

2025 Regular Session

SENATE BILL NO. 41

BY SENATOR BARROW

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

CHILDREN. Provides relative to child welfare. (8/1/25)

AN ACT

To amend and reenact R.S. 14:91.3(A), the introductory paragraph of R.S. 15:587.1(C), 587.1(C)(1), and 1110.3(H), R.S. 17:8.7(A), the introductory paragraph of 8.7(B), and 8.7(B)(1), 8.9(A)(5), (C), (D)(1), (2), and (3), and (E)(2) and (3), 15(A)(1)(a), (b)(i)(bb) and (cc), and (b)(ii) and (2)(a)(ii) through (v), (D), (E), and (F), 16(A), 24.8(A) and (B)(2), 407.33(5), 407.35(A), 407.42(A)(2) and (B)(1)(b), 407.46(A)(1), 407.71(A), 443(B)(1), 493(C)(1), and 3996(B)(28), R.S. 40:2008.10(A)(3) and 2019(F)(3)(b), R.S. 46:51.2(A)(1)(b), 56(F)(1), (4)(c), (10)(b)(i), and (11), and 1414.1(A), Children's Code Art. 603(4)(a), (17)(d), and (18), 603.1(B), 610(A), (E)(1) and (2), and (H), 612(A)(3), 615(B)(2), (3), and (5), the introductory paragraph of 615(E) and 615(E)(1) and (4)(a) and (F), 616(B), the introductory paragraph of 616(D), 616(E) and (H), and 616.1.1(A) and to enact R.S. 17:8.9(A)(2)(c) and (3)(c) and (E)(4), 15(A)(1)(b)(i)(dd) and (2)(a)(vi) and (G), 407.41, and 3996(B)(82), Children's Code Art. 603(17)(l) through (o) and 610(I) and Civil Code Art. 2315.8, relative to child welfare; to provide for review of the state central registry for school employees; to provide for reporting placement on the state central registry; to provide for public information regarding certain school

1 employees; to provide for the licensure of early learning centers; to provide for child  
 2 welfare and safety minimum standards for prekindergarten programs; to provide for  
 3 child abuse and neglect determinations; to provide for definitions in the Children's  
 4 Code; to provide for mandatory reporting training; to provide for procedures for  
 5 reporting child abuse and neglect; to provide for the responsibility of the Department  
 6 of Children and Family Services to respond to reports; to provide for investigations  
 7 of child sexual abuse in a school setting; to provide for liability for damages caused  
 8 by sexual abuse in a school setting; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:91.3(A) is hereby amended and reenacted to read as follows:

11 §91.3. Unlawful participation in a child-related business

12 A. No person who has been convicted of, or who has pled guilty or nolo  
 13 contendere to, an offense listed in R.S. 15:587.1(C) **or who has been placed on the**  
 14 **Department of Children and Family Services' state central registry** shall own,  
 15 operate, or in any way participate in the governance of any early learning center as  
 16 defined by R.S. 17:407.33, residential home as defined by R.S. 46:1403, or residence  
 17 in which child care services are provided by a family child care provider or in-home  
 18 provider who is registered pursuant to R.S. 17:407.61 et seq.

19 \* \* \*

20 Section 2. The introductory paragraph of R.S. 15:587.1(C), 587.1(C)(1), and  
 21 1110.3(H) are hereby amended and reenacted to read as follows:

22 §587.1. Provision of information to protect children

23 \* \* \*

24 C. The provisions of R.S. 15:825.3, R.S. 17:8.9, 15, 407.42, and 407.71, R.S.  
 25 46:51.2 ~~and 1441.13~~, and Children's Code Article 424.1 shall govern the  
 26 employment of persons who have been convicted of, or pled guilty or nolo  
 27 contendere to, any of the following crimes:

28 (1) R.S. 14:30, R.S. 14:30.1, R.S. 14:31, R.S. 14:32.6 through R.S. 14:32.8,  
 29 R.S. 14:41 through R.S. 14:45, **R.S. 14:46.2 through** R.S. 14:46.4, R.S. 14:74, ~~R.S.~~







1 state central registry, an administrator, teacher, or substitute teacher who has  
 2 an educator credential or teaching authorization issued by the board or the  
 3 department shall report the fact of the conviction or plea to the department  
 4 within two business days, exclusive of weekends and holidays.

5 (2) An administrator, teacher, or school employee who fails to report to the  
 6 department the conviction or plea or fails to report placement on the Department  
 7 of Children and Family Services' state central registry shall be fined not more  
 8 than one thousand dollars or imprisoned for not more than one year, with or without  
 9 hard labor, or both.

10 (3) The board shall revoke the educator credential or teaching authorization  
 11 of any person whose criminal history check reveals a conviction of or plea of guilty  
 12 or nolo contendere to any offense listed in R.S. 15:587.1(C) or any felony offense  
 13 or placement on the Department of Children and Family Services' state central  
 14 registry.

15 \* \* \*

16 E. The department shall maintain and make available on its website the  
 17 identity of any person whose teaching certification or teaching authorization has  
 18 been denied, suspended, or revoked for any of the following reasons:

19 \* \* \*

20 (2) The person has been placed on the Department of Children and  
 21 Family Services' state central registry.

22 ~~(2)~~(3) The person has been found to have submitted fraudulent  
 23 documentation to the board or the department as part of an application for a  
 24 Louisiana teaching certificate or other teaching authorization.

25 ~~(3)~~(4) The person has been found to have facilitated cheating on any state  
 26 assessment as determined by the board.

27 \* \* \*

28 §15. Criminal history review

29 A.(1)(a) A person who has been convicted of or has pled nolo contendere to

1 a crime listed in R.S. 15:587.1(C) or who has been placed on the Department of  
2 Children and Family Services' state central registry shall not be hired by a city,  
3 parish, or other local public school board or a nonpublic school or school system as  
4 a bus operator, substitute bus operator, or janitor, or as a temporary, part-time, or  
5 permanent school employee of any kind.

6 (b)(i) Except as otherwise provided in this Subparagraph, a city, parish, or  
7 other local public school board or a nonpublic school or school system shall not  
8 knowingly hire a person as an administrator, teacher, or substitute teacher if the  
9 person:

10 \* \* \*

11 (bb) Has been placed on the Department of Children and Family  
12 Services' state central registry.

13 ~~(bb)~~(cc) Has been found to have submitted fraudulent documentation to the  
14 State Board of Elementary and Secondary Education or the state Department of  
15 Education as part of an application for a Louisiana teaching certificate or other  
16 teaching authorization.

17 ~~(ee)~~(dd) Has been found to have facilitated cheating on any state assessment  
18 as determined by the State Board of Elementary and Secondary Education.

