

2026 Regular Session

SENATE BILL NO. 237

BY SENATORS BARROW AND MIZELL

CHILDREN. Provides relative to child welfare. (8/1/26)

AN ACT

To amend and reenact R.S. 24:525(C)(5), (6), and (13) and (D) through (G), R.S. 46:56(F)(1), (2), (8), (9)(a), (e), and (g), and (10)(a), Children's Code Arts. 508, 511(D), 609(A)(3), the introductory paragraph of 610(A), the introductory paragraph of 610(A)(1), the introductory paragraph of 610(A)(2), 610(A)(3) and (4)(a), and (D) through (H), 612(A), (B), and (C), 619(A)(1), 620(A), and 725.5(A), to enact R.S. 24:525(C)(14) and (H), R.S. 42:17(A)(12), R.S. 46:1(7), 51(17) and (18), 52.2, and 52.3, and Children's Code Arts. 512(E), 524(B)(13), and 603(17)(p), and to repeal Children's Code Arts. 509 and 610(I), relative to child welfare; to provide for the duties and responsibilities of the state child ombudsman; to provide for the duties and responsibilities of the Department of Children and Family Services; to provide for exceptions to public meetings; to provide for confidentiality; to provide for public reporting of fatalities and near fatalities; to provide for a critical incident review team; to provide for multidisciplinary investigative teams; to provide for forensic interviews; to provide for definitions; to provide for mandatory reporter training; to provide for child abuse and neglect reporting procedures; to provide for the assignment of reports for investigation and assessment; to provide for instant

1 custody orders; to provide relative to implementation; and to provide for related
2 matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 24:525(C)(5), (6), and (13) and (D) through (G) are hereby amended
5 and reenacted and R.S. 24:525(C)(14) and (H) are hereby enacted to read as follows:

6 §525. State child ombudsman; duties

7 * * *

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

10 * * *

11 (5) Periodically review the facilities and procedures of any institution or
12 ~~residences~~ **residence**, public or private, where a child has been placed by any state
13 agency or department.

14 (a) For purposes of this Section, the term "~~residences~~ **residence**" means
15 congregate care facilities and does not include foster homes.

16 (b) For purposes of this Section, the term "access" means policies and
17 availability of services.

18 (6) Recommend changes in state policies concerning children, including
19 changes in the system of providing juvenile justice, ~~child care~~ **childcare** assistance,
20 foster care, and access to physical and mental health treatment.

21 * * *

22 **(13) Notify the senator and representative who represent the district in**
23 **which the death of any child whose death or injury is the subject of an alleged**
24 **child abuse or neglect investigation within twenty-four hours of being notified**
25 **by the department. The notification shall not include any identifying**
26 **information.**

27 ~~(13)~~**(14)** Notify the senator and representative who represent the district in
28 which a child has died as a result of abuse or neglect, within twenty-four hours of ~~his~~
29 ~~knowledge~~ **being notified by the department** of the death of the child. **The**

1 notification shall include the information provided to the state child
2 ombudsman pursuant to Subparagraphs (E)(2)(b) through (f) of this Section.

3 D.(†) Any state agency having responsibility for the custody or care of
4 children shall provide monthly notice to the state child ombudsman of the death of
5 a child in its custody or care.

6 ~~(2)E.~~ E. The Department of Children and Family Services shall notify the state
7 child ombudsman ~~within three business days of receiving information~~ on the death
8 of any child that had been reported to the department for alleged child abuse or
9 neglect that resulted in a child fatality or near fatality in accordance with the
10 following:-

11 (1) The Department of Children and Family Services shall notify the
12 state child ombudsman in writing within three business days of receiving
13 information on the death or near fatality of any child whose death or injury is
14 the subject of a child abuse or neglect investigation. The notification shall
15 include:

16 (a) The date of the child's death or near fatality.

17 (b) The age of the child at death or near fatality.

18 (c) The biological sex of the child.

19 (d) The parish of the child's death or near fatality.

20 (e) Information regarding prior department involvement, including:

21 (i) Whether the child's caretaker had previously been reported to the
22 department for alleged child abuse or neglect of any child.

23 (ii) Whether the child who suffered the near fatality or fatality had
24 previously been the subject of a child abuse or neglect report or investigation.

25 (iii) Whether the child's fatality or near fatality occurred during an
26 active child protective services investigation or an open family services case.

27 (f) The assigned intake identification number.

28 (g) The date on which the report was accepted for investigation.

29 (2) The Department of Children and Family Services shall notify the

1 state child ombudsman within three business days after the conclusion of an
2 investigation into a fatality or near fatality of any child when it has been
3 determined that the death or near fatality was a result of abuse or neglect. The
4 notification shall include:

5 (a) The assigned intake investigation number if one had already been
6 assigned and reported to the ombudsman or provided and indicated as new if
7 one had not been previously provided.

