



Rep. Mary E. Flowers

Filed: 3/20/2015

09900HB0114ham001

LRB099 03699 RLC 32808 a

1 AMENDMENT TO HOUSE BILL 114

2 AMENDMENT NO. _____. Amend House Bill 114 on page 2, by
3 replacing lines 17 through 19 with the following:

4 "~~(2) A guardian or legal custodian appointed by the court~~
5 ~~under this Act shall file updated case plans with the court~~
6 ~~every 6 months.~~ Every agency which has guardianship of a
7 child"; and

8 by replacing line 14 on page 3 through line 13 on page 5
9 with the following:

10 "(2.1) Commitments to the Department of Juvenile Justice
11 are indeterminate commitments, with time in a Department of
12 Juvenile Justice facility intended to be a last resort for as
13 short a time as possible. The Department of Juvenile Justice
14 shall file a written report with the court when a minor who has
15 been committed to the Department: (A) is in a Department of
16 Juvenile Justice facility solely because the agency cannot find
17 a placement for the minor, or (B) is in a Department of

1 Juvenile Justice facility for over one year. When the minor has
2 been in the custody of the Department of Juvenile Justice for
3 more than a year, but is not in a Department facility solely
4 because the agency cannot find a placement for the minor, the
5 initial report shall be filed on the later of the following
6 dates: (i) March 1, 2016 or (ii) the 13 month anniversary of
7 the court order placing the minor in the custody of the
8 Department; and supplemental reports shall be filed every 6
9 months thereafter. The report shall include the individual
10 placement plan for the minor, as well as a detailed report of
11 services and planning provided by the Department, and the steps
12 the Department is taking to place the minor in a less
13 restrictive setting. A copy of the report shall be provided to
14 the minor's parents and guardian, if the Department has a
15 record of the address of the parents and guardian. A copy of
16 the report shall be provided to the minor's guardian ad litem
17 and attorney. Upon receipt of the report, the court shall
18 review the report and determine whether a hearing would serve
19 the minor's best interests. The minor's parents or guardian or
20 attorney may request that the court conduct a hearing. The
21 decision as to whether a hearing is to be conducted shall be in
22 the sound discretion of the court. Notice of the hearing shall
23 be provided to the Director of Juvenile Justice and the minor's
24 parent and guardian and attorney. If the court determines that
25 a hearing would serve the minor's best interests and the minor
26 does not have an attorney, an attorney shall be appointed for

1 the minor. If after receiving evidence, the court determines
2 that the services contained in the placement plan are not
3 reasonably calculated to prepare the minor for reentry into the
4 community, the court shall put into writing the factual basis
5 supporting the determination and enter specific findings based
6 on the evidence. The court also shall enter an order for the
7 Department to develop and implement a new placement plan or to
8 implement changes in the current placement plan consistent with
9 the court's findings. The new placement plan shall be filed
10 with the court and served on all parties within 45 days of the
11 order. The court shall continue the matter until the new
12 placement plan is filed."