

2018 Regular Session

HOUSE BILL NO. 371

BY REPRESENTATIVE CHANEY

CHILDREN/ABUSE: Provides relative to reporting of child abuse and neglect

1 AN ACT

2 To amend and reenact Children's Code Article 610(A) and (D), relative to reports of child
3 abuse and neglect; to provide for the reporting procedure for permitted and
4 mandatory reporters; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Children's Code Article 610(A) and (D) are hereby amended and
7 reenacted to read as follows:

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

9 A.(1) Reports of child abuse or neglect or that such was a contributing factor
10 in a child's death, where the abuser is believed to be a parent or caretaker, a person
11 who maintains an interpersonal dating or engagement relationship with the parent or
12 caretaker, or a person living in the same residence with the parent or caretaker as a
13 spouse whether married or not, shall be made immediately to the department. A
14 permitted reporter shall make a report through the designated state child protection
15 reporting hotline telephone number or in person at any child welfare office. A
16 mandatory reporter shall make a report through the designated state child protection
17 reporting hotline telephone number, via the Louisiana Department of Children and
18 Family Services Mandated Reporter Portal, or in person at any child welfare office.
19 Reports in which the abuse or neglect is believed to be perpetrated by someone other
20 than a caretaker, a person who maintains an interpersonal dating or engagement

1 relationship with the parent or caretaker, or a person living in the same residence
2 with the parent or caretaker as a spouse whether married or not, and the caretaker is
3 not believed to have any responsibility for the abuse or neglect shall be made
4 immediately to a local or state law enforcement agency. Dual reporting to both the
5 department ~~through the designated state child protection reporting hotline telephone~~
6 ~~number~~ and the local or state law enforcement agency is permitted.

7 (2) A report made to the department by facsimile does not relieve the
8 reporter of his duty to report in accordance with the applicable requirements of this
9 Article.

10 * * *

11 D. If the initial report was in oral form by a mandatory reporter, it shall be
12 followed by a written report made within five days ~~to the local child protection unit~~
13 ~~of the department~~ via the Mandated Reporter Portal of the department or by mail to
14 the centralized intake unit of the department at the address provided on the website
15 of the department; or, if necessary, to the local law enforcement agency. The
16 reporter may use a form for the written report, which shall be developed, approved,
17 and made available by the Department of Children and Family Services. The form
18 is optional and may be available electronically on the department's website.

19 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 371 Engrossed 2018 Regular Session Chaney

Abstract: Provides for additional means by which permitted and mandatory reporters may report suspected cases of child abuse and neglect to the Dept. of Children and Family Services.

Present law provides that permitted reporters of suspected child abuse or neglect shall report such cases by phone through the Dept. of Children and Family Services (DCFS) designated child protection reporting hotline. Proposed law adds reporting in person at any DCFS child welfare office as a means for permitted reporters to report suspected cases of child abuse or neglect.

Proposed law provides that mandatory reporters of suspected child abuse or neglect shall report such cases through the DCFS designated child protection reporting hotline, via the DCFS Services Mandated Reporter Portal, or in person at any child welfare office.

Proposed law stipulates that making a report of suspected child abuse or neglect to DCFS by facsimile does not relieve the reporter of his duty to report in accordance with present law and proposed law.

Present law provides that if a mandatory reporter's initial report of suspected child abuse or neglect was in oral form, then it shall be followed by a written report made within five days to the local child protection unit of DCFS. Proposed law revises present law to provide that if a mandatory reporter's initial report was in oral form, then it shall be followed by a written report made within five days via the DCFS Mandated Reporter Portal or by mail to the DCFS centralized intake unit.

(Amends Ch. C. Art. 610(A) and (D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Delete proposed law authorizing mandatory reporters and permitted reporters of suspected cases of child abuse or neglect to report such cases by phone to any state child welfare office of the Dept. of Children and Family Services (DCFS).
2. Revise present law to delete a requirement that a mandatory reporter who reports in oral form initially shall submit a written report within five days to the local child protection unit of DCFS, and to require instead that the mandatory reporter submit the written report via the DCFS Mandated Reporter Portal or by mail to the DCFS centralized intake unit.
3. Make technical changes.