19 (ii) A city, parish, or other local public school board or a nonpublic school  
20 or school system may hire a person as an administrator, teacher, or substitute teacher  
21 who is otherwise prohibited from being hired pursuant to ~~Item (i)~~ Subitem (i)(cc)  
22 and (dd) of this Subparagraph if the State Board of Elementary and Secondary  
23 Education approves a formal appeal request submitted by the person and issues a  
24 teaching certificate or authorization as provided in R.S. 17:8.7(B).

25 \* \* \*

26 (2)(a) A city, parish, or other local public school board shall dismiss:

27 \* \* \*

28 (ii) An administrator, teacher, or substitute teacher who has been placed  
29 on the state central registry within the Department of Children and Family





1 teaching authorization issued by the state board, a school or school system shall  
2 report the fact of placement on the registry to the state Department of  
3 Education within two business days, exclusive of weekends and holidays.

4 (2) An administrator, teacher, or substitute teacher who fails to report a  
5 conviction or plea of guilty or nolo contendere of any felony offense or fails to  
6 report placement on the Department of Children and Family Services' state  
7 central registry shall be fined not more than one thousand dollars or imprisoned for  
8 not more than one year, with or without hard labor, or both.

9 (3) A school employee other than an administrator, teacher, or substitute  
10 teacher who fails to report a conviction or plea of guilty or nolo contendere of any  
11 criminal offense listed in R.S. 15:587.1(C)(1) or fails to report placement on the  
12 Department of Children and Family Services' state central registry shall be fined  
13 not more than five hundred dollars or imprisoned for not more than six months, with  
14 or without hard labor, or both.

15 E. The department shall maintain and make available on its website the  
16 identity of any school employee who has been convicted of or has pled nolo  
17 contendere to a crime listed in R.S. 15:587.1(C) even if adjudication was  
18 withheld or a pardon or expungement was granted, or who has been placed on  
19 the Department of Children and Family Services' state central registry.

20 ~~E.F.~~(1) The State Board of Elementary and Secondary Education may assess  
21 a civil fine against a school governing authority, equal to the average state yearly  
22 compensation for a public school teacher, inclusive of salary and benefits, who  
23 knowingly employs a person without requesting the criminal records or verifying  
24 placement on the Department of Children and Family Services' state central  
25 registry as required by this Section or who knowingly hires a person who has been  
26 convicted of or pled nolo contendere to any crime listed in R.S. 15:587.1(C) or who  
27 has been placed on the state central registry., ~~and who the State Board of~~  
28 ~~Elementary and Secondary Education has not provided a teaching authorization~~  
29 ~~pursuant to the provisions of R.S. 17:7(10) or who has not completed the formal~~

1 ~~appeal process required by the state board and been granted a new teaching~~  
2 ~~certificate or other teaching authorization as provided in R.S. 17:8.7(B).~~

3 (2) ~~Such~~ **The** fine shall be levied only after a final judgment is rendered  
4 pursuant to an adjudication process conducted in accordance with the provisions of  
5 R.S. 49:975 et seq.

6 (3) The state board shall report any ~~such~~ instances of fine assessments to the  
7 House Committee on Education and the Senate Committee on Education within  
8 thirty days of such assessment. Civil fines collected pursuant to the provisions of this  
9 Section shall be deposited immediately into the state treasury. The State Board of  
10 Elementary and Secondary Education shall promulgate rules in accordance with the  
11 Administrative Procedure Act for implementation of this Subsection.

12 ~~F.G.~~ At the request of his parent or legal guardian, a student shall be removed  
13 from the class of any teacher who has a felony conviction and placed in another class  
14 if there is another class of a suitable grade or subject available.

15 §16. Reporting of certain arrests; school employees; requirements; failure to report

16 A. Effective January 1, 2012, and thereafter, a school employee shall report  
17 his arrest for a violation of R.S. 14:42 through 43.5, 80 through 81.5, any other  
18 sexual offense affecting minors, any of the crimes provided in R.S. 15:587.1, or any  
19 ~~justified~~ **substantiated** complaint of child abuse or neglect on file in the central  
20 registry pursuant to Article 615 of the Children's Code.

21 \* \* \*

22 §24.8. Prekindergarten programs

23 A. **(1)** Each city, parish, or other local public school board may develop and  
24 offer prekindergarten instruction. The youngest age at which a child may enter  
25 prekindergarten provided for by this Subsection shall be four years old by September  
26 thirtieth of the year in which the child enrolls in prekindergarten.

27 **(2) All public prekindergarten programs shall comply with the child**  
28 **safety and welfare minimum standards provided for in R.S. 17:407.41.**

29 B.

\* \* \*

(2) ~~The State Board of Elementary and Secondary Education, in consultation with the Nonpublic School Commission, shall adopt rules and regulations to protect the health and safety of three-year-old children who attend prekindergarten at an approved nonpublic elementary school.~~ **All nonpublic prekindergarten programs shall be licensed as an early learning center pursuant to Part X-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950.**

\* \* \*

§407.33. Definitions

As used in this Part, the following terms have the following meanings unless the context clearly indicates otherwise:

\* \* \*

(5) "Early learning center" means any child day care center, Early Head Start Center, Head Start Center, or ~~stand-alone~~ **nonpublic** prekindergarten program ~~not attached to a school.~~

\* \* \*

§407.35. Exemptions from licensure requirements

A. Public and nonpublic day schools serving children in grades kindergarten and above, including any prekindergarten programs attached ~~thereto~~ **to a public day school**, as well as camps, and care given without charge, shall be exempt from the provisions of this Part. **However, all prekindergarten programs shall comply with the child safety and welfare minimum standards provided for in R.S. 17:407.41.**

\* \* \*

**§407.41. Child safety and welfare minimum standards**

**In addition to regulations promulgated by the State Board of Elementary and Secondary Education pursuant to R.S. 17:407.40, all early learning centers and prekindergarten programs shall meet the following minimum standards to ensure the safety and welfare of children:**

**(1) There shall be a minimum of two staff members present at any**

1 facility when more than four children are present.

2 (2) The child to staff ratios shall not exceed the following:

3 (a) Infants and under one year - 5 to 1

4 (b) One year - 7 to 1

5 (c) Two years - 10 to 1

6 (d) Three years - 13 to 1

7 (e) Four years - 15 to 1

8 (f) Five years - 19 to 1

9 (3) The age of the youngest child determines the child to staff ratio when  
10 children in a group are of mixed ages.

11 (4) The number of students in any class shall not exceed twenty. The  
12 provisions of this Paragraph shall not apply to recess, physical education, arts,  
13 and field trips.

