
The original instrument was prepared by Brandi Cannon. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tracy Sabina Sudduth.

DIGEST

SB 137 Reengrossed

2023 Regular Session

Barrow

Proposed law creates the Office of the State Child Ombudsman (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 and training.

Proposed law that the Office of the State Child Ombudsman shall only be created within the office of the governor subject to the appropriation of funds by the legislature.

Proposed law provides for the chief officer of the Office of the State Child Ombudsman to be the state child ombudsman, 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 ombudsman unless that person is qualified by training and experience to perform the duties of the office.

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

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

Proposed law provides that the state health ombudsman shall take appropriate steps to advise the public of the services of the Office of the State Child Ombudsman, 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 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 having responsibility for the custody or care of children to provide written acknowledgment to the state child ombudsman of the death of a child in its custody or care.

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

Proposed law for confidentiality for conversations between the state child ombudsman 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 the State Child Ombudsman, all information obtained or generated by the office in the course of an investigation, and all confidential records obtained by the state child ombudsman or a designee. Proposed law further provides that certain confidential information may be disclosed if the state child ombudsman determines that disclosure is in the general public interest or necessary to enable the state child ombudsman to perform his duties and responsibilities and does not violate state or federal confidentiality laws.

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 ombudsman or cooperates with the Office of State Child Ombudsman in an investigation.

Proposed law provides that the standing committee of each house having responsibility for oversight shall perform a biennial review and evaluation of the Office, the ombudsman, and the provisions of this law.

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)

Summary of Amendments Adopted by the Senate

Committee Amendments Proposed by the Senate Committee on Finance to the engrossed bill

1. Changes the Office of Child Advocacy to the Office of the State Child Ombudsman.
2. Adds a provision that the Office of the State Child Ombudsman shall only be created within the office of the governor subject to the appropriation of funds by the legislature.
3. Changes state child advocate to state child ombudsman.
4. Removes provision for legal representation for children.
5. Remove provision that any state agency cited in report shall submit a response within 90 days.
6. Adds a provision that in the event of the death of child in state custody or care, the responsible agency shall submit a monthly notice to the state child ombudsman.

7. Specifies that the disclosure of any confidential information does not violate existing state or federal confidentiality laws.
8. Adds provision for legislative review.