

RÉSUMÉ DIGEST

ACT 126 (HB 325)

2021 Regular Session

Larvadain

New law requires the Council on Peace Officer Standards and Training to develop guidelines and provide training for law enforcement agencies on identifying and ensuring the safety of minor or dependent children upon the arrest of the child's parent or guardian.

New law requires the guidelines and training to include all of the following:

- (1) Procedures to ensure that law enforcement officers inquire whether an arrested person has minor or dependent children under the care, custody, or control of the arrested person at the time of arrest who may be at risk as a result of the arrest.
- (2) Procedures for the proper arrangement of temporary care for children to ensure their safety and well-being with a priority on placing children with supportive family members and trusted adults.
- (3) Education on how the effects of witnessing a violent crime or other events cause emotional harm to children and how law enforcement can assist in mitigating the long-term effects of the trauma.
- (4) Procedures for reporting on number of instances requiring a referral to a partner organization or transportation of the child to a child advocacy center when the child is unable to be placed with a family member.
- (5) Procedures to ensure law enforcement officers receive annual training as mandatory reporters of child abuse or neglect.

New law requires the council to work in conjunction with and receive input from appropriate non-governmental organizations and other relevant organizations that are invested in the rights of children with incarcerated parents to develop and establish the guidelines and training program.

New law provides that law enforcement officers shall not be prevented, as mandatory reporters, from reporting suspected child abuse or neglect.

New law requires state and local law enforcement officers who arrest a person to, at the time of the arrest, inquire whether the person is a parent or guardian of a minor or dependent child who may be at risk as a result of the arrest.

New law further requires officers to make reasonable efforts to ensure the safety of minor or dependent children at risk as a result of an arrest in accordance with guidelines established pursuant to new law.

New law exempts law enforcement officers from adhering to guidelines in new law if any of the following circumstances are present:

- (1) The arrested caregiver presents a threat of serious bodily injury or death to himself, others, or the law enforcement officer.
- (2) The arrested caregiver is in the act of committing a crime of violence.
- (3) The law enforcement officer has exercised due diligence, based on all available information, and ascertains that no minor children are under the arrested person's care, custody, or control.

Effective August 1, 2021.

(Adds R.S. 40:2405.9 and C.Cr.P. Art. 223)