

2022 Regular Session

SENATE BILL NO. 370

BY SENATOR HARRIS

JUVENILES. Provides for parent participation after adjudication of a delinquent act committed by their juvenile child. (8/1/22)

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AN ACT

To amend and reenact Children's Code Articles 897(B)(2) and 899(B)(2)(b) and (c), 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 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)(b) and (c) 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:

* * *

(2) The court may impose any other term and condition deemed in the best

1 interests of the child and the public, including:

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

3 (b) A requirement that the child perform court-approved community service
4 activities.

5 (c) **A requirement that the child and his parent or legal guardian**
6 **participate in a court-approved decision making course necessary for his**
7 **rehabilitation.**

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

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

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

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

25 ~~(g)~~(h) A requirement that the child pay a supervision fee of not less than ten
26 nor more than one hundred dollars per month, payable to the Department of Public
27 Safety and Corrections or other supervising agency, to defray the costs of
28 supervision. The amount of the fee shall be based upon the financial ability of the
29 payor to pay such a fee. The court may order a parent, tutor, guardian, or other

1 person who is financially responsible for the care of the child to be responsible for
2 payment of all or part of any supervision fee imposed.

3 * * *

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

5 * * *

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

8 * * *

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

11 * * *

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

15 **A requirement that the child and his parent or legal guardian participate in a**
16 **court-approved decision making course necessary for his rehabilitation.**

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

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