

SENATE COMMITTEE AMENDMENTS

2026 Regular Session

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 237 by Senator Barrow

1 AMENDMENT NO. 1

2 On page 1, line 3, change "(9)(e) and (g)," to "(9)(a), (e), and (g),"

3 AMENDMENT NO. 2

4 On page 1, line 7, delete "R.S. 46:51(17)," and insert "R.S. 46:1(7), 51(17) and (18), 52.2,
5 and 52.3, and"

6 AMENDMENT NO. 3

7 On page 1, line 10, after "employees;" insert "to provide for false reporting;"

8 AMENDMENT NO. 4

9 On page 1, line 13, after "confidentiality;" insert "to provide for public reporting of fatalities
10 and near fatalities; to provide for a critical incident review team;"

11 AMENDMENT NO. 5

12 On page 2, delete lines 22 and 23 and insert the following:

13 **"F. The immunity provided for in Subsection E of this Section shall not**
14 **be extended to any person who makes a report known to be false or with**
15 **reckless disregard for the truth of the report. Any person who makes a false**
16 **report to the state Department of Education shall be subject to the penalties**
17 **provided for in R.S. 14:126.1.**

18 **G. For the purposes of this Section, the following definitions shall apply:**

19 **(1) "Employee" means any temporary, part-time, or permanent**
20 **administrator, teacher, substitute teacher, bus operator, substitute bus**
21 **operator, or janitor or any person providing cafeteria, transportation,**
22 **janitorial, maintenance, or student services through a contract with a school or**
23 **school system.**

24 **(2) "School" means a public school, nonpublic school, or charter school."**

25 AMENDMENT NO. 6

26 On page 4, line 9, change "**gender**" to "**biological sex**"

27 AMENDMENT NO. 7

28 On page 5, line 28, after "**databases**" insert a comma ","

29 AMENDMENT NO. 8

30 On page 6, line 1, after "**state.**" insert "**The child ombudsman shall not have the ability**
31 **to add to, edit, delete, or otherwise alter any document in any departments' system.**"

32 AMENDMENT NO. 9

33 On page 7, line 1, change "(9)(e) and (g)," to "(9)(a), (e), and (g),"

34 AMENDMENT NO. 10

1 On page 7, line 2, delete "R.S. 46:51(17) is" and insert "R.S. 46:1(7), 51(17) and (18), 52.2,
2 and 52.3 are"

3 AMENDMENT NO. 11

4 On page 7, between lines 2 and 3, insert the following:

5 "§1. Definitions

6 As used in this Title, the following definitions shall apply:

7 * * *

8 (7) "Near fatality" means an act as certified by the physician who
9 examined the child which placed the child in serious or critical condition.

10 * * *

11 AMENDMENT NO. 12

12 On page 7, delete line 12 and insert the following:

13 "(18) Designate the chief medical director as the employee primarily
14 responsible for all matters regarding child fatalities and near fatalities,
15 including but not limited to child death notification to the state child
16 ombudsman in accordance with R.S. 24:525 and for management of the public
17 website on incidents involving a child fatality or near fatality in accordance with
18 R.S. 46:52.2.

19 * * *

20 §52.2. Incidents involving fatality or near fatality; public website

21 The Department of Children and Family Services shall promptly provide
22 information to the public regarding a substantiated case of child abuse or
23 neglect that has resulted in a fatality or near fatality on its public website as
24 follows:

25 (1) The department shall provide the following preliminary information:

26 (a) The age, biological sex, parish, and general location of the residence
27 of the child who has suffered a fatality or a near fatality.

28 (b) The fact that a child suffered a fatality or near fatality as the result
29 of abuse or neglect.

30 (c) The name, city, town, or general location of the residence of the
31 alleged perpetrator, if available, unless the disclosure would violate any privacy
32 laws of this state.

33 (d) Whether there have been reports, or any current or past cases, of
34 abuse or neglect involving the child or the alleged perpetrator.

35 (e) Actions taken by the department in response to the fatality or near
36 fatality of the child.

37 (f) A detailed synopsis of prior reports or cases of abuse or neglect
38 involving the child or the alleged perpetrator and of the actions taken or
39 determinations made by the department in response to these reports or cases.

40 (2) Each fatality or near fatality shall be reviewed by a critical incident
41 review team in accordance with R.S. 46:52.3.

