

2022 Regular Session

HOUSE BILL NO. 848

BY REPRESENTATIVE BRYANT

CHILDREN: Provides relative to the disposition of reports from the Department of Children and Family Services

1 AN ACT

2 To amend and reenact Children's Code Article 615(E)(introductory paragraph) and to enact
3 Children's Code Article 615(E)(4), relative to the disposition of reports of child
4 abuse; to provide for the release of inconclusive or not justified reports to certain
5 entities when in the course of investigation or legal proceedings; to provide for
6 confidentiality; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Article 615(E)(introductory paragraph) is hereby
9 amended and reenacted and Children's Code Article 615(E)(4) is hereby enacted to read as
10 follows:

11 Art. 615. Disposition of reports

12 * * *

13 E. When after the investigation of a report, the determination is made that
14 the report is inconclusive or not justified, as provided in Subparagraphs (B)(4) and
15 (5) of this Article, the files, records, and pertinent information regarding the report
16 and investigation shall be strictly confidential, shall not become part of the central
17 registry except as otherwise provided in Subparagraph (1) of this Paragraph or in

1 Article 616(F), shall not be disclosed or ordered to be produced in conjunction with
2 any legal proceeding or other matter except as provided in Subparagraph (4) of this
3 Paragraph, and shall be maintained only for the following purposes:

4 * * *

5 (4)(a) All files, records, and information regarding a report that has been
6 determined to be inconclusive or not justified shall be released to local, state, and
7 federal law enforcement agencies, military authorities, prosecuting authorities, and
8 coroners upon request when such entity is in the course of investigations or legal
9 proceedings and the requesting entity determines that the files, records, or
10 information contain information which may be constitutionally required to be
11 disclosed pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and its progeny.

12 (b) Files, records, and information released pursuant to this Subsection shall
13 be confidential and shall not be further disclosed except as expressly authorized by
14 Article 412. Notwithstanding any other provision of law to the contrary, files,
15 records, and information released pursuant to this Subsection shall not be subject to
16 disclosure pursuant to R.S. 44:1 et seq.

17 * * *

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 848 Original

2022 Regular Session

Bryant

Abstract: Authorize the release of inconclusive or not justified reports of child abuse to certain authorities in the course of investigations or legal proceedings for purposes of compliance with the U.S. Supreme Court case of Brady v. Maryland.

Present law provides that when the determination is made that a report of child abuse is inconclusive or not justified, the files, records, and pertinent information regarding the report and investigation shall be strictly confidential, shall not become part of the central registry, shall not be disclosed or ordered to be produced in conjunction with any legal proceeding or other matter, and shall be maintained only for certain purposes.

Present law provides exceptions to present law for purposes of use of such reports by the Dept. of Children and Family Services (department) for future risk and safety assessments, for use in litigation against the department, and for use by law enforcement when investigating crimes against children.

Proposed law maintains present law and further provides that all files, records, and information regarding an inconclusive or not justified report shall be released to local, state, and federal law enforcement agencies, military authorities, prosecuting authorities, and coroners in the course of investigations or legal proceedings upon request when the requesting agency determines that the files, records, or information contain information which may be constitutionally required to be disclosed pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and its progeny.

Proposed law further provides that files, records, and information released pursuant to proposed law shall be confidential and shall not be redisclosed except as expressly authorized by present law provisions regarding disclosure of confidential records and shall not be subject to disclosure pursuant to present law provisions regarding public records.

(Amends Ch.C. Art. 615(E)(intro. para.); Adds Ch.C. Art. 615(E)(4))