14 (5) When the nature of a child with special health care needs or the  
15 number of children with special health care needs warrants added care, the  
16 center shall add sufficient staff as necessary.

17 (6) Only staff members directly providing care, supervision, or guidance  
18 to children shall be counted in the child to staff ratio. The same staff members  
19 shall not be used to meet the ratio requirements for two different groups of  
20 children at the same time.

21 (7) Sufficient staffing needed to satisfy child to staff ratios shall be  
22 present on the premises during rest time and available to assist as needed.  
23 Children ages one and older may be grouped together at rest time with one staff  
24 member in each room supervising the resting children.

25 (8) Information regarding required child-to-staff ratios and a phone  
26 number to file complaints regarding supervision with the Department of  
27 Education shall be posted in each classroom in a location that is visible to  
28 parents.

29 (9) Children shall be supervised at all times including on the playground,

1 on field trips, and on nonvehicular excursions.

2 (10) Children shall not be left alone in any room, outdoors, or in vehicles,  
3 even momentarily, without staff present. The provisions of this Paragraph shall  
4 not apply to restroom use as provided in this Section or when a child is being  
5 provided services by therapeutic professionals.

6 (11) A staff person shall be assigned to supervise specific children whose  
7 names and whereabouts that staff person shall know and with whom the staff  
8 person shall be physically present. Staff shall be able to state how many children  
9 are in their care at all times.

10 (12) While supervising a group of children, staff shall devote their time  
11 to supervising the children, meeting the needs of the children, and participating  
12 with them in their activities.

13 (13) Staff duties that include cooking, housekeeping, or administrative  
14 functions shall not interfere with the supervision of children.

15 (14) Children who are developmentally able may be permitted to go to  
16 the restroom independently, provided that:

17 (a) A staff member is in proximity to and can see the children to ensure  
18 immediate intervention to safeguard a child from harm while in the restroom.

19 (b) Individuals who are not staff members may not enter the restroom  
20 area while in use by any child other than their own child.

21 (15) If a prekindergarten program or early learning center is part of a  
22 school with children in kindergarten or older, there shall be designated separate  
23 restrooms for the children enrolled in the prekindergarten program or early  
24 learning center.

25 (16) When children are at the play yard, the supervising staff member  
26 must be able to summon another adult staff member without leaving the  
27 children unsupervised.

28 §407.42. Review of criminal history information and state central registry of child  
29 abuse and neglect

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A.

\* \* \*

(2) No individual whose name is recorded on the state central registry within the Department of Children and Family Services as a perpetrator for a ~~justified~~ **substantiated** finding of abuse or neglect of a child or in any other state's child abuse and neglect registry or repository shall own or operate a licensed early learning center or shall be hired by a licensed early learning center as an employee or volunteer of any kind, including any therapeutic professionals, extracurricular personnel, and other independent contractors, or shall be hired by the department in a position whose duties include the performance of licensing inspections.

B.(1) The State Board of Elementary and Secondary Education shall establish by regulation, requirements and procedures under which the department shall, for any owner, volunteer, applicant, or employee of any kind, including contractors, of an early learning center or an applicant or employee of the department in a position whose duties include the performance of licensing inspections:

\* \* \*

(b) Request information from the Department of Children and Family Services as to whether the person is listed on the state central registry as a perpetrator for a ~~justified~~ **substantiated** finding of abuse or neglect of a child.

\* \* \*

§407.46. Operating in violation of regulations; penalties and fines

A.(1) For violations related to supervision, criminal history record checks, the state central registry disclosure form, staff-to-child ratios, motor vehicle checks, or failure to report critical incidents, the department may issue a written warning that includes a corrective action plan, in lieu of revocation, upon any person or entity violating these requirements if such condition or occurrence does not pose an imminent threat to the health, safety, rights, or welfare of a child. Failure to implement a corrective action plan issued pursuant to this Section may result in either the assessment of a civil fine or license revocation or may result in both

1 actions being taken by the department. Such civil fine shall not exceed two hundred  
2 fifty dollars per day for each assessment; however, the aggregate fines assessed for  
3 violations determined in any consecutive twelve-month period shall not exceed two  
4 thousand dollars. **The department shall publish all violations of this Paragraph**  
5 **on its website.**

6 \* \* \*

7 §407.71. Grounds for revocation or refusal to renew registration; criminal activities;  
8 lack of CPR or first aid training

9 A.(1) No person who has been convicted of or pled nolo contendere to a  
10 crime listed in R.S. 15:587.1(C), whose name is recorded on the state registry within  
11 the Department of Children and Family Services as a perpetrator for a **justified**  
12 **substantiated** finding of abuse or neglect of a child, whose name is on any other  
13 state's child abuse and neglect registry or repository, whose name is on the Louisiana  
14 Sex Offender and Child Predator Registry, whose name is on any other state's sex  
15 offender registry, or whose name is on the National Crime Information Center's  
16 National Sex Offender Registry may be a registered family child care provider, be  
17 employed in the residence or on the property of the residence where the care is  
18 provided by the registered family child care provider, or live in the residence where  
19 care is provided by the registered family child care provider. The cost of any  
20 criminal background check which may be required by the department as proof of  
21 compliance with this Subsection shall be the responsibility of the family child care  
22 provider.

23 (2) No person who has been convicted of or pled nolo contendere to a crime  
24 listed in R.S. 15:587.1(C), whose name is recorded on the state registry within the  
25 Department of Children and Family Services as a perpetrator for a **justified**  
26 **substantiated** finding of abuse or neglect of a child, whose name is on any other  
27 state's child abuse and neglect registry or repository, whose name is on the Louisiana  
28 Sex Offender and Child Predator Registry, whose name is on any other state's sex  
29 offender registry, or whose name is on the National Crime Information Center's

1 National Sex Offender Registry may be a registered in-home child care provider, be  
 2 an adult employed in the home or on the property of the home where care is provided  
 3 by the registered in-home child care provider, or be any adult living in the home  
 4 where care is provided by the registered in-home child care provider who is not a  
 5 caregiver. For the purposes of this Paragraph, the term "caregiver" shall mean any  
 6 person legally obligated to provide or secure care for a child, including a parent,  
 7 legal custodian, foster home parent, or other person providing a residence for the  
 8 child. The cost of any criminal background check which may be required by the  
 9 department as proof of compliance with this Subsection shall be the responsibility  
 10 of the in-home provider.

