

SENATE BILL NO. 137

BY SENATORS BARROW, BOUDREAUX, BOUIE, CARTER, CATHEY, CLOUD, DUPLESSIS, FESI, HENSGENS, HEWITT, LUNEAU, MCMATH, FRED MILLS, MIZELL, MORRIS, POPE, PRICE, SMITH AND WOMACK AND REPRESENTATIVE KNOX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

AN ACT

To amend and reenact R.S. 40:2019(C)(introductory paragraph) and to enact R.S. 24:513(D)(7) and 525 and R.S. 40:2019(C)(23), relative to the state child ombudsman; to provide for the duties of the legislative auditor; to provide for the appointment of a state child ombudsman by the legislative auditor; to provide for minimum qualifications; to provide for duties of the state child ombudsman; to provide for notice to the state child ombudsman of the death of a child in a state agency's custody or care; to provide for legislative review; to provide for membership of the State Child Death Review Panel; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:513(D)(7) and 525 are hereby enacted to read as follows:

§513. Powers and duties of legislative auditor; audit reports as public records; assistance and opinions of attorney general; frequency of audits; subpoena power

\* \* \*

D. In addition, the legislative auditor shall perform the following duties and functions:

\* \* \*

**(7) He shall appoint a state child ombudsman to serve the functions provided in R.S. 24:525, subject to legislative appropriation, and employ personnel as may be necessary for the state child ombudsman to perform the duties and functions imposed upon him.**

\* \* \*

**§525. State child ombudsman; duties**

1           A.(1) There shall be a state child ombudsman who shall be appointed by  
2           the legislative auditor and shall serve at the pleasure of the legislative auditor  
3           at a salary fixed by the legislative auditor.

4           (2) The state child ombudsman appointed by the legislative auditor shall  
5           have knowledge of the child welfare system and the legal system and be  
6           qualified by training and experience to perform the duties provided for in this  
7           Section.

8           B. The state child ombudsman shall act as an independent ombudsman  
9           monitoring and evaluating the public and private agencies involved in the  
10          protection of children and delivery of services to children, reviewing state  
11          policies and procedures to ensure they protect children's rights and promote  
12          their best interest, and safeguarding the welfare of children through educational  
13          advocacy, system reform, public awareness, and training.

14          C. The state child ombudsman shall have all of the following duties and  
15          responsibilities:

16           (1) Evaluate the delivery of services to children by state agencies and  
17           those entities that provide services to children through funds provided by the  
18           state.

19           (2) Periodically review the procedures established by any state agency  
20           providing services to children, with a view toward the rights, welfare, and safety  
21           of the children and recommend revisions to the procedures.

22           (3) Review complaints of persons concerning the actions of any state  
23           agency providing services to children and of any entity that provides services  
24           to children through funds provided by the state, make appropriate referrals,  
25           and coordinate when he determines that a child or family may be in need of his  
26           assistance or that a systemic issue in the state's provision of services to children  
27           is raised by the complaint.

28           (4) Act as a liaison for a child or family, including but not limited to  
29           advocating with an agency, provider, or others on behalf of the best interests of  
30           the child.

1                   (5) Periodically review the facilities and procedures of any institution or  
2                   residences, public or private, where a child has been placed by any state agency  
3                   or department.

4                   (6) Recommend changes in state policies concerning children including  
5                   changes in the system of providing juvenile justice, child care, foster care, and  
6                   access to physical and mental health treatment.

7                   (7) Conduct programs of public education, undertake legislative  
8                   advocacy, and make proposals for systemic reform in order to ensure the rights  
9                   of children who reside in this state.

10                  (8) Periodically review and recommend changes in the policies and  
11                  procedures for the placement of special needs children.

12                  (9) Serve or designate a person to serve as a member of the State Child  
13                  Death Review Panel.

14                  (10) Take appropriate steps to advise the public of the services and  
15                  purpose of his position and his contact information.

16                  (11) Prepare a biennial, in-depth report on conditions of confinement  
17                  regarding children twenty-one years of age or younger who are held in secure  
18                  detention in any facility operated by a state agency.

19                  (12) Present to the legislature an annual report on the goals of and  
20                  projects undertaken by him, within available appropriations, that are consistent  
21                  with the duties and responsibilities provided for in this Section.

22                  (13) Notify the senator and representative who represent the district in  
23                  which a child has died as a result of abuse or neglect, within twenty-four hours  
24                  of his knowledge of the death of the child.

25                  D. Any state agency having responsibility for the custody or care of  
26                  children shall provide monthly notice to the state child ombudsman of the death  
27                  of a child in its custody or care.

28                  E. The standing committee of each house of the legislature having  
29                  responsibility for oversight shall perform a biennial review and evaluation of  
30                  the state child ombudsman and the provisions of this Section.

1 Section 2. R.S. 40:2019(C)(introductory paragraph) is hereby amended and reenacted  
2 and R.S. 40:2019(C)(23) is hereby enacted to read as follows:

3 §2019. Child death investigation

4 \* \* \*

5 C. Child Death Review Panel. There is established within the Louisiana  
6 Department of Health the Louisiana State Child Death Review Panel, hereinafter  
7 referred to as the "state panel", which shall be composed of ~~twenty-seven~~ twenty-  
8 eight persons. Members of the panel shall include:

9 \* \* \*

10 **(23) The state child ombudsman or his designee.**

11 \* \* \*

12 Section 3.(A) The provisions of Sections 1 and 2 of this Act shall become effective  
13 when an Act of the Louisiana Legislature containing a specific appropriation of monies for  
14 the implementation of the provisions of this Act becomes effective.

15 (B) The provisions of this Section shall become effective upon signature by the  
16 governor or, if not signed by the governor, upon expiration of the time for bills to become  
17 law without signature by the governor, as provided by Article III, Section 18 of the  
18 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the  
19 legislature, the provisions of this Section shall become effective on the day following such  
20 approval.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_