

Louisiana Children are Stuck in Custody Without Access to Mandated Hearings

In 2016, Louisiana lawmakers passed legislation requiring routine in-person review hearings before a judge for any child in the custody of the Office of Juvenile Justice (OJJ). These review hearings ensure that a child is receiving appropriate services and determine whether the child is ready to go home. Unfortunately, this law has been poorly implemented, leaving many children locked up longer than necessary and without judicial oversight.

THE PROBLEM

Children are legally entitled to regularly have a judge determine if they are ready to go home, but they are not being brought before a judge.

□ Louisiana law requires all children receive hearings every six months to determine whether they are making progress in custody. For children serving time for non-violent felony offenses, a judge must decide within nine months whether the child may be released early.

□ This law went into effect in 2016, but two years later is largely unimplemented — these required review hearings are only happening in a few courts across the state.

□ Confusion over which children are entitled to the hearings, and who is responsible for putting review hearings on the docket — judges, public defenders, OJJ staff, or other court personnel — have resulted in many children failing to receive their legally mandated hearings.

□ Children who are not being given their required review hearings may be being held illegally.

Sending children home as soon as they are ready makes communities safer.

□ The longer youth are incarcerated the greater the chances that youth will commit further crimes. This puts the public at risk and requires taxpayers to cover the cost of further incarceration and supervision.

□ Children who are incarcerated for long periods of time in the juvenile system are more likely to become involved in the adult criminal justice system, thus diminishing their opportunities for education, employment, housing and financial stability.

□ It costs OJJ as much as \$424 a day to house a child in secure care. Each unnecessary day that a child spends in secure care means that public money can't be spent on other important government functions.

THE SOLUTION

Support SB 106 (Morrell). The bill clarifies the existing law to ensure that courts schedule required in-person review hearings at six- or nine-month intervals as soon as a child is sentenced.

Effects of Children Being Incarcerated for Long Periods of Time

↑ HIGHER chance of recidivism
↓ LOWER chance of rehabilitation