

2022 Regular Session

SENATE BILL NO. 63

BY SENATOR MIZELL

CHILDREN/FAMILY SERVICES DEPT. Provides for the jurisdiction and authority of the Department of Children and Family Services. (gov sig)

1 AN ACT
2 To amend and reenact Children's Code Article 610(A)(1) and to enact Children's Code
3 Article 610.1, relative to investigations of child abuse by the Department of Children
4 and Family Services; to provide for reporting of child sex trafficking; to provide for
5 the duties of the department; to provide for an effective date; and to provide for
6 related matters.
7 Be it enacted by the Legislature of Louisiana:
8 Section 1. Children's Code Art 610(A)(1) is hereby amended and reenacted and
9 Children's Code Art 610.1 is hereby enacted to read as follows:
10 Art. 610. Reporting procedure; reports to the legislature and the United States
11 Department of Defense Family Advocacy Program
12 A.(1) Reports of child abuse or neglect or that such was a contributing factor
13 in a child's death, where the abuser is believed to be a parent or caretaker, a person
14 who maintains an interpersonal dating or engagement relationship with the parent or
15 caretaker, or a person living in the same residence with the parent or caretaker as a
16 spouse whether married or not, shall be made immediately to the department. A
17 permitted reporter shall make a report through the designated state child protection

1 reporting hotline telephone number or in person at any child welfare office. A
2 mandatory reporter shall make a report through the designated state child protection
3 reporting hotline telephone number, via the Louisiana Department of Children and
4 Family Services Mandated Reporter Portal online, or in person at any child welfare
5 office. Reports in which the abuse or neglect is believed to be perpetrated by
6 someone other than a caretaker, a person who maintains an interpersonal dating or
7 engagement relationship with the parent or caretaker, or a person living in the same
8 residence with the parent or caretaker as a spouse whether married or not, and the
9 caretaker is not believed to have any responsibility for the abuse or neglect shall be
10 made immediately to a local or state law enforcement agency. Dual reporting to both
11 the department and the local or state law enforcement agency is permitted. **If a**
12 **report involves alleged sex trafficking, the provisions of Article 610.1 shall**
13 **apply.**

14 * * *

15 **Art. 610.1. Reports involving sex trafficking**

16 **A. The department shall identify and assess all reports of alleged abuse**
17 **and neglect involving a child known or suspected to be a victim of sex**
18 **trafficking. The department shall coordinate with law enforcement, the juvenile**
19 **justice system, other state agencies, and healthcare service providers to provide**
20 **comprehensive services for children who are sex trafficking victims, regardless**
21 **of whether there is alleged parental or caretaker culpability.**

22 **B. When a child has been identified as a victim of sex trafficking, the**
23 **department shall do all of the following:**

24 **(1) Make referrals to needed services based on both of the following:**

25 **(a) An assessment of family strengths and needs in order to provide**
26 **services in the least restrictive environment while maintaining family stability.**

27 **(b) A determination of the availability of evidence based services in**
28 **order to maintain family engagement.**

29 **(2) Conduct face-to-face visits in the home with the child and family at**

1 least once per month and conduct weekly telephone contacts with the family.

2 (3) Educate the parents or other caretakers about possible high risk
3 behaviors associated with sex trafficking victims.

4 (4) Work with the child's family to develop safety procedures such as
5 outside cameras, an alarm system, or interior and exterior motion sensors.

6 (5) Ensure that the family addresses and monitors child internet access,
7 messaging, and telephone contacts.

8 Section 2. This Act shall become effective upon signature by the governor or, if not
9 signed by the governor, upon expiration of the time for bills to become law without signature
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
12 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Brandi Cannon.

DIGEST

SB 63 Original

2022 Regular Session

Mizell

Present law provides for reports of child abuse or neglect 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 to be made to the Dept. of Children and Family Services (DCFS). Further provides that all other reports are to be made to a local or state law enforcement agency.

Proposed law retains present law and provides that if a report involves alleged sex trafficking, the provisions of proposed law also apply.

Proposed law provides that DCFS shall identify and assess all reports of alleged abuse and neglect involving a child known or suspected to be a victim of sex trafficking and coordinate with law enforcement, the juvenile justice system, other state agencies, and healthcare service providers to provide comprehensive services for children who are sex trafficking victims, regardless of whether there is alleged parental or caretaker culpability.

Proposed law provides for required actions by DCFS when a child has been identified as a victim of sex trafficking which include making referrals to needed services, conducting face-to-face visits and telephone contacts with the family, and educating the parents or other caretakers about possible high risk behaviors associated with sex trafficking victims.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends Ch. C. Art 610(A)(1); adds Ch. C. Art. 610.1)