

2024 Regular Session

HOUSE BILL NO. 335

BY REPRESENTATIVE CARVER

CHILDREN/ABUSE: Provides relative to mandatory reporters of child abuse

1 AN ACT

2 To amend and reenact Children's Code Articles 603(17) (d) and (e) and 610(A), relative to
3 mandatory reporting of child abuse or neglect; to provide for definitions; to provide
4 for mandatory reporters who are teaching or child care providers and police officers
5 or law enforcement officials; to provide for mandatory reporting procedures and
6 training requirements; to prohibit employers from preventing mandatory reporters
7 from complying with the law; to provide for penalties for employers who prevent
8 mandatory reporters from complying with the law; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Children's Code Articles 603(17)(d) and (e) and 610(A) are hereby
11 amended and reenacted to read as follows:

12 Art. 603. Definitions

13 As used in this Title:

14 * * *

15 (17) "Mandatory reporter" is any of the following individuals:

16 * * *

17 (d) "Teaching or child care provider" is any person who provides or assists
18 in the teaching, training and supervision of a child, including any public or private
19 teacher, teacher's aide, instructional aide, school principal, school staff member,
20 school resource officer, bus driver, coach, professor, technical or vocational

1 instructor, technical or vocational school staff member, college or university
2 administrator, college or university staff member, social worker, probation officer,
3 foster home parent, group home or other child care institutional staff member,
4 personnel of residential home facilities, a licensed or unlicensed day care provider,
5 or any individual who provides ~~such~~ these services to a child in a voluntary or
6 professional capacity.

7 (e) Police officers or law enforcement officials. Any police officer or law
8 enforcement official who works as a school resource officer shall be considered a
9 mandatory reporter. A school resource officer shall not receive information from
10 another mandatory reporter or commence or oversee any investigation into the
11 report.

12 * * *

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

15 A.(1) ~~Reports of~~ A reporter shall immediately report suspected child abuse
16 or neglect or that ~~such~~ child abuse or neglect was a contributing factor in a child's
17 death; in the following ways: where the abuser is believed to be

18 (a) To the Department of Children and Family Services if the reporter has
19 reason to believe that the perpetrator is a parent or caretaker, a person who maintains
20 an interpersonal dating or engagement relationship with the parent or caretaker, or
21 a person living in the same residence with the parent or caretaker as a spouse
22 whether married or not, , shall be made immediately to the department. A permitted
23 reporter shall make a report through the designated state child protection reporting
24 hotline telephone number or in person at any child welfare office. A mandatory
25 reporter shall make a report through the designated state child protection reporting
26 hotline telephone number, via the Louisiana Department of Children and Family
27 Services Mandated Reporter Portal online, or in person at any child welfare office.
28 Reports in which

1 **(b) To a local or state law enforcement agency if the reporter has reason to**
2 **believe that the abuse or neglect is believed to be being** perpetrated by someone other
3 than a caretaker, a person who maintains an interpersonal dating or engagement
4 relationship with the parent or caretaker, or a person living in the same residence
5 with the parent or caretaker as a spouse whether married or not, and the caretaker is
6 not believed to have any responsibility for the abuse or neglect shall be made
7 immediately to a local or state law enforcement agency the individuals provided for
8 in Subparagraph (a) of this Paragraph. Abuse or neglect perpetrated on a student by
9 a teaching or child care provider, as defined by Article 603, shall be immediately
10 reported to local or state law enforcement.

11 **(c) Dual reporting to both the department and the local or state law**
12 enforcement agency is permitted.

13 **(2) Reports to the department shall be made as follows:**

14 **(a) A mandatory reporter shall make a report of suspected abuse or neglect**
15 requiring immediate assistance via the designated state child protection reporting
16 hotline telephone number. A report of suspected abuse or neglect which is of a non-
17 emergency nature may be reported via the Louisiana Department of Children and
18 Family Services Mandated Reporter Portal online. Reports may also be made in
19 person at any child welfare office.

20 **(b) If a report involves alleged sex trafficking, all mandatory reporters shall**
21 report via the hotline telephone number to the department regardless of whether there
22 is alleged parental or caretaker culpability.

23 **(c) A permitted reporter shall make a report through the designated state**
24 child protection reporting hotline telephone number or in person at any child welfare
25 office.

26 **(3) If a mandatory reporter is prohibited from immediately making the report**
27 required by this Chapter to the department or local or state law enforcement because
28 of an employer's policies or employee manual, the mandatory reporter shall file a
29 complaint with local or state law enforcement. Local or state law enforcement shall

Proposed law revises present law provisions relative to child abuse reporting to require certain reporters to report suspected child abuse if it was a contributing factor to the death of the child to the Dept. of Family and Children Services (DCFS) or local or state law enforcement.

Proposed law stipulates certain measures for mandatory reporters and permitted reporters to report to the department.

Proposed law provides that if a mandatory reporter is prohibited from making an immediate report because of employment policies, he shall be permitted to file a complaint with law enforcement. Proposed law provides for penalties against an employer who discriminates or retaliates against an employee who is a mandatory reporter.

(Amends Ch.C. Arts. 603(17)(d) and (e) and 610(A))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Include school resource officers as "teaching or child care providers".
2. Require reporters to report suspected child abuse if it was a contributing factor to the death of the child to DCFS or local or state law enforcement.
3. Stipulate certain measures for mandatory reporters and permitted reporters to report to the department.
4. Provide that if a mandatory reporter is prohibited from making an immediate report because of employment policies, he shall be permitted to file a complaint with law enforcement.
5. Provide for penalties against an employer who discriminates or retaliates against mandatory reporters.
6. Require any police officer or law enforcement official who works as a school resource officer to be considered a mandatory reporter.
7. Do not require a school resource officer to receive information from another mandatory reporter or commence or oversee any investigation into the report.
8. Make technical corrections.