

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 326

2016 Regular Session

Claitor

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIME/PUNISHMENT. Provides for reporting child abuse and neglect. (8/1/16)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

- 1. Technical legislative bureau amendments

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 326 Reengrossed

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Present law provides that reports of child abuse or neglect, or that such abuse or neglect was a contributing factor in a child's death, where the abuser is believed to be a parent or 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, must be made immediately to the Dept. of Children and Family Services (Department) through the designated state child protection reporting hotline telephone number. Proposed law retains these provisions.

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 these provisions.

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 these provisions.

Proposed law is to be known as and may be cited as the Alfred C. Williams Child Protection Act and provides that beginning 5/1/17 and annually thereafter, the Department is to provide the legislature the following child-specific information regarding reports of child abuse or neglect reported to the Department:

- (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 under the Children's Code.

Proposed law requires that the annual report 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 the required report to the legislature 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. Provides that failure to obey a writ of mandamus issued by the court may be punished by the court as contempt of court.

Present law provides that any person 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 file the required 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 these provisions but 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))

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