11 \* \* \*

12 §443. Discipline of teachers; procedure; right of review

13 \* \* \*

14 B.(1) A teacher with tenure shall not be disciplined except upon written and  
 15 signed charges by the superintendent or his designee of poor performance, willful  
 16 neglect of duty, incompetency, dishonesty, immorality, or of being a member of or  
 17 contributing to any group, organization, movement, or corporation that is by law or  
 18 injunction prohibited from operating in the state of Louisiana, and then only if  
 19 furnished with a copy of such written charges and given the opportunity to respond.  
 20 The teacher shall have ten calendar days from written notice of the charges to  
 21 respond, in person or in writing. Following review of the teacher's response, the  
 22 superintendent may take interim disciplinary action, which may include placing the  
 23 teacher on administrative leave. The teacher shall not be placed on administrative  
 24 leave without pay unless the teacher has been arrested for a violation of any of the  
 25 following: R.S. 14:42 through 43.5, 80 through 81.5, any other sexual offense  
 26 affecting minors, any of the crimes provided in R.S. 15:587.1, or any ~~justified~~  
 27 **substantiated** complaint of child abuse or neglect on file in the central registry  
 28 pursuant to Children's Code Article 615. Within ten calendar days after written  
 29 notice of the interim disciplinary action or within ten calendar days after receipt of



1 the teacher's response if no interim disciplinary action is taken, a teacher may request  
2 a hearing before a disciplinary hearing officer. If the teacher fails to timely request  
3 a hearing, the disciplinary action becomes final.

4 \* \* \*

5 §493. Removal of bus operators; procedures; right to appeal

6 \* \* \*

7 C.(1) The superintendent shall have ten calendar days to review the school  
8 bus operator's response and to provide written notice to the bus operator of the  
9 interim disciplinary action, if any. A superintendent may take interim disciplinary  
10 action, which may include placing the bus operator on administrative leave. A  
11 permanent bus operator shall not be placed on administrative leave without pay  
12 unless the bus operator has been arrested for a violation of the following: R.S. 14:42  
13 through 43.5, 80 through 81.5, any other sexual offense affecting minors, any of the  
14 crimes provided in R.S. 15:587.1, or any ~~justified~~ **substantiated** complaint of child  
15 abuse or neglect on file in the central registry pursuant to Children's Code Article  
16 615.

17 \* \* \*

18 §3996. Charter schools; exemptions; requirements

19 \* \* \*

20 B. Notwithstanding any state law, rule, or regulation to the contrary and  
21 except as may be otherwise specifically provided for in an approved charter, a  
22 charter school established and operated in accordance with the provisions of this  
23 Chapter and its approved charter and the school's officers and employees shall be  
24 exempt from all statutory mandates or other statutory requirements that are  
25 applicable to public schools and to public school officers and employees except for  
26 the following laws otherwise applicable to public schools with the same grades:

27 \* \* \*

28 (28) Reporting by a school employee employed by the governing authority  
29 of a public elementary or secondary school of his arrest for one or more of the

1 specified offenses relative to sexual morality affecting minors, R.S. 17:16, any of the  
2 crimes provided in R.S. 15:587.1, or any ~~justified complaint~~ **substantiated**  
3 **allegation** of child abuse or neglect on file in the central registry pursuant to Article  
4 615 of the Children's Code.

5 \* \* \*

6 **(82) Child health and safety minimum standards, R.S. 17:407.41.**

7 Section 4. R.S. 40:2008.10(A)(3) and 2019(F)(3)(b) are hereby amended and  
8 reenacted to read as follows:

9 §2008.10. Therapeutic group homes licensed by the Louisiana Department of  
10 Health; state central registry of child abuse and neglect; criminal  
11 background checks

12 A.

13 \* \* \*

14 (3) The therapeutic group home shall request information from the  
15 Department of Children and Family Services as to whether the individual's name is  
16 recorded on the state central registry as a perpetrator for a ~~justified~~ **substantiated**  
17 finding of abuse or neglect of a child.

18 \* \* \*

19 §2019. Child death investigation

20 \* \* \*

21 F. Records; confidentiality; prohibited disclosure and discovery.

22 \* \* \*

23 (3)

24 \* \* \*

25 (b) No information, document, or record obtained by the state panel or any  
26 local or regional panel or its agent from the Department of Children and Family  
27 Services involving a report which results in an inconclusive, ~~not justified, or invalid~~  
28 **or unsubstantiated** finding pursuant to Children's Code Article 615 shall be  
29 included or referenced in any manner in any report or other document issued or

1 published by or on behalf of the panel.

2 \* \* \*

3 Section 5. R.S. 46:51.2(A)(1)(b), 56(F)(1), (4)(c), (10)(b)(i), and (11), and 1414.1(A)  
4 are hereby amended and reenacted to read as follows:

5 §51.2. Criminal history and central registry information

6 A.(1) No person shall be hired by the department whose duties include the  
7 investigation of child abuse or neglect, supervisory or disciplinary authority over  
8 children, direct care of a child, or performance of licensing surveys, until both the  
9 following conditions are met:

10 \* \* \*

11 (b) The department has conducted a search of the state central registry of  
12 ~~justified~~ **substantiated** abuse or neglect, hereafter referred to as "central registry",  
13 reports and has determined that the individual's name is not recorded therein. The  
14 search shall be limited to those names recorded on the state central registry  
15 subsequent to January 1, 2010. If the individual's name is or was entered on the state  
16 central registry that individual may make a formal written request to the division of  
17 administrative law for an administrative appeal of the ~~justified~~ **substantiated**  
18 determination, in accordance with Children's Code Article 616.1.1 and the  
19 procedures promulgated by the department.

20 \* \* \*

21 §56. Applications and client case records; definitions; confidentiality; waiver;  
22 penalty

23 \* \* \*

24 F. The following information shall not be subject to waiver and shall not be  
25 released to applicants, recipients, or outside sources, except those outside sources  
26 engaged in the administration of the programs of the department or when specifically  
27 authorized by law:

28 (1) Records pertaining to foster care of children, investigations of abuse and  
29 neglect of children, and other child welfare services. For the purposes of this

