

**RÉSUMÉ DIGEST****ACT 118 (HB 494)****2016 Regular Session****Moreno**

Existing law creates the Louisiana State Child Death Review Panel, referred to hereafter as the "panel", within the Department of Health and Hospitals (DHH). Provides for purposes, functions, and duties of the panel relative to child death investigations. New law generally retains existing law.

Prior law provided that the age range of children whose deaths are subject to investigation by the panel, variably, is under 14, or 14 or below. New law provides that the age range of children whose deaths are subject to investigation by the panel is under 15.

Prior law provided for a 25-member panel. New law increases the number of panel members to 27 by deleting two members (a representative of the injury research and prevention section of the office of public health and the executive director of the La. Maternal and Child Health Coalition) and adding the following four members:

- (1) The assistant secretary of the DHH office of behavioral health or his designee.
- (2) A representative of the La. Partnership for Children and Families.
- (3) The state superintendent of education or his designee.
- (4) The director of the DHH bureau of emergency medical services or his designee.

Existing law provides relative to confidentiality of records and prohibits certain disclosure and discovery actions. New law retains existing law and provides that notwithstanding any other provision of existing law to the contrary, all of the following authorizations shall be effective when an unexpected death of an infant or child below the age of 15 has occurred:

- (1) The state panel and any local or regional panel or its agent thereof is authorized to have access to any information, documents, or records in the possession of the Department of Children and Family Services (DCFS) involving a child abuse and neglect investigation which are pertinent to the alleged child abuse or neglect that led to the death of the child.
- (2) DCFS is authorized to have access to any and all information, documents, or records in the possession of the state panel, and any local or regional panel or its agent thereof, for use by the department in any investigation or child in need of care proceeding.

New law stipulates that no information, document, or record obtained from DCFS by the state panel or any local or regional panel or its agent involving a report which results in an inconclusive, not justified, or invalid finding pursuant to existing law (Ch.C. Art. 615) shall be included or referenced in any manner in any report or other document issued or published by or on behalf of the panel.

Effective upon signature of governor (May 19, 2016).

(Amends R.S. 40:2019(A)(2), (C)(intro. para.), (12) and (13), (D)(2)(b), (E)(1), (F), and (G); Adds R.S. 40:2019(C)(21) and (22))