8 (b) The date of the child's death or near fatality.

9 (c) The age of the child at death or near fatality.

10 (d) The gender of the child.

11 (e) The parish of the child's residence and parish of the child's death or
12 near fatality, if different.

13 (f) Child's name, if previously made public.

14 (g) Circumstances surrounding the child's death.

15 (h) Updated information regarding prior department involvement if such
16 new information is available since the department's reporting pursuant to
17 Subparagraph (1)(e) of this Subsection, including:

18 (i) Whether the child's caretaker or alleged perpetrator had previously
19 been reported to the department for alleged child abuse or neglect of any child.

20 (ii) Whether the child who suffered the near fatality or fatality had
21 previously been the subject of a child abuse or neglect report or investigation.

22 (iii) Whether the child's fatality or near fatality occurred during an
23 active child protective services investigation or an open family services case.

24 (3) The Department of Children and Family Services shall notify the
25 state child ombudsman within three business days after the conclusion of an
26 investigation by the department into a fatality or near fatality of any child when
27 it has been determined by the department that the death or near fatality was not
28 a result of abuse or neglect. The department shall provide the assigned intake
29 identification number provided pursuant to Subparagraph (E)(1)(f) of this

1 **Section.**

2 ~~E.F.~~ The standing committee of each house of the legislature having
3 responsibility for oversight shall perform a biennial review and evaluation of the
4 state child ombudsman and the provisions of this Section.

5 ~~F.G.~~ Notwithstanding any other provision of law to the contrary and to the
6 extent allowed by federal law, the state child ombudsman shall **have unrestricted**
7 **remote access to departmental computer networks, including access to any and**
8 **all case management systems, databases, and department policy and procedure**
9 **systems, pertaining to state agencies that provide services to children through**
10 **funds provided by the state. The child ombudsman shall not have the ability to**
11 **add to, edit, delete, or otherwise alter any document in any departments'**
12 **system. The child ombudsman shall not disclose the identifying information**
13 **concerning an individual who initiated a report or complaint of alleged child**
14 **abuse or neglect contained within any network or case management system**
15 **accessed pursuant to this Section. The ombudsman shall,** upon request, have
16 permission to view and use documents and records, **including audio and video**
17 **recordings,** relevant to the ombudsman's statutory duties. To the extent allowed by
18 federal law, such documents and records shall include but not be limited to the
19 applications and case files of the Louisiana Department of Health and the
20 Department of Children and Family Services ~~except for the name and any identifying~~
21 ~~information of the reporter of child abuse or neglect and~~ restrictions provided in Title
22 IV-D of the Social Security Act and the Internal Revenue Code, juvenile court
23 judgments and court minute entries, records and reports of children in the custody
24 of or under the supervision of the office of juvenile justice, student records in the
25 possession of the State Department of Education, any parish or city school board,
26 and any elementary or secondary education school, including charter schools. The
27 state child ombudsman shall comply with any and all restrictions imposed by law on
28 documents, data, or information considered confidential or privileged and furnished
29 to the state child ombudsman.

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

8 §52.3. Critical incident review

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

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

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

16 (2) The chief medical director of the Department of Children and Family
17 Services, or his designee.

18 (3) A representative of the Department of Justice designated by the
19 attorney general.

20 (4) A representative of the office of state police designated by the
21 superintendent of state police.

22 (5) A representative of the Louisiana Department of Health designated
23 by the secretary of the Louisiana Department of Health.

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

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

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

29 C. The department shall provide to the review team the following within

1 thirty days of reaching a disposition in a fatality or near fatality case:

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

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

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

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

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

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

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

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

21 E. The attorney general shall be responsible for coordinating meetings
22 of the review team. The review team shall hold regular meetings at least
23 quarterly and shall hold special meetings if determined necessary by the
24 attorney general.

25 F.(1) The review team, in order that it may perform its functions and
26 duties as provided in this Section, shall have access to any information,
27 documents, or records in the possession of the Department of Children and
28 Family Services involving a child abuse and neglect investigations which are
29 pertinent as decided by the review team to the alleged child abuse or neglect

1 that led to the death of the child.

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

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

10 (4) The furnishing of confidential information, documents, and reports
11 in accordance with this Section by any person, agency, or entity furnishing such
12 information, documents, and reports shall not expose such person, agency, or
13 entity to liability and shall not be considered a violation of any privileged or
14 confidential relationship, provided the participant has acted in good faith in the
15 reporting as required in this Section.