1 Paragraph, case records of children in abuse and neglect and foster care cases may  
2 be reviewed by attorneys who are appointed by a court of juvenile jurisdiction to  
3 represent the sole interest of the children, and pursuant to court order, such case  
4 records may be reviewed by court-appointed special advocates appointed pursuant  
5 to Children's Code Article 424(D). Prior to a court hearing, the department may  
6 provide to such attorneys and court-appointed special advocates copies of the most  
7 recent case plan for the child and his family, the most recent court order and court  
8 report, and the child's most recent medical report. Additionally, pursuant to  
9 Children's Code Article 616, a judge of a court exercising juvenile jurisdiction may  
10 request, in writing to the department, central registry record checks. However, in no  
11 instance shall the name or identifying information regarding a complainant in neglect  
12 and abuse cases or the case records of the foster parents be subject to such review.  
13 The department may, however, provide foster parents all information from the  
14 department's records and from other records to which the department has access  
15 concerning a child in the foster home, and concerning the child's family, where such  
16 information is necessary for the foster parents to properly care for the child. The  
17 department may also provide surrogate parents representing the special education  
18 interests of children in the department's custody with all information from the  
19 department's records and from other records to which the department has access  
20 where such information is necessary for the surrogate parents to properly advocate  
21 for the children. In any child custody proceeding, after the issue has been raised of  
22 the potential existence of a relevant departmental record concerning the abuse or  
23 neglect of a child who is the subject of that proceeding, the judge may contact the  
24 local child protection unit to determine if such a record exists. If ~~a determination has~~  
25 ~~been made that such report appears justified~~ **the department has a substantiated**  
26 **report** pursuant to Children's Code Article 615(B)(1) through (3), the local child  
27 protection unit shall verbally advise the judge that such report is in the possession  
28 of the unit. If the court finds that information which may be contained in the report  
29 is necessary for an issue before the court, the court may order the release of such

1 information. If a ~~determination was made that such~~ **the** report was unsubstantiated  
2 ~~unjustified or inherently improbable~~, such records shall be sealed and accessible only  
3 pursuant to Children's Code Article 616(A)(2).

4 \* \* \*

5 (4)

6 \* \* \*

7 (c) Following any investigation by the department of a public or private day  
8 care center, registered family child day care home, or residential provider, the  
9 department may inform the parent or guardian of any child being cared for at the  
10 center, home, or residence or the parent or guardian of any child who has applied for  
11 placement in the center, home, or residence of a ~~valid~~ substantiated finding of child  
12 abuse, neglect, or exploitation occurring at the center, home, or residence upon the  
13 request of the parent or legal guardian. The department may also advise such parent  
14 or legal guardian of a ~~valid~~ substantiated finding when it becomes necessary for the  
15 department to take adverse action against a center, home, or facility in the interest  
16 of the safety and welfare of the children. The department may release to the  
17 Department of Education limited information concerning a ~~valid~~ substantiated  
18 finding of child abuse, neglect, or exploitation occurring at a family child day care  
19 home that is registered by that department. These circumstances shall constitute  
20 authorized disclosures under the provisions of R.S. 14:403(A)(2).

21 \* \* \*

22 (10)

23 \* \* \*

24 (b) The information disclosed pursuant to this Paragraph shall be limited to  
25 the following:

26 (i) Whether or not the department has a substantiated report, ~~which has been~~  
27 ~~determined to be justified~~ pursuant to Children's Code Article 615, in its possession  
28 concerning the child or person who is the subject of the information request.

29 \* \* \*

1 (11) Upon written request of a caregiver, the department shall disclose  
 2 limited information contained in child abuse or neglect records or reports to an  
 3 employer or prospective employer of a person who will be exercising supervisory  
 4 authority over that employer's minor children or other dependent person as part of  
 5 that person's employment as a caregiver. The information disclosed pursuant to this  
 6 Paragraph shall be limited to cases in which the department has determined that the  
 7 allegations from which such information has been developed are ~~justified~~  
 8 **substantiated** pursuant to Children's Code Article 615. The provisions of this  
 9 Paragraph shall not be interpreted to authorize the release of or access to any  
 10 information protected under federal law.

11 \* \* \*

12 §1414.1. State central registry

13 A. Any owner, operator, current or prospective employee, or volunteer of a  
 14 specialized provider requesting licensure or licensed by the Department of Children  
 15 and Family Services is prohibited from being employed by the specialized provider  
 16 if that individual's name is recorded on the state central registry as a perpetrator for  
 17 a ~~justified~~ **substantiated** finding of abuse or neglect of a child.

18 \* \* \*

19 Section 6. Children's Code Art. 603(4)(a), (17)(d), and (18), 603.1(B), 610(A), (E)(1)  
 20 and (2), and (H), 612(A)(3), 615(B)(2), (3), and (5), the introductory paragraph of 615(E)  
 21 and 615(E)(1) and (4)(a) and (F), 616(B), the introductory paragraph of 616(D), 616(E) and  
 22 (H), and 616.1.1(A) are hereby amended and reenacted and Children's Code Art. 603(17)(l)  
 23 through (o) and 610(I) are hereby enacted to read as follows:

24 Art. 603. Definitions

25 As used in this Title:

26 \* \* \*

27 (4)(a) "Caretaker" means any person legally obligated to provide or secure  
 28 adequate care for a child, including a parent, tutor, guardian, legal custodian, foster  
 29 ~~home parent, an employee or an operator of an early learning center as defined in~~

1 ~~R.S. 17:407.33, an operator or employee of a registered family child day care home,~~  
 2 an operator or employee of a **residential or treatment facility licensed by the**  
 3 **Department of Children and Family Services or the Louisiana Department of**  
 4 **Health restrictive care facility**, or other person providing a residence for the child.  
 5 ~~"Caretaker" also means an adult who occupies a residence of a child and has a~~  
 6 ~~consistent and continuing responsibility for the care of a child. "Caretaker" shall not~~  
 7 ~~include an operator or employee of a correctional facility, detention facility, or~~  
 8 ~~nonresidential school, **or unlicensed residential or child care provider.**~~

9 \* \* \*

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

11 \* \* \*

12 (d) "Teaching or child care provider" is any person who provides or assists  
 13 in the teaching, training, and supervision of a child, including any public or private  
 14 teacher, teacher's aide, instructional aide, school principal, school staff member,  
 15 school resource officer, bus driver, coach, professor, technical or vocational  
 16 instructor, technical or vocational school staff member, college or university  
 17 administrator, college or university staff member, social worker, ~~probation officer,~~  
 18 ~~foster home parent, group home or other child care institutional staff member,~~  
 19 ~~personnel of residential home facilities,~~ **an employee or an operator of an early**  
 20 **learning center as defined in R.S. 17:407.33, an operator or employee of a**  
 21 **registered family child day care home**, a licensed or unlicensed day care provider,  
 22 or any individual who provides these services to a child in a voluntary or  
 23 professional capacity.

