

2024 Regular Session

SENATE BILL NO. 145

BY SENATOR BARROW

CHILDREN. Provides relative to the state child ombudsman. (8/1/24)

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AN ACT

To amend and reenact R.S. 24:525(C)(2), (5) through (8), and (11), R.S. 44:4(6), and Children's Code Art. 412(N), 616.1.1(B), and the introductory paragraph of 616.1.1(C) and to enact R.S. 17:407.29(J), 3138.12(I), 3914(O), R.S. 24:525(F) and (G), R.S. 46:56(N), and Children's Code Art. 616.1.1(D), relative to the state child ombudsman; to provide for access to records and data; to provide for powers and duties of the state child ombudsman; to provide for exemptions to the Public Records Law; to provide for child abuse reporting and investigation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:407.29(J), 3138.12(I), 3914(O) are hereby enacted to read as follows:

§407.29. Confidentiality of applications and client case records for child care assistance clients; waiver; penalty

* * *

J. Notwithstanding any provision of law to the contrary, including this Section, the state child ombudsman shall receive, upon written request, records

1 **of the Department of Education concerning applications for assistance and**
2 **information contained in the case records of child care assistance clients of the**
3 **department.**

4 * * *

5 §3138.12. Louisiana's Foundational Integrated Research System for Transformation
6 (LA FIRST)

7 * * *

8 **I. Notwithstanding any other provisions of law to the contrary,**
9 **LAFIRST, through the Board of Regents, shall provide, upon request, the state**
10 **child ombudsman with access to shared data under this Section.**

11 * * *

12 §3914. Student information; privacy; legislative intent; definitions; prohibitions;
13 parental access; penalties

14 * * *

15 **O. Notwithstanding any law to the contrary, including this Section, the**
16 **state child ombudsman shall receive, upon written request, any student record**
17 **for the purposes of carrying out the ombudsman's duties from any public**
18 **elementary or secondary school, any city, parish, or other local public school**
19 **system, or the Louisiana Department of Education.**

20 Section 2. R.S. 24:525(C)(2), (5) through (8), and (11) are hereby amended and
21 reenacted and R.S. 24:525(F) and (G) are hereby enacted to read as follows:

22 §525. State child ombudsman; duties

23 * * *

24 C. The state child ombudsman shall have all of the following duties and
25 responsibilities:

26 * * *

27 (2) Periodically review the procedures established by any state agency
28 providing services to children, with a view toward the rights, **needs**, welfare, and
29 safety of the children, and recommend revisions to the procedures.

* * *

(5) Periodically review the facilities and procedures of any institution or residences, public or private, where a child has been placed by any state agency or department.

(a) For purposes of this Section, the term "residences" means congregate care facilities and does not include foster homes.

(b) For purposes of this Section, the term "access" means policies and availability of services.

(6) Recommend changes in state policies concerning children, including changes in the system of providing juvenile justice, child care **assistance**, foster care, and access to physical and mental health treatment.

(7) Conduct programs of public education, undertake legislative advocacy, and make proposals for systemic reform in order to ensure the rights **and needs** of children who reside in this state.

(8) Periodically review and recommend changes in the policies and procedures for the placement of special needs children. **For purposes of this Section, "special needs" means the individualized care that children with a disability, whether physical, mental, behavioral, emotional, or learning difficulties, required to ensure their safety, access to public amenities, or ability to succeed in certain contexts.**

* * *

(11) Prepare a biennial, in-depth report on conditions of confinement regarding children twenty-one years of age or younger who are held in secure detention in any facility operated by a state agency **or those that receive state funding.**

* * *

F. Notwithstanding any other provisions of law to the contrary, the state child ombudsman shall, upon request, have access to documents and records relevant to the ombudsman's statutory duties. Such documents and records

1 shall include but not be limited to the applications and case files of the
 2 Louisiana Department of Health and the Department of Children and Family
 3 Services, juvenile court records and records of children in the custody of the
 4 office of juvenile justice, student records in the possession of the Louisiana
 5 Department of Education, any parish or city school board, and any elementary
 6 or secondary education school, including charter schools. The state child
 7 ombudsman shall comply with any and all restrictions imposed by law on
 8 documents, data, or information considered confidential or privileged and
 9 furnished to the state child ombudsman.

10 G. Notwithstanding any other provision of law to the contrary, the state
 11 child ombudsman shall not be compelled to be a witness or be deposed in any
 12 case where the state child ombudsman is not personally a defendant.

13 Section 3. R.S. 44:4(6) is hereby amended and reenacted to read as follows:

14 §4. Applicability

15 This Chapter shall not apply:

16 * * *

17 (6)(a) To any records, writings, accounts, letters, letter books, photographs,
 18 or copies or memoranda thereof in the custody or control of the legislative auditor,
 19 ~~or to~~ **unless otherwise provided.**

20 **(b) To any records, writings, accounts, letters, letter books, photographs,**
 21 **or copies or memoranda thereof in the custody or control of the state child**
 22 **ombudsman, unless otherwise provided.**

23 **(c) To** the actual working papers of the internal auditor of a municipality until
 24 the audit is complete, unless otherwise provided.

25 * * *

26 Section 4. R.S. 46:56(N) is hereby enacted to read as follows:

27 §56. Applications and client case records; definitions; confidentiality; waiver;
 28 penalty

29 * * *

(Amends R.S. 24:525(C)(2), (5)-(8), and (11), R.S. 44:4(6), and Ch.C. Art. 412(N), 616.1.1(B), and 616.1.1(C)(intro para); adds R.S. 17:407.29(J), 3138.12(I), 3914(O), R.S. 24:525(F) and (G), R.S. 46:56(N), and Ch.C. Art. 616.1.1(D))