16 * * *

17 §56. Applications and client case records; definitions; confidentiality; waiver;
18 penalty

19 * * *

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

24 (1) Records pertaining to foster care of children, investigations of abuse and
25 neglect of children, and other child welfare services. For the purposes of this
26 Paragraph, case records of children in abuse and neglect and foster care cases may
27 be reviewed by the state child ombudsman pursuant to R.S. 24:525, attorneys
28 who are appointed by a court of juvenile jurisdiction to represent the sole interest of
29 the children, and pursuant to court order, such case records may be reviewed by

1 court-appointed special advocates appointed pursuant to Children's Code Article
2 424.1. Prior to a court hearing, the department may provide to such attorneys and
3 court-appointed special advocates copies of the most recent case plan for the child
4 and his family, the most recent court order and court report, and the child's most
5 recent medical ~~report~~ **reports, including but not limited to psychological**
6 **counseling and behavioral health assessments**. Additionally, pursuant to Children's
7 Code Article 616, a judge of a court exercising juvenile jurisdiction may request, in
8 writing to the department, central registry record checks. However, in no instance
9 shall the name or identifying information regarding a complainant in neglect and
10 abuse cases or the case records of the foster parents be subject to such review. The
11 department may, however, provide foster parents all information from the
12 department's records and from other records to which the department has access
13 concerning a child in the foster home, and concerning the child's family, where such
14 information is necessary for the foster parents to properly care for the child. The
15 department may also provide surrogate parents representing the special education
16 interests of children in the department's custody with all information from the
17 department's records and from other records to which the department has access
18 where such information is necessary for the surrogate parents to properly advocate
19 for the children. In any child custody proceeding, after the issue has been raised of
20 the potential existence of a relevant departmental record concerning the abuse or
21 neglect of a child who is the subject of that proceeding, the judge may contact the
22 local child protection unit to determine if such a record exists. If the department has
23 a substantiated report pursuant to Children's Code Article 615(B)(1) through (3), the
24 local child protection unit shall verbally advise the judge that such report is in the
25 possession of the unit. If the court finds that information which may be contained in
26 the report is necessary for an issue before the court, the court may order the release
27 of such information. If the report was unsubstantiated, such records shall be sealed
28 and accessible only pursuant to Children's Code Article 615.

29 (2) Information furnished to the department by persons, governmental

1 agencies, or other legal entities when such furnisher of information is subject to a
2 confidentiality statute or regulation which prohibits release of such information to
3 an outside source, ~~and~~.

4 * * *

5 (8)(a) Case records involving investigation of reports of child abuse and
6 neglect shall be confidential in order to protect the rights of the child and his parents
7 or guardians. Information contained in such records shall only be made available as
8 provided in this Section or applicable state or federal laws or regulations.

9 (b) The department shall not disclose identifying information concerning an
10 individual who initiated a report or complaint of alleged child abuse or neglect,
11 except that the department shall disclose such information:

12 **(i) To law enforcement involved in the investigation of a report or**
13 **complaint.**

14 **(ii) Pursuant** ~~pursuant~~ to a court order after such court has reviewed, in
15 camera, the department's case record and finds reason to believe that the reporter
16 knowingly made a false report.

17 (9) Notwithstanding any other provision of this Section, limited public
18 disclosure of summary information contained in the child abuse or neglect records
19 of the Department of Children and Family Services may be made as follows:

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

25 * * *

26 (e) The department shall not publicly disclose any information concerning the
27 individual initiating a report or complaint. **Providing information to law**
28 **enforcement for purposes of investigating a report or complaint shall not be**
29 **considered publicly disclosing the information.**

1 * * *

2 (g) Nothing in this Paragraph shall limit the authority of the department to
 3 disclose requested information to the parent or guardian of an abused or neglected
 4 child as otherwise provided by law, **unless the parent or guardian is the alleged**
 5 **perpetrator or living with or in a relationship with the alleged perpetrator.**

6 * * *

7 (10)(a) Upon written request, the department shall disclose limited
 8 information contained in child abuse or neglect records or reports to the following:

9 (i) An examining ~~physician~~ **healthcare provider** of a child whom he
 10 reasonably believes has been abused or neglected.

11 (ii) A committee or subcommittee of the legislature which has subject matter
 12 jurisdiction over child protection legislation according to the rules of the respective
 13 house, provided that such information is reviewed in closed session and kept
 14 confidential.

15 (iii) The executive director of a ~~day care center~~ **an early learning center** or
 16 residential provider, provided that the use of such information is limited to a
 17 confidential employee disciplinary investigation of alleged abuse or neglect of a
 18 child within that facility and the employee who is the subject of the disciplinary
 19 investigation is the subject of the requested information. ~~However, the department~~
 20 ~~shall have the authority to fine, revoke, or suspend the license of any day care center~~
 21 ~~or residential provider, after due notice and a hearing, if the executive director~~
 22 ~~releases the confidential information to an unauthorized person or persons. The~~
 23 ~~proceedings shall be conducted in accordance with rules and regulations to be~~
 24 ~~promulgated by the department.~~

25 (iv) The attorney who represents the child, the ~~day care~~ **early learning**
 26 center, or an employee of the ~~day care~~ **early learning** center.

