

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) and to enact Children's Code Article

3 1427(C), relative to minors who are mentally ill or suffering from substance abuse

4 and in need of immediate medical treatment; to provide relative to procedures

5 pursuant to issuance of a physician's emergency certificate for treatment of a minor;

6 to provide relative to transportation of a child in whose name an emergency

7 certificate has been issued; to authorize certain persons to accompany the child

8 during such transportation; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Children's Code Article 1431(D) is hereby amended and reenacted and
11 Children's Code Article 1427(C) is hereby enacted to read as follows:

12 Art. 1427. Authority to transport and detain

13 * * *

14 C.(1) In addition to other persons authorized by this Article to transport to

15 a treatment facility a child in whose name an emergency certificate has been issued,

16 any of the following persons may also accompany the child during such

17 transportation:

18 (a) A parent, including a foster parent, subject to the conditions of Paragraph

19 (2) of this Subarticle.

- 1 (b) A legal guardian.
- 2 (c) A Department of Children and Family Services case worker.
- 3 (2) A biological parent of a child in foster care shall only accompany the
- 4 child if approved by the Department of Children and Family Services.

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Art. 1431. Coroner's examination; emergency certificate

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D. If the examining physician determines that the provisions of this Article 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 in accordance with the provisions of Article 1427.

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)]

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| HB 719 Engrossed | 2016 Regular Session | Hodges |
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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 necessary, peace officers shall apprehend and transport, or ambulance services, under appropriate circumstances, may locate and transport a minor patient on whom an emergency certificate has been completed 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); Adds Ch.C. Art. 1427(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Retain and relocate provisions of proposed law.
2. Make technical changes.