

2018 Regular Session

HOUSE BILL NO. 520

BY REPRESENTATIVE JOHNSON

CHILDRENS CODE: Provides relative to disclosure of information in the state central registry of reports of child abuse and neglect

1 AN ACT

2 To amend and reenact Children's Code Article 616(B) and to repeal Children's Code Article
3 616(B) as amended and reenacted by Act No. 348 of the 2017 Regular Session of the
4 Legislature, relative to child abuse cases; to provide relative to certain information
5 in the state central registry of reports of child abuse and neglect; to provide for
6 disclosure of certain information to the district attorney or court; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Article 616(B) is hereby amended and reenacted to read
10 as follows:

11 Art. 616. Central registry; screening court-appointed special advocates volunteers;
12 confidentiality

13 * * *

14 B. ~~Except as provided in this Article or R.S. 46:56, all records of reports of~~
15 ~~child abuse or neglect are confidential. The department shall promulgate rules~~
16 ~~regarding the maintenance, deletion, and release of information in the central~~
17 ~~registry, determined by the types of disposition made pursuant to Article 615.~~
18 Within the state repository, the department shall maintain a state central registry of
19 certain justified reports of abuse and neglect as set forth in rules promulgated by the
20 department. The name of an individual who was placed on the state central registry
21 as a perpetrator of abuse or neglect prior to the effective date of Children's Code
22 Article 616.1.1 shall not be released outside of the department until that individual's

1 administrative appeals are exhausted. After the effective date of Children's Code
2 Article 616.1.1, the name of an individual who is determined to be a perpetrator of
3 abuse or neglect shall not be placed on the state central registry until that individual's
4 administrative appeals are exhausted. All decisions rendered by an administrative
5 law judge are final, and the decisions shall exhaust the individual's administrative
6 remedy. However, notwithstanding any other provision of law, the department shall
7 provide information involving an investigation from either the repository or the state
8 central registry immediately to the local district attorney's office, or its designee, or
9 to the court, when taking court action is necessary to protect the child from abuse or
10 neglect. The department shall provide information involving an open investigation
11 or a completed investigation determined to be justified from either the repository or
12 the state central registry to another state's child welfare agency upon written request
13 when the request is made pursuant to an ongoing child protective services
14 investigation in the other state.

* * *

16 Section 2. Children's Code Article 616(B) as amended and reenacted by Act No. 348
17 of the 2017 Regular Session of the Legislature is hereby repealed in its entirety.

18 Section 3. This Act shall become effective upon the promulgation and publication
19 of rules and regulations by the Department of Children and Family Services necessary to
20 implement the provisions of this Act.

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 520 Engrossed

2018 Regular Session

Johnson

Abstract: Provides relative to the confidentiality of records of reports of child abuse or neglect.

Present law requires records of child abuse or neglect to be confidential, but permits the La. Dept. of Children and Family Services to promulgate rules regarding the release of such information in the central registry.

Proposed law removes the language requiring the La. Dept. of Children and Family Services to promulgate rules regarding the release of child abuse or neglect reports in the central registry.

Proposed law incorporates changes to present law proposed by Act No. 348 of the 2017 R.S. regarding the confidentiality of the identity of an alleged perpetrator of child abuse or neglect. Proposed law adds that the La. Dept. of Children and Family Services is required to provide otherwise confidential information to the court or district attorney's office when necessary for the court to protect a child from abuse or neglect.

Proposed law adds that the La. Dept of Children and Family Services is required to provide otherwise confidential informational involving open or completed investigations of child abuse or neglect to other states' child welfare agencies upon written request when requests are made pursuant to ongoing investigations.

(Amends Ch.C. Art. 616(B); Repeals Ch.C. Art. 616(B) as amended and reenacted by Act No. 348 of the 2017 R.S.)

Summary of Amendments Adopted by House

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

1. Remove language requiring the La. Dept. of Children and Family Services to promulgate rules regarding the release of child abuse or neglect reports in the central registry.
2. Add that the La. Dept. of Children and Family Services release confidential information involving child abuse or neglect investigations to other states' child welfare agencies upon written request.