

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)

1 AN ACT

2 To amend and reenact Children's Code Articles 897(B)(2) and 899(B)(2)(c) and to enact

3 Children's Code Article 899(B)(2)(h), relative to conditions for probation; to provide

4 relative to the payment of restitution for damages caused by the delinquent act of a

5 child; to authorize the court to order the parents, tutor, guardian, or legal custodian

6 of a child to pay restitution for acts committed by the child; to authorize the court to

7 require the child and parent or legal guardian to participate in a court-approved

8 decision making course; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

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

13 \* \* \*

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

16 \* \* \*

17 (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 cooperate in connection with any part of the disposition order, including but not  
7 limited to a court-approved decisionmaking course necessary for his  
8 rehabilitation.

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

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

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

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

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

1 payor to pay such a fee. The court may order a parent, tutor, guardian, or other  
 2 person who is financially responsible for the care of the child to be responsible for  
 3 payment of all or part of any supervision fee imposed.

4 \* \* \*

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

6 \* \* \*

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

9 \* \* \*

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

12 \* \* \*

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

21 \* \* \*

22 **(h) A requirement that the child and his parent or legal guardian**  
 23 **cooperate in connection with any part of the disposition order, including but not**  
 24 **limited to a court-approved decisionmaking course necessary for his**  
 25 **rehabilitation.**

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The original instrument was prepared by Michael Bell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alan Miller.

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## DIGEST

SB 370 Reengrossed

2022 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 authorizes a court to impose any term and condition deemed in the best interests of the child and the public, including the following requirements:

- (1) The child attend school, if the school admits the child.
- (2) The child or his parent or legal guardian perform court-approved community service activities.
- (3) The child make reasonable restitution to any victim for any personal or property damage caused by the child in the commission of the delinquent act.
- (4) The child participate in any program of medical or psychological or other treatment found necessary for his rehabilitation.
- (5) Suspend or restrict the child's driving privileges.
- (6) Prohibit the child from possessing a firearm or carrying a concealed weapon.
- (7) The child pay a monthly supervision fee of not less than \$10 nor more than \$100 per month.

Proposed law retains present law and authorizes the court to impose a requirement that the child and his parent or legal guardian cooperate in connection with any part of the disposition order including but not limited to a court-approved decisionmaking course necessary for his rehabilitation.

Proposed law 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, then a parent, tutor, guardian, or other person who is financially responsible for the care of the child may be responsible for payment of the restitution. Proposed law further authorizes the court to waive payment of the restitution by a parent, tutor, guardian, or other person financially responsible for the care of the child, upon a finding of good cause.

Effective August 1, 2022.

(Amends Ch.C. Art. 897(B)(2) and 899(B)(2)(c); adds Ch. C. Art. 899(B)(2)(h))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Makes technical changes.
2. Restores present law authorization for a court to impose a requirement that the child or his parent or legal guardian perform court-approved community service activities.

Senate Floor Amendments to engrossed bill

1. Changes court-imposed condition, as a condition of probation, from requiring child and parent or guardian participate in a court-approved decisionmaking course necessary for rehabilitation to cooperation in connection with any part of the disposition order, including but not limited to a court-approved decisionmaking course necessary for his rehabilitation.