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

SB 137 Engrossed

DIGEST
2023 Regular Session

Barrow

Proposed law creates the Office of the Child Advocate (office), within the office of the governor, to act as an independent ombudsman agency monitoring and evaluating the public and private agencies involved in the protection of children, and reviewing state policies and procedures to ensure they protect children's rights and promote their best interest. Proposed law further provides for the duties of the office which have the goal of safeguarding the welfare of children through educational advocacy, system reform, public awareness, training, and legal representation of children.

Proposed law provides for the chief officer of the Office of Child Advocacy to be the state child advocate, who shall be appointed by the governor, shall be submitted to the Senate for confirmation, and shall have knowledge of the child welfare system and the legal system. Proposed law further provides that no person shall be appointed to serve as state child advocate unless that person is qualified by training and experience to perform the duties of the office.

Proposed law provides that the Office of Child Advocacy and the state child advocate shall act independently of any state department in the performance of their duties.

Proposed law provides that the state child advocate shall serve or designate a person to serve as a member of the child death review panel.

Proposed law provides that the state health advocate shall take appropriate steps to advise the public of the services of the Office of Child Advocacy, the purpose of the office, and procedures to contact the office.

Proposed law provides that the office shall prepare the following reports:

- (1) A biennial, in-depth report on conditions of confinement regarding children 21 years of age or younger who are held in secure detention or correctional confinement in any facility operated by a state agency.
- (2) An annual report on the goals of and projects undertaken by the office, within available appropriations, that are consistent with its duties and responsibilities.

Proposed law provides for any state agency cited in a report issued by the office to submit a written response to the state child advocate, the governor, and the legislature not later than 90 days after receipt of the report and recommendations. Proposed law further provides for any state agency having responsibility for the custody or care of children to provide timely notice to the state child advocate of the death of a child or a critical incident involving a child in its custody or care.

Proposed law provides that the state child advocate shall have access to any records necessary to carry out the duties and responsibilities of the Office of Child Advocacy.

Proposed law for confidentiality for conversations between the state child advocate and any child or person who has received, is receiving, or should have received services from the state. Proposed law also provides for the confidentiality of personally identifiable information of a person who makes a complaint to the Office of Child Advocacy, all information obtained or generated by the office in the course of an investigation, and all confidential records obtained by the state child advocate or a designee. Proposed law further provides that certain confidential information may be disclosed if the state child advocate determines that disclosure is in the general public interest or necessary to enable the state child advocate to perform his duties and responsibilities.

Proposed law provides that no state agency or entity providing publicly funded services shall discharge, or in any manner discriminate or retaliate against, any employee who in good faith makes a complaint to the state child advocate or cooperates with the Office of Child Advocacy in an investigation.

Effective August 1, 2023.

(Amends R.S. 44:4.1(B)(34); adds R.S. 36:4.1(C)(16), R.S. 40:2019(C)(23), and R.S. 49:210.1)