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The original instrument was prepared by Jerry G. Jones. The following digest, which does not constitute a part of the legislative instrument, was prepared by Julie J. Baxter.

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## DIGEST

Peterson (SB 444)

Present law in Children's Code provides relative to families in need of services proceedings. Provides when taken into custody, a child shall be placed in the least restrictive prehearing placement consistent with the child's need for protection or control, in the following order of priority:

1. The home of a relative who is of the age of majority and who is willing and able to offer a wholesome and stable environment for the child subject to the supervision of the court.
2. The home of a suitable adult who is concerned about the child and who is willing and able to offer a wholesome and stable environment for the child subject to the supervision of the court and who is eligible for certification as an emergency foster home.
3. A shelter care facility for juveniles.
4. A secure detention facility until a hearing is held, if the child can be detained separately from children who have been adjudicated delinquent and any of the following apply:
  - (a) The child is a runaway.
  - (b) The child is ungovernable.
  - (c) The child has previously failed to appear at a scheduled juvenile court hearing.

Present law further provides that a court may assign a child in a family who has been adjudicated to be in need of care to a correctional facility, or warn a child in a judgment of disposition that, if the child does not obey the court's order, he may be placed in a detention facility. Further provides that a peace officer, probation officer or appropriate representative of an arresting agency may transport the child to a secure detention facility.

Present law further provides that, when a child is adjudged guilty of direct contempt of court or constructive contempt of court for repeated disobedience, the court may commit the child to a secure detention facility for not more than fifteen days.

Proposed law removes reference to placement in detention facilities in present law governing families in need of services proceedings.

Proposed law further provides for a transition period from August 1, 2012 through August 1, 2014 during which, when a child is adjudged guilty of contempt of court, the court may commit the child to a secure detention facility for not more than a total of ten days in any six month period (instead of the current fifteen days).

Proposed law further provides that, from August 1, 2014 forward, children in families adjudged to be in need of services shall not be committed to secure detention facilities.

Proposed law provides that the two-year transition period where a child may be committed to a secure detention facility for not more than 10 days in any six month period, shall be effective August 1, 2012.

Proposed law provides that its provisions removing reference to or authorization to commit a child in a family in need of services to a secure detention facility, shall be effective August 1, 2014.

(Amends Ch.C. Arts. 737(A), 738(A) and (D), 779(A)(5), 782(A)(6), 791, and 1509.1(C); repeals Ch.C. Arts. 739(B), 742(B), and 1509.1(C)(2))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Provides for transition period from August 1, 2012 through August 1, 2014 during which the court, when a child is adjudged guilty of contempt of court, may commit the child to a secure detention facility for not more than a total of ten days in any six month period (currently that time period is "not more than fifteen days")
2. Provides that, from August 1, 2014 forward, when a child is adjudged guilty of contempt of court, the court shall not commit the child to a secure detention facility, but may commit the child to a shelter care facility for not more than fifteen days.
3. Provides for effective dates.