

2016 Regular Session

SENATE BILL NO. 326

BY SENATORS CLAITOR, BARROW AND COLOMB AND REPRESENTATIVE JAMES

CRIME/PUNISHMENT. Provides relative to reporting of child abuse and neglect. (8/1/16)

1 AN ACT

2 To amend and reenact R.S. 14:403(A)(1)(b) and to enact Children's Code Article 610(H),

3 relative to the reporting of child abuse and neglect; to add starvation and malnutrition

4 to the definition of "serious bodily injury"; to require an annual report to the

5 legislature; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Children's Code Article 610(H) is hereby enacted to read as follows:

8 Art. 610. Reporting procedure; **report to the legislature**

9 \* \* \*

10 **H.(1) The provisions of this Subsection shall be known and may be cited**

11 **as The Alfred C. Williams Child Protection Act.**

12 **(2) Beginning May 1, 2017, and annually each year thereafter, the**

13 **department shall provide to the legislature the following child-specific**

14 **information regarding reports of child abuse or neglect reported to the**

15 **department pursuant to the provisions of this Section:**

16 **(a) The actual or estimated age, the sex, and the race of each child at the**

17 **time the latest report was received.**

1           **(b) The parish location of primary case name of the latest report**  
2           **accepted for investigation received.**

3           **(c) The categories, levels and final findings assigned to each allegation**  
4           **contained in reports received for each child.**

5           **(d) The number of cases accepted for investigation in which the child was**  
6           **an alleged or valid victim during the report year.**

7           **(e) The number of cases accepted for investigation in which the child was**  
8           **a valid victim during the report year.**

9           **(f) The number of reports accepted for investigation prior to report year**  
10           **in which the child was an alleged or valid victim.**

11           **(g) The number of other alleged victims in reports accepted for**  
12           **investigation in each child's cases in prior to report year.**

13           **(h) The number of reports accepted for investigation prior to the report**  
14           **year in which the child was a valid victim.**

15           **(i) The number of other validated victims in reports accepted for**  
16           **investigation in each child's cases prior to report year.**

17           **(j) The number of distinct reporter names for all investigations in which**  
18           **the child is an alleged or valid victim.**

19           **(3) For purposes of this Subsection, the following words shall have the**  
20           **following meanings:**

21           **(a) "Alleged victim" includes a child who is the subject of an**  
22           **investigation and for whom there is an allegation of abuse or neglect.**

23           **(b) "Valid victim" or "validated victim" includes an alleged victim for**  
24           **whom one or more allegations of abuse or neglect have been determined to be**  
25           **justified pursuant to Children's Code Article 615.**

26           **(4) The information provided in the annual report required by**  
27           **Subparagraph (1) of this Paragraph shall not include the name, street address,**  
28           **or other identifying information of any child, parent, sibling, or reporter.**

29           **(5) If the department fails to submit timely the report required by**



Present law provides that reports in which the abuse or neglect is believed to be perpetrated by someone other than a caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, and the caretaker is not believed to have any responsibility for the abuse or neglect, must be made immediately to a local or state law enforcement agency.

Proposed law retains present law.

Present law provides that dual reporting to both the department through the designated state child protection reporting hotline telephone number and the local or state law enforcement agency is permitted.

Proposed law retains present law.

Proposed law is to be known as and may be cited as the Alfred C. Williams Child Protection Act.

Proposed law provides that beginning 5/1/17 and annually each year thereafter, the department must provide to the legislature the following child-specific information regarding reports of child abuse or neglect reported to the department pursuant to the provisions of present law:

- (1) The actual or estimated age, the sex, and the race of each child at the time the latest report was received.
- (2) The parish location of primary case name of the latest report accepted for investigation received.
- (3) The categories, levels and final findings assigned to each allegation contained in reports received for each child.
- (4) The number of cases accepted for investigation in which the child was an alleged or valid victim during the report year.
- (5) The number of cases accepted for investigation in which the child was a valid victim during the report year.
- (6) The number of reports accepted for investigation prior to report year in which the child was an alleged or valid victim.
- (7) The number of other alleged victims in reports accepted for investigation in each child's cases in prior to report year.
- (8) The number of reports accepted for investigation prior to the report year in which the child was a valid victim.
- (9) The number of other validated victims in reports accepted for investigation in each child's cases prior to report year.
- (10) The number of distinct reporter names for all investigations in which the child is an alleged or valid victim.

Proposed law defines "alleged victim" as a child who is the subject of an investigation and for whom there is an allegation of abuse or neglect. Defines "valid victim" or "validated victim" as an alleged victim for whom one or more allegations of abuse or neglect have been determined to be justified pursuant to Children's Code Art. 615.

Proposed law provides that the information provided in the annual report required by proposed law shall not include the name, street address, or other identifying information of any child, parent, sibling, or reporter.

Proposed law provides that if the department fails to submit timely to the legislature the report required by proposed law, then the legislature or either house thereof through its authorized representative may petition the 19th Judicial District Court for writs of mandamus to compel the submission of the report. Proposed law further provides that any failure to obey a writ of mandamus issued by the court may be punished by the court as contempt thereof.

Present law provides that any person who, pursuant to present law, is required to report the sexual abuse of a child, or the abuse or neglect of a child that results in the serious bodily injury, neurological impairment, or death of the child, and the person knowingly and willfully fails to so report is to be fined not more than \$3,000, imprisoned, with or without hard labor, for not more than three years, or both.

Present law defines "serious bodily injury" as injury involving protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or substantial risk of death.

Proposed law retains present law and adds injury resulting from starvation or malnutrition to the definition of "serious bodily injury".

Effective August 1, 2016.

(Amends R.S. 14:403(A)(1)(b); adds Ch.C. Art. 610(H))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Changes beginning date for annual reports from 2/1/17 to 5/1/17.
2. Changes and adds to the specific information required to be reported to the legislature.
3. Provides that proposed law is to be known as and may be cited as the Alfred C. Williams Child Protection Act.

##### Senate Floor Amendments to engrossed bill

1. Defines "alleged victim" and "valid victim" or "validated victim".