24 \* \* \*

25 **(l) A foster parent.**

26 **(m) A group home or other institutional child care staff member or**  
 27 **personnel of residential home facilities.**

28 **(n) A probation officer.**

29 **(o) Any employee of the office or juvenile justice or the Department of**

1 Children and Family Services, whose duties include supervisory or disciplinary  
2 authority over children.

3 (18) "Neglect" means the refusal or unreasonable failure of a parent or  
4 caretaker to supply the child with necessary food, clothing, shelter, care, treatment,  
5 or counseling for any injury, illness, or condition of the child, as a result of which the  
6 child's physical, mental, or emotional health, welfare, and safety is substantially  
7 threatened or impaired. Neglect includes prenatal neglect and the failure to  
8 implement and enforce policies that ensure adequate supervision in an early  
9 learning center as defined in R.S. 17:407.33. Consistent with Article 606(B), the  
10 inability of a parent or caretaker to provide for a child due to inadequate financial  
11 resources shall not, for that reason alone, be considered neglect. Whenever, in lieu  
12 of medical care, a child is being provided treatment in accordance with the tenets of  
13 a well-recognized religious method of healing that has a reasonable, proven record  
14 of success, the child shall not, for that reason alone, be considered to be neglected  
15 or maltreated. However, nothing in this Subparagraph shall prohibit the court from  
16 ordering medical services for the child when there is substantial risk of harm to the  
17 child's health, welfare, or safety.

18 \* \* \*

19 Art. 603.1. Required education; reporting child abuse

20 \* \* \*

21 B. Teaching or child care providers as defined by Article 603 shall complete  
22 an online training course provided by the Department of Children and Family  
23 Services between June first and August thirty-first annually. A record of completion  
24 of the course by the teaching or child care provider shall be provided to ~~and retained~~  
25 ~~by each entity at which the teaching or child care provider is employed. The entity~~  
26 ~~at which the teaching or child care provider is employed shall retain a list of all~~  
27 ~~teaching or child care providers who have not complied with the training~~  
28 ~~requirements provided in this Article.~~ No later than September thirtieth of each  
29 year and in a manner prescribed by the state Department of Education each



1 entity at which a teaching or child care provider is employed shall submit a list  
 2 to the state Department of Education of all teaching and child care providers  
 3 employed by the entity and identify the employees that have complied with the  
 4 training requirements and those employees that have not complied. The state  
 5 Department of Education shall publish the completion rates for each entity on  
 6 its website.

7 \* \* \*

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

10 A. ~~(1)~~ A reporter shall immediately report suspected child abuse or neglect or  
11 that child abuse or neglect was a contributing factor in a child's death in the  
12 following ways:

13 ~~(a)~~ **(1)** To the Department of Children and Family Services if the reporter has  
14 reason to believe that the perpetrator is a **any of the following:**

15 **(a) A parent or caretaker as defined in Article 603,** ~~a~~

16 **(b) A person who maintains an interpersonal dating or engagement**  
17 **relationship with the parent or caretaker,** ~~or a~~

18 **(c) A person living in the same residence with as the parent or caretaker, as**  
19 **a spouse whether married or not.**

20 **(d) A person, including another child, living in the same residence as the**  
21 **child, or any residence of the child if the child has more than one residence.**

22 **(e) An employee or an operator of an early learning center as defined in**  
23 **R.S. 17:407.33.**

24 **(f) An operator or employee of a registered family child day care home.**

25 ~~(b)~~ **(2)** To a local or state law enforcement agency if the reporter has reason  
26 to believe that the **perpetrator is any of the following:** ~~abuse or neglect is being~~  
27 ~~perpetrated by someone other than the individuals provided for in Subsubparagraph~~  
28 ~~(a) of this Subparagraph. Abuse or neglect perpetrated on a student by a teaching or~~  
29 ~~child care provider, as defined by Article 603, shall be immediately reported to local~~

1 or state law enforcement,

2 **(a) A person other than a person provided for in Subparagraph (1) of**  
3 **this Paragraph.**

4 **(b) A teacher, instructor, administrator, staff person, school bus driver,**  
5 **teacher aide, paraprofessional, food service worker, or employee of any public**  
6 **or private elementary, secondary, vocational-technical training, special, or**  
7 **postsecondary school, city, parish, or other local public school board, if the**  
8 **abuse or neglect is perpetrated on a student.**

9 **(c) A child that does not live in the same residence as the victim child.**

10 ~~(3)~~ Dual reporting to both the department and the local or state law  
11 enforcement agency is permitted.

12 ~~(2)~~**(4)** Reports to the department shall be made as follows:

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

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

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

25 ~~(3)~~**(5)** If a mandatory reporter is prohibited from immediately making the  
26 report required by this Chapter to the department or local or state law enforcement  
27 because of an employer's policies or employee manual, the mandatory reporter shall  
28 file a complaint with local or state law enforcement. Local or state law enforcement  
29 shall investigate the complaint, and an employer violating this Chapter shall be

1 subject to the penalties provided for in R.S. 14:131.1 and 403. An employer shall not  
 2 discriminate or retaliate against an employee who is a mandatory reporter for  
 3 complying with this Article. If an employer is found discriminating or retaliating  
 4 against an employee for complying with this Article, the employer shall be subject  
 5 to double the fines provided for in R.S. 14:131.1 and 403.

6 ~~(4)~~**(6)** In an investigation of a report of abuse or neglect allegedly committed  
 7 by a parent or caretaker, the department shall determine whether the person is an  
 8 active duty member of the United States Armed Forces or the spouse of a member  
 9 on active duty. If the department determines that the person is an active duty member  
 10 of the United States Armed Forces or the spouse of a member on active duty, the  
 11 department shall notify the United States Department of Defense Family Advocacy  
 12 Program at the closest active duty military installation of the investigation.

13 \* \* \*

14 E.(1) All reports made to any local or state law enforcement agency involving  
 15 abuse or neglect in which ~~the child's parent or caretaker, a person who maintains an~~  
 16 ~~interpersonal dating or engagement relationship with the parent or caretaker, or a~~  
 17 ~~person living in the same residence with the parent or caretaker as a spouse whether~~  
 18 ~~married or not,~~ **an individual provided for in Subparagraph (A)(1)** is believed  
 19 responsible shall be ~~promptly communicated~~ **reported** to the department **within**  
 20 **twenty-four hours in accordance with Paragraph A of this Article.** ~~through the~~  
 21 ~~designated state child protection reporting hotline telephone number in accordance~~  
 22 ~~with a written working agreement developed between the local law enforcement~~  
 23 ~~agency and the department.~~

24 (2) ~~The department shall promptly communicate~~ **All reports made to the**  
 25 **department involving** abuse or neglect ~~cases not involving a parent, caretaker, or~~  
 26 ~~occupant of the household~~ **in which someone other than the individuals provided**  
 27 **for in Subparagraph (A)(1) is believed responsible shall be reported** to the  
 28 appropriate law enforcement agency **within twenty-four hours by telephone** in  
 29 accordance with a written working agreement developed between the department and

1 ~~law enforcement agency.~~ The department also shall report all cases of child death  
2 which involve a suspicion of abuse or neglect as a contributing factor in the child's  
3 death to the local and state law enforcement agencies, the office of the district  
4 attorney, and the coroner.

