

## **2009 Amendments to Louisiana Children’s Code**

### **Title I. General Provisions**

### **Title II. Legal Status of Children (reserved)**

### **Title III. Jurisdiction, General Authority, and Appeals**

Art.

326

Act 251 adds the term “medical psychologist”to victim videotape process

### **Title IV. Juvenile Court Administration**

### **Title V. Services to Families**

### **Title VI. Child in Need of Care**

### **Title VII. Families in Need of Services**

728(4) Act 305 amends definition of “truant” to include habitual tardiness and includes “pursuant to the provisions of R.S. 17:233”\*

793.1-.3 Act 132 makes early intervention pilot program permanent

### **Title VIII. Delinquency**

818(C) Act 158 removes provision for destruction of juvenile fingerprint cards

837(I) Act 230 adds provision for use of appropriate restraints during transport of child upon showing of good case that child found incompetent to proceed presents a danger of flight

837.1 Act 251 adds the term “medical psychologist”to list of restoration service providers

839 Act 213 requires DA concurrence for court to use teen/youth court program for IAA

840 Act 213 permits extension of IAA for additional periods of 6 months, not to exceed total of 2 years

896.1 Act 170 enacts new alternative disposition allowing court to recommend an eligible child to participate in functional family therapy pilot program (R.S. 15:971-974)

### **Title IX. Traffic Violations**

## **Title X. Certification for Adoption**

### **Title XI. Surrender of Parental Rights**

- 1120 Act 251 adds the term “medical psychologist” to list of pre-surrender counselors
- 1150(2) Act 284 defines “designated emergency care facility” for safe haven to include: hospital, public health unit, emergency medical service provider, medical clinic, fire station, police station, pregnancy crisis center, child advocacy center

### **Title XII. Adoption of Children**

- 1172 Act 251 adds the term “medical psychologist” to list of persons qualified to conduct a preplacement home study for purposes of certification for adoption
- 1173 Act 251 adds the term “medical psychologist” to preplacement home study list
- Act 194 removes approval from Louisiana Advisory Committee on Licensing of Child Day Care Facilities and Child-Placing Agencies for preplacement home study requirements
- 1272 Act 251 adds the term “medical psychologist” to list of voluntary registration matching counselors

### **Title XIII. Support of Children**

### **Title XIV. Mental Health Proceedings**

### **Title XV. Special Proceedings**

- 1569 Act 427 changes limit for setting hearing on TRO from 15 to 21 days and limit on continuances from 10 to 15 days

#### **\*R.S. 17:233. Cases of habitual absence or tardiness referred to juvenile or family court; denial or suspension of driving privileges**

A. Any student who is a juvenile and who is habitually absent from school or is habitually tardy shall be reported by visiting teachers and supervisors of child welfare and attendance to the family or juvenile court of the parish or city as a truant child, pursuant to the provisions of Chapter 2 of Title VII of the Louisiana Children's Code relative to families in need of services, there to be dealt with in such manner as the court may determine, either by placing the truant in a home or in a public or private institution where school may be provided for the child, or otherwise.

B.(1)(a) A student shall be considered habitually absent or habitually tardy when either condition continues to exist after all reasonable efforts by any school personnel, truancy officer, or other law enforcement personnel have failed to correct the condition after the fifth unexcused absence or fifth unexcused occurrence of being tardy within any school semester.

(b) The parent or legal guardian of a student shall enforce the attendance of the student at the school to which the student is assigned.

(c) The principal of the school, or his designee, shall notify the parent or legal guardian in writing upon a student's third unexcused absence or unexcused occurrence of being tardy, and shall hold a conference with such student's parent or legal guardian. The student's parent or legal guardian shall sign a receipt for such notification.

(d) The parent or legal guardian of any student in kindergarten through grade eight who is considered habitually absent or habitually tardy pursuant to the provisions of this Section shall be in violation of the provisions of Subparagraph (b) of this Paragraph and shall be punished as follows:

(i) A first offense shall be punishable by a fine of not more than fifty dollars or the performance of not less than twenty-five hours of community service.

(ii) Any subsequent offense shall be punishable in accordance with R.S. 17:221(A)(2).

(iii) For purposes of this Subparagraph, an offense means a violation of this Subsection by the parent or legal guardian of a child who is habitually absent or habitually tardy; multiple offenses may result from violations involving different habitually absent or tardy children of that parent or legal guardian.

(iv) In any case where the child is the subject of a court ordered custody or visitation plan, the parent or legal guardian who is lawfully exercising actual physical custody or visitation of the child shall be responsible for the child's attendance at school on those days and shall be solely responsible for any absence or tardiness of the child on such days. The parent or legal guardian not exercising actual physical custody or visitation on the day of the absence or tardiness shall not be in violation of this Section.

(2) In a nonpublic school, a student shall be considered habitually absent or tardy only when the student has been absent or tardy for more than five days within any month without approval of the parent or other person responsible for the student's school attendance and when the student's principal has filed a written report showing dates of absence or tardiness and dates and results of school contacts with the home.

C. If a student is less than eighteen years of age and is habitually absent or tardy as determined pursuant to this Section, the Department of Public Safety and Corrections may, upon notification from the school board, deny or suspend the driver's permit or license of the student in accordance with the provisions of R.S. 32:431.1.

D. For purposes of this Section, the term "tardy" shall include but not be limited to leaving or checking out of school unexcused prior to the regularly scheduled dismissal time at the end of the school day but shall not include reporting late to class when transferring from one class to another during the school day.