
DIGEST

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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))