

2024 Regular Session

HOUSE BILL NO. 94

BY REPRESENTATIVES WILLARD, ADAMS, BACALA, BOYER, HORTON, KNOX,
AND MOORE

JUVENILES: Provides relative to birth certificates and state identification for children leaving custody of the office of juvenile justice

1 AN ACT

2 To amend and reenact Children's Code Article 908(C) and (D) and to enact Children's Code
3 Article 908(E), relative to birth certificates and state identification for children in
4 custody of the office of juvenile justice; to require the Department of Public Safety
5 and Corrections to ensure children in custody have certain records; to provide for an
6 effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Article 908(C) and (D) are hereby amended and
9 reenacted and Children's Code Article 908(E) is hereby enacted to read as follows:

10 Art. 908. Care and treatment by department

11 * * *

12 C. The department shall ensure that a child has a certified birth certificate
13 and valid six-year identification card or submit all necessary applications, records,
14 and fees to obtain those records within thirty days from when a child is committed
15 to the custody of the department. The department shall ensure that a child has both
16 a certified copy of the child's birth certificate and a valid state identification card
17 upon release from custody. Failure of the department to obtain these records shall
18 not prevent a child's release from custody.

1 ~~C. D.~~ At least six months prior to the release of the child, the department
2 shall prepare a written, individualized, and thorough transitional plan developed in
3 collaboration with the child and any agency or department assuming his custody,
4 care, or responsibility.

5 (1) The plan shall identify the programs, services, and facilities that will be
6 used to assist the child in achieving a successful release from the department's
7 custody.

8 (2) A copy of the transitional plan shall be provided to the court, counsel for
9 the child, and the district attorney.

10 (3) The transitional plan shall address the needs of the child, including but
11 not limited to education, health, permanent connections, living arrangements,
12 independent living skills, and employment.

13 (4) The department shall ensure that all records in its files relevant to
14 securing needed services in the community in which the child will live shall be
15 immediately transmitted to the appropriate service provider.

16 ~~D. E.~~ The court shall not divide legal and physical custody of a child when
17 assigning custody to the department in accordance with this Article or in accordance
18 with any other statute or provision of law.

19 Section 2. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
23 effective on the day following such approval.

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 94 Engrossed

2024 Regular Session

Willard

Abstract: Requires the Dept. of Public Safety and Corrections to ensure that a child has a certified birth certificate and valid six-year identification card prior to being released from the custody of the office of juvenile justice.

Present law provides that the department has sole authority over the placement, care, treatment, or any other considerations deemed necessary from the resources that are available for children in custody of the department.

Proposed law retains present law.

Proposed law requires the department to ensure that a child has a certified birth certificate and valid six-year identification card within 30 days from when a child is committed to the custody of the department and upon the child's release from custody.

Proposed law requires the department to submit all necessary applications, records, and fees to obtain the birth certificate and identification card if the child does not have those records.

Proposed law provides that failure of the department to obtain the child's birth certificate and identification card shall not prevent the child's release from custody.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends Ch.C. Art. 908(C) and (D); Adds Ch.C. Art. 908(E))