

2020 Regular Session

SENATE BILL NO. 233

BY SENATOR HARRIS

JUVENILES. Provides for parent participation after adjudication of a delinquent act committed by their juvenile child. (8/1/20)

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AN ACT

To amend and reenact Children's Code Articles 897(B)(2) and 899(B)(2), relative to conditions for probation; to provide relative to the payment of restitution for damages caused by the delinquent act of a child; to authorize the court to order the parents, tutor, guardian, or legal custodian of a child to pay restitution for acts committed by the child; to authorize the court to require the child's parent or legal guardian to perform community service; to authorize court to require child and parent or legal guardian to participate in a court approved decision making course; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 897(B)(2) and 899(B)(2) are hereby amended and reenacted to read as follows:

Art. 897. Disposition after adjudication of a felony-grade delinquent act

* * *

B. As conditions of probation, if ordered pursuant to Subparagraph (A)(3) of this Article:

* * *

1 (2) The court may impose any other term and condition deemed in the best
2 interests of the child and the public, including:

3 (a) A requirement that the child attend school, if the school admits the child.

4 (b) A requirement that the child **or his parent or legal guardian** perform
5 court-approved community service activities. **If feasible, the court-approved**
6 **community service activities shall be conducted by the caretaker and child**
7 **together.**

8 (c) **A requirement that the child and his parent or legal guardian**
9 **participate in a court approved decision making course necessary for his**
10 **rehabilitation.**

11 (d) A requirement that the child make reasonable restitution to any victim for
12 any personal or property damage caused by the child in the commission of the
13 delinquent act. **If the child is unable personally to make restitution, the court**
14 **may order a parent, tutor, guardian, or other person who is financially**
15 **responsible for the care of the child to be responsible for payment of the**
16 **restitution. The court may waive payment of the restitution, by a parent, tutor,**
17 **guardian, or other person who is financially responsible for the care of the child**
18 **to be responsible for payment of the restitution upon a finding of good cause.**

19 ~~(d)~~(e) A requirement that the child participate in any program of medical or
20 psychological or other treatment found necessary for his rehabilitation.

21 ~~(e)~~(f) A requirement suspending or restricting the child's driving privileges,
22 if any, for all or part of the period of probation. In such cases, a copy of the order
23 shall be forwarded to the Department of Public Safety and Corrections, which shall
24 suspend the child's driver's license or issue a restricted license in accordance with the
25 order of the court.

26 ~~(f)~~(g) A requirement prohibiting the child from possessing a firearm or
27 carrying a concealed weapon.

28 ~~(g)~~(h) A requirement that the child pay a supervision fee of not less than ten
29 nor more than one hundred dollars per month, payable to the Department of Public

1 Safety and Corrections or other supervising agency, to defray the costs of
2 supervision. The amount of the fee shall be based upon the financial ability of the
3 payor to pay such a fee. The court may order a parent, tutor, guardian, or other
4 person who is financially responsible for the care of the child to be responsible for
5 payment of all or part of any supervision fee imposed.

6 * * *

7 Art. 899. Disposition after adjudication of a misdemeanor-grade delinquent act

8 * * *

9 B. As conditions of probation, if ordered pursuant to Subparagraph A(3) of
10 this Article:

11 * * *

12 (2) The court may impose any other term and condition deemed in the best
13 interests of the child and the public, including:

14 (a) A requirement that the child attend school, if the school admits the child.

15 (b) A requirement that the child or his parent or legal guardian perform
16 court-approved community service activities. If feasible, the court-approved
17 community service activities shall be conducted by the caretaker and child together.

18 (c) **A requirement that the child and his parent or legal guardian**
19 **participate in a court approved decision making course necessary for his**
20 **rehabilitation.**

21 **(d)** A requirement that the child make reasonable restitution to any victim for
22 any personal or property damage caused by the child in the commission of the
23 delinquent act. **If the child is unable personally to make restitution, the court**
24 **may order a parent, tutor, guardian, or other person who is financially**
25 **responsible for the care of the child to be responsible for payment of the**
26 **restitution. The court may waive payment of the restitution, by a parent, tutor,**
27 **guardian, or other person who is financially responsible for the care of the child**
28 **to be responsible for payment of the restitution upon a finding of good cause.**

29 ~~(d)~~**(e)** A requirement that the child participate in any program of medical or

1 psychological or other treatment found necessary for his rehabilitation.

2 ~~(e)~~**(f)** A requirement suspending or restricting the child's driving privileges,
3 if any, for all or part of the period of probation. In such cases, a copy of the order
4 shall be forwarded to the Department of Public Safety and Corrections, which shall
5 suspend the child's driver's license or issue a restricted license in accordance with the
6 order of the court.

7 ~~(f)~~**(g)** A requirement prohibiting the child from possessing a firearm or
8 carrying a concealed weapon.

9 ~~(g)~~**(h)** A requirement that the child pay a supervision fee of not less than ten
10 nor more than one hundred dollars per month, payable to the Department of Public
11 Safety and Corrections or other supervising agency, to defray the costs of
12 supervision. The amount of the fee shall be based upon the financial ability of the
13 payor to pay such a fee. The court may order a parent, tutor, guardian, or other
14 person who is financially responsible for the care of the child to be responsible for
15 payment of all or part of any supervision fee imposed.

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The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Michael Bell.

DIGEST

SB 233 Original

2020 Regular Session

Harris

Present law provides that the father and the mother are responsible for the damage occasioned by their minor child, who resides with them or who has been placed by them under the care of other persons, reserving to them recourse against those persons. Present law further provides that the father and mother are not responsible for the damage occasioned by their minor child who has been emancipated by marriage, by judgment of full emancipation, or by judgment of limited emancipation that expressly relieves the parents of liability for damages occasioned by their minor child.

Proposed law retains present law.

Present law provides that for felony-grade delinquent acts the court may require that the child perform court-approved community service activities. Proposed law retains present law and alternatively provides that the court may require the child's parent or legal guardian to perform community service. Provides that, if feasible, the community service activities shall be conducted by the caretaker and child together.

Present law authorizes a court to order a child to pay restitution, as a condition of probation for the commission of a felony- or misdemeanor-grade delinquent act, for any personal or property damage caused by the child in the commission of the delinquent act.

Proposed law provides that court may require the child and his parent or legal guardian to participate in a court-approved decision making course necessary for his rehabilitation.

Proposed law retains present law and adds that if a child is ordered to pay restitution as a condition of probation for the commission of a delinquent act and the child cannot make payment personally, then a parent, tutor, guardian, or other person who is financially responsible for the care of the child shall be responsible for payment of the restitution. Proposed law further authorizes the court to waive payment of the restitution, or any part thereof, upon a finding of good cause.

Effective August 1, 2020.

(Amends Ch.C. Art. 897(B)(2) and 899(B)(2))