts 2014, No. 354, §1; Acts 2017, No. 239, §1; Acts 2022, No. 272, §1; Acts 2023, No. 271, §1, eff. June 9, 2023.

CHAPTER 9. JUDGMENTS

Art. 1037. Findings and contents of termination judgment; form

A. After final submission, the court shall render its judgment within thirty days.

B.(1) When the court finds that the alleged grounds set out in any Paragraph of Article 1015 or 1015.1 are proven by the evidentiary standards required by Article 1035 and that it is in the best interest of the child, it shall order the termination of the parental rights of the parent against whom the allegations are proven. The court shall enter written findings on both issues. The consideration

of the best interest of the child shall include consideration of the child's attachment to his current caretakers.

(2) When the grounds for termination set forth in Article 1015.1 have been established, it shall be considered in the best interest of the child for the parental rights of the perpetrator to be terminated.

C. The court shall enter into the record a written, signed judgment. The date of the entry of the judgment shall be recorded on the judgment.

D. A judgment terminating the parental rights of the parent shall grant custody of the child to the department, a relative who is of the age of majority and who is willing to adopt the child without an adoption subsidy, or other suitable person, in accordance with the best interest of the child.

E. A judgment terminating the parental rights of the parent shall inform the parent of his right to use the services of the voluntary registry as provided in Chapter 15 of Title XII, although failure to include such information shall not affect the validity of the termination judgment.

F. The judgment shall also certify the child for adoption if, as a result of proceedings pursuant to this Title or Titles XI and XII, the rights of all parents as defined by Article 1193 have been terminated or relinquished.

G. A copy of the judgment shall be furnished to all counsel of record and to all unrepresented parties.

Acts 1991, No. 235, §10, eff. Jan. 1, 1992; Acts 1992, No. 705, §1, eff. July 6, 1992; Acts 1997, No. 256, §1; Acts 1999, No. 754, §1; Acts 2003, No. 567, §1; Acts 2023, No. 271, §1, eff. June 9, 2023.

Art. 1039. Other dispositions

A. After final submission, the court shall render its judgment within thirty days.

B.(1) If the court finds that the alleged grounds are not proven in accordance with the evidentiary standards set forth in Article 1035 or if the court finds that termination of parental rights is not in the best interest of the child, it shall enter written findings on both issues and may:

(a) Dismiss the petition.

(b) Reinstate the parent to full care and custody of the child.

(c) If the child has been previously adjudicated as a child in need of care, reinstate that proceeding pursuant to Title VI of this Code.

(d) Upon a showing of sufficient facts, adjudicate the child in need of care in accordance with Title VI of this Code.

(e) Upon a showing of sufficient facts, adjudicate the family in need of services in accordance with Title VII of this Code.

(f) Make any other disposition that is in the best interest of the child.

(2) In actions based on Article 1015.1, if the court finds the alleged grounds are not proven, then any determination of custody, visitation, contact, and all other parental rights of the alleged perpetrator shall be determined in a separate action independent of the termination proceeding.

C. The court shall enter into the record a written judgment, signed by the court. The date of the entry of the judgment shall be recorded on the judgment.

D. A copy of the judgment shall be furnished to all counsel of record and to all unrepresented parties.

Acts 1991, No. 235, §10, eff. Jan. 1, 1992; Acts 2003, No. 567, §1; Acts 2023, No. 271, §1, eff. June 9, 2023.

Art. 1264. Post-adoption visitation rights of grandparents

Notwithstanding any provision of law to the contrary, the natural parents of a deceased parent whose child is thereafter adopted and the parents of a party who has forfeited the right to object to the adoption of his child pursuant to Article 1245 may have limited visitation rights to the minor child so adopted.

Acts 1991, No. 235, §12, eff. Jan. 1, 1992; Acts 2023, No. 16, §1.

Title VII, Ch.15 (heading) Amend----- Act 387

Chapter 15 Truancy Assessment Service Centers