5 \* \* \*

6 **H.(1) All instances of suspected child sexual abuse that occur in a school**  
7 **setting shall be immediately reported to the child's parent or legal guardian and**  
8 **to local or state law enforcement, regardless of the suspected perpetrator.**

9 **(2) If more than one child is involved in the allegations, the school shall**  
10 **immediately report to the parent or legal guardian of all involved children.**

11 **(3) Law enforcement shall begin an investigation of the allegations within**  
12 **forty-eight hours of receiving the report.**

13 **(4) If more than one child is involved in the allegations, law enforcement**  
14 **shall interview the parent or legal guardian of all children involved.**

15 **(5) Any cases in which the alleged perpetrator is a child shall be referred**  
16 **to the Department of Children and Family Services. The department shall**  
17 **assess the family of the victim child and the alleged perpetrator child to ensure**  
18 **child safety and well-being in accordance with Children's Code Article**  
19 **612(A)(3).**

20 **(6) For purposes of this Paragraph, the following definitions shall apply:**

21 **(a) "School setting" means in a school building, on school grounds, in**  
22 **school vehicles, or at any activities sponsored by a school.**

23 **(b) "Sexual abuse" means the perpetration or attempted perpetration of**  
24 **R.S. 14:41, 42, 42.1, 43, 43.1, 43.2, 43.3, 43.4, 80, 81, 81.1, 81.2, 86, 89, or 89.1.**

25 H.I.(1) The provisions of this Paragraph shall be known and may be cited as  
26 The Alfred C. Williams Child Protection Act.

27 (2) Beginning May 1, 2017, and annually thereafter, the department shall  
28 provide to the legislature the following child-specific information regarding reports  
29 of child abuse or neglect reported to the department pursuant to the provisions of this

1 Article:

2 (a) The actual or estimated age, the sex, and the race of each child at the time  
3 the latest report was received.

4 (b) The parish location of primary case name of the latest report accepted for  
5 investigation received.

6 (c) The categories, levels, and final findings assigned to each allegation  
7 contained in reports received for each child.

8 (d) The number of cases accepted for investigation in which the child was an  
9 alleged or ~~valid~~ victim during the report year.

10 (e) The number of cases accepted for investigation in which the child was a  
11 ~~valid~~ **substantiated** victim during the report year.

12 (f) The number of reports accepted for investigation prior to report year in  
13 which the child was an alleged or ~~valid~~ **substantiated** victim.

14 (g) The number of other alleged victims in reports accepted for investigation  
15 in each child's cases prior to report year.

16 (h) The number of reports accepted for investigation prior to the report year  
17 in which the child was a ~~valid~~ **substantiated** victim.

18 (i) The number of other ~~validated~~ **substantiated** victims in reports accepted  
19 for investigation in each child's cases prior to report year.

20 (j) The number of distinct reporter names for all investigations in which the  
21 child is an alleged or ~~valid~~ **substantiated** victim.

22 (3) For purposes of this Paragraph, the following words shall have the  
23 following meanings:

24 (a) "Alleged victim" includes a child who is the subject of an investigation  
25 and for whom there is an allegation of abuse or neglect.

26 (b) "~~Valid~~ **Substantiated** victim" or "~~validated~~ ~~victim~~" includes an alleged  
27 victim for whom one or more allegations of abuse or neglect have been ~~determined~~  
28 ~~to be justified~~ **substantiated** pursuant to Article 615.

29 \* \* \*

1 Art. 612. Assignment of reports for investigation and assessment

2 A.

3 \* \* \*

4 (3) In lieu of an investigation, reports of low levels of risk **and reports from**  
5 **law enforcement of child sexual abuse in a school setting as provided for in**  
6 **Children's Code Article 610(H)**, may be assessed promptly through interviews with  
7 the family to identify needs and available match to community resources. If during  
8 this assessment, it is determined that a child is at immediate substantial risk of harm,  
9 the local child protection unit shall promptly conduct or participate in an intensive  
10 investigation.

11 \* \* \*

12 Art. 615. Disposition of reports

13 \* \* \*

14 B. After investigation, the local child protection unit shall make one of the  
15 following determinations:

16 \* \* \*

17 (2) The report ~~appears to be justified~~ **is substantiated**, in that there is  
18 evidence of child abuse, or neglect, and a protective order or instanter safety plan  
19 order would eliminate the need for removal of the child in order to protect him from  
20 further abuse, in which case it may apply for a temporary restraining order or  
21 protective order authorized by Article 617 and Article 618, or an instanter safety plan  
22 order authorized by Article 619 or Article 620.

23 (3) The report ~~appears to be justified~~ **is substantiated**, in that there is  
24 evidence of child abuse or neglect, in which case it shall report all pertinent  
25 information to the district attorney, as soon as possible but in no case more than  
26 thirty days after such determination, for evaluation of whether a child in need of care  
27 petition should be filed in the court with juvenile jurisdiction.

28 \* \* \*

29 (5) The report ~~does not appear justified~~ **is unsubstantiated** as the evidence

1 does not support a finding of child abuse or neglect.

2 \* \* \*

3 E. When after the investigation of a report, the determination is made that the  
4 report is inconclusive or ~~not justified~~ **unsubstantiated**, as provided in Subparagraphs  
5 (B)(4) and (5) of this Article, the files, records, and pertinent information regarding  
6 the report and investigation shall be strictly confidential, shall not become part of the  
7 central registry except as otherwise provided in Subparagraph (1) of this Paragraph  
8 or in Article 616(F), shall not be disclosed or ordered to be produced in conjunction  
9 with any legal proceeding or other matter except as provided in Subparagraph (4) of  
10 this Paragraph, and shall be maintained only for the following purposes:

11 (1) The files, records, and information shall remain unsealed and shall be  
12 maintained for the exclusive use of child protective services, to assist in future risk  
13 and safety assessments. The Department of Children and Family Services shall  
14 maintain all files and records for seven years from the date of the determination,  
15 unless a subsequent inconclusive or ~~not justified~~ **unsubstantiated** report is received  
16 during that period. In that case, information from all such reports will be maintained  
17 until the youngest child in the alleged victim's family attains the age of eighteen  
18 years or seven years from the date of the latest determination, whichever is longer.  
19 If information from an inconclusive or ~~not justified~~ **unsubstantiated** report is used  
20 as a part of the basis for a later, related, and ~~justified~~ **substantiated** report, the earlier  
21 report shall become part of the file of the ~~justified~~ **substantiated** report and shall  
22 cease to be a separate report.

