

Regular Session, 2010

# ACT No. 863

HOUSE BILL NO. 1477 (Substitute for House Bill No. 1015 by Representative Baldone)

BY REPRESENTATIVE BALDONE

1 AN ACT

2 To amend and reenact R.S. 15:1110, relative to juvenile detention; to provide relative to  
3 juvenile detention facilities and procedures; to provide for the development of  
4 licensing standards; to provide for the creation of the Task Force on Juvenile  
5 Detention Standards and Licensing; to require the licensing of juvenile detention  
6 facilities; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:1110 is hereby amended and reenacted to read as follows:

9 §1110. ~~Licensing~~ Detention standards; licensing

10 A. It is the intent of the legislature to protect the health, safety, and  
11 well-being of the children of this state who are placed in juvenile detention facilities.

12 Toward this end, it is the purpose of this Part to provide for the establishment of  
13 statewide standards for juvenile detention facilities, to ensure maintenance of these  
14 standards, and to regulate conditions in these facilities through a licensing program.

15 It shall be the policy of this state that all juvenile detention facilities provide  
16 temporary, safe, and secure custody of juveniles during the pendency of juvenile  
17 proceedings, when detention is the least restrictive alternative available to secure the  
18 appearance of the juvenile in court or to protect the safety of the child or the public.

19 B. The single state entity created pursuant to R.S. 46:2757 On or before July  
20 1, 2011, the Louisiana Juvenile Detention Association shall develop and recommend  
21 uniform standards and licensing procedures for local juvenile detention facilities.  
22 These standards should facilities that comport with nationally recognized and  
23 accepted best practice standards for ~~practice within the local~~ juvenile detention  
24 facilities. In developing these standards, the Louisiana Juvenile Detention

1           Association shall seek input and guidance from the Task Force on Juvenile Detention  
2           Standards and Licensing provided for in Subsection D of this Section. ~~The uniform~~  
3           standards and licensing procedures shall address, but not be limited to the following  
4           areas:

5                     ~~(1) Operational requirements.~~

6                     ~~(2) Staff qualifications and training of local juvenile detention staff, which~~  
7           shall include educational programs designed to improve the quality of services and  
8           specific training in recognizing and reporting of child abuse and neglect.

9                     ~~(3) The ratio of staff to children in each local juvenile detention facility.~~

10                    ~~(4) Policies for admission, transfer, discharge, aftercare supervision, and~~  
11           follow-up services appropriate to the needs of the child.

12                    ~~(5) Standards of care, including provisions to administer any early, periodic~~  
13           screening, diagnosis, and treatment program and to treat appropriately any condition  
14           revealed by screening.

15                    ~~(6) Treatment needs for those with substance abuse disabilities.~~

16                    ~~(7) Standards to assure a safe, humane, and caring environment.~~

17                    ~~(8) Access to required programs and services, including educational services.~~

18                    ~~(9) A risk and needs assessment for each child, including criteria for the~~  
19           placement of a child in a particular local juvenile detention center or in a nonsecure  
20           alternative.

21                    ~~(10) Criteria for determining population limits for each local juvenile~~  
22           detention facility which may not be exceeded except in emergency circumstances  
23           during which time staffing ratios and levels of services must be maintained.

24                    ~~(11) Competency and character development to assist children in becoming~~  
25           responsible and productive members of society.

26                    ~~(12) The accountability of the child to the victim and the community for~~  
27           offenses committed.

28                    ~~(13) Procedures to provide a program of treatment, training, and~~  
29           rehabilitation consistent with the child's best interests and the protection of public  
30           interest.

1                   ~~(14) The rights of children in a local juvenile detention facility, which shall~~  
2                   ~~include provisions relative to the right to privacy, visitors, use of telephones, and~~  
3                   ~~mail delivery.~~

4                   ~~(15) Procedures for reporting complaints.~~

5                   ~~(16) Prohibitions against the use of excessive force against a child.~~

6                   ~~(17) Internal auditing and monitoring of local programs and facilities in the~~  
7                   ~~juvenile justice system, including compliance with all regulations and procedures.~~

8                   ~~(18) Such other regulations or standards that will ensure proper care and~~  
9                   ~~treatment of children as may be deemed necessary for the effective administration~~  
10                  ~~of local juvenile detention facilities.~~

11                  ~~B. All agencies, departments, offices, and institutions of the state, including~~  
12                  ~~the state universities and the community and technical colleges, shall cooperate in~~  
13                  ~~developing and implementing these standards.~~

14                  ~~C. For purposes of this Part, detention includes detention of a child both~~  
15                  ~~before and after adjudication.~~

16                  C. On or before January 1, 2012, the Department of Social Services shall  
17                  develop and promulgate, in accordance with the provisions of the Administrative  
18                  Procedure Act, rules governing the licensing of juvenile detention facilities  
19                  consistent with the standards recommended by the Louisiana Juvenile Detention  
20                  Association. In developing these rules, the department shall seek input and guidance  
21                  from the Task Force on Juvenile Detention Standards and Licensing provided for in  
22                  Subsection D of this Section.

23                  D. The Task Force on Juvenile Detention Standards and Licensing shall  
24                  include representation of the following organizations:

25                   (1) A representative of each of the existing juvenile detention facilities in  
26                   this state.

27                   (2) The Louisiana Juvenile Detention Association.

28                   (3) The Louisiana District Attorneys Association.

29                   (4) The Louisiana Public Defenders Board.

30                   (5) The Louisiana Sheriffs' Association.

- 1                   (6) The Juvenile Justice Project of Louisiana.
- 2                   (7) The Department of Public Safety and Corrections, office of juvenile
- 3                   justice.
- 4                   (8) The Louisiana Council of Juvenile and Family Court Judges.
- 5                   (9) The Department of Education.
- 6                   (10) The Department of Social Services.
- 7                   (11) The Department of Health and Hospitals.
- 8                   (12) The Louisiana Chapter of the American Academy of Pediatrics.
- 9                   (13) The Louisiana Municipal Association.
- 10                  (14) The Police Jury Association of Louisiana.
- 11                  (15) The Louisiana Commission on Law Enforcement and Administration
- 12                  of Criminal Justice.
- 13                  (16) Representatives from the juvenile drug court community.
- 14                  E. On or before January 1, 2013, all juvenile detention facilities, including
- 15                  facilities owned or operated by any governmental, profit, nonprofit, private, or public
- 16                  agency, shall be licensed pursuant to the provisions of Subsection C of this Section.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_