42 (3) Within one hundred twenty days after the date of the report for a
43 case involving a fatality or a near fatality, the department shall provide to the
44 public a summary report that includes any actions taken by the department in
45 response to the case, any changes in policies or practices that have been made
46 to address any issues raised in the review of the case, and any recommendations
47 made by the critical incident review team for further changes in policies,
48 practices, rules, or statutes to address those issues.

49 §52.3. Critical incident review

50 A. Each case of child abuse or neglect received by the department that
51 has resulted in a fatality or near fatality, whether substantiated or
52 unsubstantiated by the department, shall be reviewed by a multidisciplinary
53 critical incident review team as provided for in this Section.

54 B. The team shall consist of the following members:

1 (1) A representative of the Department of Children and Family Services
2 designated by the secretary of the Department of Children and Family Services.

3 (2) The chief medical director of the Department of Children and Family
4 Services or his designee.

5 (3) A representative of the Department of Justice designated by the
6 attorney general.

7 (4) A representative of the office of state police designated by the
8 superintendent of state police.

9 (5) A representative of the Louisiana Department of Health designated
10 by the secretary of the Louisiana Department of Health.

11 (6) A coroner or forensic pathologist appointed by the president of the
12 Louisiana Coroner's Association.

13 (7) A representative of a child advocacy center designated by the
14 Louisiana Alliance of Children's Advocacy Centers.

15 (8) The state child ombudsman, or his designee.

16 C. The department shall provide to the review team the following within
17 thirty days of reaching a disposition in a fatality or near fatality case:

18 (1) The investigation report and all evidence collected or generated as
19 part of the investigation of the fatality or near fatality.

20 (2) All prior reports of suspected abuse or neglect received by the
21 department concerning the child, the child's caretakers, or the alleged
22 perpetrator.

23 (3) All prior investigation reports concerning the child, the child's
24 caretakers, and the alleged perpetrator.

25 (4) Any additional records requested by the review team that the review
26 team deems relevant after reviewing the materials provided in Paragraphs (1)
27 through (3) of this Subsection.

28 D. The review team shall do all of the following:

29 (1) Evaluate means by which the death might have been prevented.

30 (2) Report its findings to appropriate agencies and make
31 recommendations that may help to reduce the number of child deaths caused
32 by abuse or neglect.

33 (3) Make specific recommendations to the Department of Children and
34 Family Services of any changes in policies or practices needed to address any
35 issues raised in the review of the case and any recommendations for further
36 changes in policies, practices, rules, or statutes to address those issues.

37 E. The attorney general shall be responsible for coordinating meetings
38 of the review team. The review team shall hold regular meetings at least
39 quarterly and shall hold special meetings if determined necessary by the
40 attorney general.

41 F.(1) The review team, in order that it may perform its functions and
42 duties as provided in this Section, shall have access to any information,
43 documents, or records in the possession of the Department of Children and
44 Family Services involving a child abuse and neglect investigations which are
45 pertinent as decided by the review team to the alleged child abuse or neglect
46 that led to the death of the child.

47 (2) All such records obtained by the review team in accordance with the
48 provisions of this Subsection, shall be confidential and shall not be available for
49 subpoena nor shall such information be disclosed, discoverable, or compelled
50 to be produced in any civil, criminal, administrative, or other proceeding nor
51 shall such records be deemed admissible as evidence in any civil, criminal,
52 administrative, or other tribunal or court for any reason.

53 (3) In no instance shall the name or identifying information of the
54 reporter in a case of abuse or neglect be disclosed to the review team.

55 (4) The furnishing of confidential information, documents, and reports
56 in accordance with this Section by any person, agency, or entity furnishing such
57 information, documents, and reports shall not expose such person, agency, or
58 entity to liability and shall not be considered a violation of any privileged or
59 confidential relationship, provided the participant has acted in good faith in the
60 reporting as required in this Section.

61 * * *

1 AMENDMENT NO. 13

2 On page 9, between lines 15 and 16, insert the following:

3 "(a) When there has been a child fatality or near fatality in which abuse or
4 neglect was medically determined by an examining physician to be a contributing
5 factor in the cause of death or near fatality. ~~For purposes of this Paragraph, "near~~
6 ~~fatality" means an act as certified by the physician who examined the child which~~
7 ~~placed the child in serious or critical condition."~~

8 AMENDMENT NO. 14

9 On page 18, line 14, after "perpetrator" insert "is a child"