23 \* \* \*

24 (4)(a) All files, records, and information regarding a report that has been  
25 determined to be inconclusive or ~~not justified~~ **unsubstantiated** shall be released to  
26 local, state, and federal law enforcement agencies, military authorities, prosecuting  
27 authorities, and coroners upon request when such entity is in the course of  
28 investigations or legal proceedings and the requesting entity has good cause to  
29 believe that the files, records, or information contain information which may be

1 constitutionally required to be disclosed pursuant to Brady v. Maryland, 373 U.S. 83  
2 (1963) and its progeny. The requesting agency shall request the information in  
3 writing and state the purpose for which the information is being requested.

4 \* \* \*

5 F. The department shall promulgate rules to provide for the disposition,  
6 handling, maintenance, and storage of inconclusive and ~~not justified~~  
7 **unsubstantiated** reports in keeping with this Article.

8 \* \* \*

9 Art. 616. Registry; screening of CASA volunteers, staff, and board members;  
10 confidentiality

11 \* \* \*

12 B. Within the state repository, the department shall maintain a state central  
13 registry of certain ~~justified~~ **substantiated** reports of abuse and neglect as set forth  
14 in rules promulgated by the department. The name of an individual who was placed  
15 on the state central registry as a perpetrator of abuse or neglect prior to the effective  
16 date of Children's Code Article 616.1.1 shall not be released outside of the  
17 department until that individual's administrative appeals are exhausted. After the  
18 effective date of Children's Code Article 616.1.1, the name of an individual who is  
19 determined to be a perpetrator of abuse or neglect shall not be placed on the state  
20 central registry until that individual's administrative appeals are exhausted. All  
21 decisions rendered by an administrative law judge are final, and the decisions shall  
22 exhaust the individual's administrative remedy. However, notwithstanding any other  
23 provision of law, the department shall provide information involving an investigation  
24 from either the repository or the state central registry immediately to the local district  
25 attorney's office, or its designee, or to the court, when taking court action is  
26 necessary to protect the child from abuse or neglect. The department shall provide  
27 information involving an open investigation or a completed investigation determined  
28 to be ~~justified~~ **substantiated** from either the repository or the state central registry  
29 to another state's child welfare agency upon written request when the request is made







children.

Proposed law adds additional human trafficking offenses and sexual battery of persons with infirmities to the list of offenses that would prohibit employment at a school, early learning center, or other positions that include supervision of children.

Proposed law requires the Dept. of Education to maintain a list on its website of all school employees who have been convicted of a crime listed in R.S. 15:587.1 or who have been placed on the Dept. of Children and Family Services' state central registry.

### **Early Learning Centers**

Present law defines "early learning center" as any child day care center, Early Head Start Center, Head Start Center, or stand-alone prekindergarten program not attached to a school.

Proposed law removes the exemption for nonpublic prekindergarten programs that are attached to a school and requires all nonpublic prekindergarten programs to be licensed by the Dept. of Education.

Proposed law establishes child safety and welfare minimum standards and requires all public, nonpublic, and charter school prekindergarten programs to comply with the minimum standards.

Present law provides for penalties for early learning center violations regarding supervision, criminal history record checks, the state central registry disclosure form, staff-to-child ratios, motor vehicle checks, and failure to report critical incidents.

Proposed law requires the Dept. of Education to publish those violations on its website.

### **Child Abuse and Neglect Reporting and Investigations**

Present law requires teaching or child care providers to complete an annual online mandatory reporter training course and send a record of completion to the school or early learning center at which the teaching or child care provider is employed.

Proposed law requires all schools and early learning centers to annually report all employees that have and have not completed mandatory reporter training to the Dept. of Education and requires the department to post each entity's completion rates, beginning with the 2026-2027 school year.

Proposed law adds certain Dept. of Children and Family Services and office of juvenile justice employees to the list of mandatory reporters.

Proposed law amends the definitions of "caretaker", "mandatory reporter", "teaching or child care provider" and "neglect" in the Children's Code.

Proposed law provides for agency responsibility for responding to reports of child abuse and neglect.

Proposed law provides for agency responsibility for cases in which the perpetrator is a child. Provides that the Dept. of Children and Family Services is responsible for cases where the perpetrator child lives with the victim child and law enforcement is responsible for all other cases involving a child perpetrator.

Proposed law establishes requirements for reporting cases between the Dept. of Children and Family Services and law enforcement.

Proposed law establishes requirements for law enforcement to respond to reports of child

sexual abuse in a school setting and to refer certain cases to the Dept. of Children and Family Services.

### **Dept. of Children and Family Services Determinations**

Present law requires the Dept. of Children and Family Services to make a determination following an investigation of a report of child abuse or neglect of whether the report was justified, inconclusive, not justified, or false.

Proposed law changes the determination language from "justified" or "unjustified" to "substantiated" or "unsubstantiated".

Present law uses the terms "valid" and "invalid" when referring to justified and unjustified determinations of the Dept. of Children and Family Services.

Proposed law changes the terms "valid" and "invalid" to "substantiated" and "unsubstantiated".

### **Liability for Sexual Abuse in a School Setting**

Proposed law provides that a parent of guardian of a child who is the victim of sexual abuse in a school setting may be awarded damages including medical and behavioral health expenses and reimbursement of tuition paid for attendance at the school if the child is removed from the school.

Effective August 1, 2025.

(Amends R.S. 14:91.3(A), R.S. 15:587.1(C)(intro para), 587.1(C)(1) and 1110.3(H), R.S. 17:8.7(A), 8.7(B)(intro para), and 8.7(B)(1), 8.9(A)(5), (C), (D)(1), (2), and (3), and (E)(2) and (3), 15(A)(1)(a), (b)(i)(bb) and (cc), and (b)(ii) and (2)(a)(ii)-(v), (D), (E), and (F), 16(A), 24.8(A) and (B)(2), 407.33(5), 407.35(A), 407.42(A)(2) and (B)(1)(b), 407.46(A)(1), 407.71(A), 443(B)(1), 493(C)(1), and 3996(B)(28), R.S. 40:2008.10(A)(3) and 2019(F)(3)(b), R.S. 46:51.2(A)(1)(b), 56(F)(1), (4)(c), (10)(b)(i), and (11), and 1414.1(A), Ch.C. Art. 603(4)(a), (17)(d), and (18), 603.1(B), 610(A), (E)(1) and (2), and (H), 612(A)(3), 615(B)(2), (3), and (5), 615(E)(intro para) and 615(E)(1) and (4)(a) and (F), 616(B), 616(D)(intro para), 616(E) and (H), and 616.1.1(A); adds R.S. 17:8.9(A)(2)(c) and (3)(c) and (E)(4), 15(A)(1)(b)(i)(dd) and (2)(a)(vi) and (G), 407.41, and 3996(B)(82), Ch.C. Art. 603(17)(l)-(o) and 610(I) and C.C. Art. 2315.8)