

2016 Regular Session

HOUSE BILL NO. 719

BY REPRESENTATIVE HODGES

CHILDREN/FOSTER CARE: Provides relative to transportation of children to be admitted to a treatment facility under a physician's emergency commitment certificate

1 AN ACT

2 To amend and reenact Children's Code Article 1431(D), relative to minors who are mentally  
3 ill or suffering from substance abuse and in need of immediate medical treatment;  
4 to provide relative to procedures pursuant to issuance of a physician's emergency  
5 certificate for treatment of a minor; to provide relative to transportation of a child in  
6 whose name an emergency certificate has been issued; to authorize certain persons  
7 to accompany the child during such transportation; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Article 1431(D) is hereby amended and reenacted to read  
10 as follows:

11 1431. Coroner's examination; emergency certificate

12 \* \* \*

13 D.(1) If the examining physician determines that the provisions of this  
14 Article are met, he shall execute an emergency certificate and shall transport or cause  
15 to be transported the minor named in the emergency certificate to a treatment  
16 facility.

17 (2)(a) Any child in whose name an emergency certificate has been issued  
18 pursuant to this Article may be accompanied by any of the following persons during  
19 transportation to a treatment facility:

- 1           (I) A parent, including a foster parent, subject to the conditions of  
 2           Subparagraph (b) of this Paragraph.
- 3           (ii) A legal guardian.
- 4           (iii) A Department of Children and Family Services case worker.
- 5           (b) A biological parent of a child in foster care shall only accompany the  
 6           child if approved by the Department of Children and Family Services.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 719 Original

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Hodges

**Abstract:** Authorizes certain persons to accompany a minor suffering from mental illness or substance abuse during transportation to a treatment facility pursuant to a physician's emergency certificate for treatment.

Present law provides for procedures pursuant to the issuance of a physician's emergency certificate for treatment of a minor suffering from mental illness or substance abuse. Provides that if the examining physician determines that certain requirements of present law are met, he shall execute an emergency certificate and shall transport or cause to be transported the minor named in the emergency certificate to a treatment facility.

Proposed law retains present law, and adds thereto an authorization for any of the following persons to accompany the minor during transportation to a treatment facility:

- (1) A parent, including a foster parent.
- (2) A legal guardian.
- (3) A Department of Children and Family Services case worker.

Proposed law stipulates that a biological parent of a child in foster care shall only accompany the child if approved by the Department of Children and Family Services.

(Amends Ch.C. Art. 1431(D))