

2024 Regular Session

HOUSE BILL NO. 231

BY REPRESENTATIVE MANDIE LANDRY

CHILDREN/CARE: Provides with respect to the definition of "caretaker" for purposes of children in need of care and mandatory reporting of abuse

1 AN ACT

2 To amend and reenact Children's Code Articles 603(4)(a) and 610(A)(1) and to enact  
3 Children's Code Article 610.1, relative to the definition of the term "caretaker" for  
4 purposes of children in need of care and mandatory reporting; to require the  
5 mandatory reporting of abuse and neglect perpetrated by teaching or child care  
6 providers and school coaches; to provide for the applicability of reporting  
7 requirements to teaching or child care providers and school coaches; to provide for  
8 an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Children's Code Articles 603(4)(a) and 610(A)(1) are hereby amended  
11 and reenacted and Children's Code Article 610.1 is hereby enacted to read as follows:

12 Art. 603. Definitions

13 As used in this Title:

14 \* \* \*

15 (4)(a) "Caretaker" means any person legally obligated to provide or secure  
16 adequate care for a child, including a parent, tutor, guardian, legal custodian, foster  
17 home parent, teaching or child care provider, school coach, an employee or an  
18 operator of an early learning center as defined in R.S. 17:407.33, an operator or  
19 employee of a registered family child day care home, an operator or employee of a  
20 restrictive care facility, or other person providing a residence for the child.

1 "Caretaker" also means an adult who occupies a residence of a child and has a  
2 consistent and continuing responsibility for the care of a child. "Caretaker" shall not  
3 include an operator or employee of a correctional facility, or detention facility, ~~or~~  
4 ~~nonresidential school.~~

5 \* \* \*

6 Art. 610. Reporting procedure; reports to the legislature and the United States  
7 Department of Defense Family Advocacy Program

8 A.(1) Reports of child abuse or neglect or that such was a contributing factor  
9 in a child's death, where the abuser is believed to be a parent or caretaker, a teaching  
10 or child care provider, a school coach, a person who maintains an interpersonal  
11 dating or engagement relationship with the parent or caretaker, or a person living in  
12 the same residence with the parent or caretaker as a spouse whether married or not,  
13 shall be made immediately to the department. A permitted reporter shall make a  
14 report through the designated state child protection reporting hotline telephone  
15 number or in person at any child welfare office. A mandatory reporter shall make  
16 a report through the designated state child protection reporting hotline telephone  
17 number, via the Louisiana Department of Children and Family Services Mandated  
18 Reporter Portal online, or in person at any child welfare office. Reports in which the  
19 abuse or neglect is believed to be perpetrated by someone other than a caretaker, a  
20 teaching or child care provider, a school coach, a person who maintains an  
21 interpersonal dating or engagement relationship with the parent or caretaker, or a  
22 person living in the same residence with the parent or caretaker as a spouse whether  
23 married or not, and the caretaker is not believed to have any responsibility for the  
24 abuse or neglect, shall be made immediately to a local or state law enforcement  
25 agency. Dual reporting to both the department and the local or state law enforcement  
26 agency is permitted. If a report involves alleged sex trafficking, all mandatory  
27 reporters shall report to the department regardless of whether there is alleged  
28 parental or caretaker culpability.

29 \* \* \*

1 Section 2. Children's Code Article 610.1 is hereby enacted to read as follows:

2 Art. 610.1. Applicability; teaching or child care providers and school coaches

3 Nothing in this Title or in any other provision of law shall be construed as  
4 exempting the mandatory reporting of the abuse or neglect of a child because the  
5 person perpetrating such abuse or neglect is a teaching or child care provider or  
6 school coach.

7 Section 3. This Act shall become effective upon signature by the governor or, if not  
8 signed by the governor, upon expiration of the time for bills to become law without signature  
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
11 effective on the day following such approval.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 231 Original

2024 Regular Session

Mandie Landry

**Abstract:** Adds teaching or child care providers and school coaches to the definition of "caretaker". Requires mandatory reporting of abuse and neglect of a child.

Present law (Ch.C. Art. 603(4)(a)) provides definitions of a caretaker for the purposes of children in need of care.

Proposed law retains present law and adds teaching or child care provider and school coaches to the definition of "caretaker". Proposed law also removes the exception to the caretaker definition for operators or employees of nonresidential schools.

Present law (Ch.C. Art. 610(A)(1)) provides the procedures for reporting abuse or neglect of a child.

Proposed law retains present law and adds teaching or child care provider and school coaches to the types of abusers referenced.

Proposed law requires the mandatory reporting of a child's abuse or neglect perpetrated by a teaching or child care provider or school coach.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends Ch.C. Art. 603(4)(a) and 610(A)(1); Adds Ch.C. Art. 610.1)