

2022 Regular Session

SENATE BILL NO. 63

BY SENATORS MIZELL, BARROW, CARTER, HENSGENS, LUNEAU, MCMATH
AND POPE AND REPRESENTATIVES FREIBERG, MOORE AND
SCHLEGEL

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

1 AN ACT

2 To amend and reenact Children's Code Article 610(A)(1) and to enact Children's Code
3 Article 610(E)(4) and 610.1, relative to investigations of child abuse by the
4 Department of Children and Family Services; to provide for reporting of child sex
5 trafficking; to provide for the duties of the department; to provide for an effective
6 date; and to provide for 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(E)(4) and 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 apply**
 13 **and all mandatory reporters shall report to the department regardless of**
 14 **whether there is alleged parental or caretaker culpability.**

* * *

15 E. * * *

17 **(4) The department shall communicate as soon as possible all reports**
 18 **involving alleged child victims of sex trafficking to the Louisiana State Police for**
 19 **referral to the appropriate local law enforcement agency for investigation or**
 20 **other action as appropriate.**

* * *

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

23 **A. The department shall identify and assess all reports of alleged abuse**
 24 **and neglect involving a child known or suspected to be a victim of sex**
 25 **trafficking. The department shall coordinate with law enforcement, the juvenile**
 26 **justice system, other state agencies, and healthcare service providers, when**
 27 **indicated, to provide comprehensive services for children who are sex**
 28 **trafficking victims, regardless of whether there is alleged parental or caretaker**
 29 **culpability.**

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

3 **(1) Make referrals to the Louisiana Child and Youth Trafficking**
4 **Collaborative or other appropriate entity for advocacy and care coordination.**

5 **(2) Provide services based upon an assessment of needs.**

6 **(3) Conduct face-to-face visits in the home with the child and family**
7 **according to the child and family's needs.**

8 **(4) Educate the parents or other caretakers about possible high risk**
9 **behaviors associated with sex trafficking victims.**

10 **(5) Work with the child's family to develop safety procedures based on**
11 **the individual child's situation and needs.**

12 **(6) Educate the family on how to address and monitor the child's**
13 **internet access, messaging, and telephone contacts.**

14 **C. If the department determines, during the assessment of a report of**
15 **abuse or neglect, that the parent or caretaker of a child identified as a victim of**
16 **sex trafficking has not abused or neglected the child, the parent or caretaker**
17 **shall not be required to participate in further assessments or services offered or**
18 **recommended by the department. If the parent or caretaker declines to**
19 **participate, the department shall be only required to complete the identification**
20 **of the child as a victim of sex trafficking and the assessment of the report of**
21 **abuse or neglect.**

22 **D. The department may delegate, in writing, the performance of the**
23 **requirements of this Article, but the department shall remain the responsible**
24 **agency. The department may adopt, promulgate, and enforce, in accordance**
25 **with the Administrative Procedure Act, any rules and regulations necessary and**
26 **appropriate to implement the provisions of this Article.**

27 Section 2. The Department of Children and Family Services shall take all actions
28 necessary to implement the provisions of this Act, including but not limited to amending,
29 adopting, and repealing administrative rules, prior to January 1, 2023.

1 Section 3. Section 1 of this Act shall become effective on January 1, 2023.

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

DIGEST

SB 63 Engrossed 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 and all mandatory reporters shall report to DCFS regardless of whether there is alleged parental or caretaker culpability.

Proposed law provides that DCFS shall communicate as soon as possible all reports involving alleged child victims of sex trafficking to the La. State Police for referral to local law enforcement.

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 for advocacy and care coordination, conducting face-to-face visits with the child and family, and educating the parents or other caretakers about possible high risk behaviors associated with sex trafficking victims.

Proposed law provides that a parent or caretaker of a child identified as a victim of sex trafficking who has not abused or neglected the child is not required to participate in further assessments or services offered or recommended by DCFS.

Proposed law provides the department may delegate, in writing, the performance of the requirements of proposed law, but the department shall remain the responsible agency.

Effective January 1, 2023.

(Amends Ch.C. Art 610(A)(1); adds Ch.C. Art. 610(E)(4) and 610.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Requires mandatory reporters to report all alleged child victims of sex trafficking.
2. Requires DCFS to report to the LSP.
3. Allows DCFS to delegate its duties under proposed law.

4. Provides for optional services for parents who have no culpability.
5. Changes the effective date.
6. Makes technical changes.