27 * * *

28 Section 4. Children's Code Arts. 508, 511(D), 609(A)(3), the introductory paragraph
 29 of 610(A), the introductory paragraph of 610(A)(1), the introductory paragraph of 610(A)(2),

1 610(A)(3) and (4)(a), and (D) through (H), 612(A), (B), and (C), 619(A)(1), 620(A), and
 2 725.5(A) are hereby amended and reenacted and Children's Code Arts. 512(E), 524(B)(13),
 3 and 603(17)(p) are hereby enacted to read as follows:

4 Art. 508. Multidisciplinary investigative team; scope of responsibility

5 A. ~~Not later than February 15, 2004, a~~ A multidisciplinary investigative team
 6 shall be established for the investigation of child abuse within each judicial district.

7 B. The team shall be responsible for the investigation of all child sexual
 8 abuse cases, abuse and neglect cases involving allegations of the commission of a
 9 felony-grade crime against a child, and any other case involving trauma to a child,
 10 ~~in accordance with their agency scope of services,~~ which is referred to the team by
 11 any member and accepted by the team for investigation in compliance with the
 12 interagency protocols developed and instituted in accordance with ~~Articles 509 and~~
 13 Article 510 of this Part.

14 C. Any child that the Department of Children and Family Services or
 15 law enforcement has received a report of suspected sexual or serious physical
 16 abuse shall be referred to a child advocacy center for a forensic interview. The
 17 department or law enforcement agency shall notify the child advocacy center
 18 within seventy-two hours of receiving the report and the child advocacy center
 19 shall notify members of the appropriate multidisciplinary team within twenty-
 20 four hours. Every child advocacy center shall accept referrals from both the
 21 department and law enforcement. The multidisciplinary team shall meet to
 22 review any case in which a forensic interview has occurred. Law enforcement
 23 or the department shall not close a case in which a forensic interview has
 24 occurred prior to the multidisciplinary team review.

25 ~~E.D.~~ Each team shall develop and institute interagency protocols in
 26 accordance with ~~Articles 509~~ this Article and Article 510 of this Part and shall
 27 update the protocols as necessary.

28 * * *

29 Art. 511. Forensic interviewer; qualifications

1 * * *

2 D. The cost of employing and training the forensic interviewer is to be
3 decided on in the interagency protocols developed and instituted in accordance with
4 ~~Articles 509 and~~ Article 510 of this Part, and is not the responsibility of member
5 agencies unless agreed to in the protocols.

6 Art. 512. Composition of the multidisciplinary investigative team

7 * * *

8 **E. Each governmental entity provided for in Paragraph B of this Article**
9 **shall have a representative in attendance at each multidisciplinary team**
10 **meeting. Each child advocacy center shall submit the attendance records for**
11 **each multidisciplinary team in the center's jurisdiction to the attorney general**
12 **every six months. The attorney general shall review the records for compliance**
13 **with this Article and shall notify any agency that is out of compliance.**

14 * * *

15 Art. 524. Responsibilities

16 * * *

17 B. A child advocacy center shall be governed and managed so as to provide
18 at a minimum, for the following:

19 * * *

20 **(13) Specialized policies for conducting forensic interviews with children**
21 **with disabilities or children who require special accommodations.**

22 * * *

23 Art. 603. Definitions

24 As used in this Title:

25 * * *

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

27 * * *

28 **(p) A court-appointed supervised visit monitor.**

29 * * *

1 Art. 609. Mandatory and permitted reporting; training requirements

2 A. With respect to mandatory reporters:

3 * * *

4 (3)(a) ~~To familiarize mandatory reporters, as defined by Children's Code~~
5 ~~Article 603, with their legal mandate for reporting suspected child abuse and neglect,~~
6 ~~such mandatory~~ **Mandatory** reporters shall be offered training on the statutory
7 requirements and responsibility of reporting child abuse and neglect **and how to**
8 **identify the signs and symptoms of child neglect and abuse, including sexual**
9 **abuse and human trafficking.** ~~This~~ **The** training shall be made available by ~~the~~
10 ~~child welfare division of the Department of Children and Family Services or any~~
11 ~~other mechanism as approved by the department as long as it includes information~~
12 ~~on the reporting procedure and the consequences of failing to report.~~ **The**
13 **department may provide for an annual competency assessment which may be**
14 **used for training purposes.**

15 (b) ~~Each mandatory reporter may obtain mandatory reporting training as each~~
16 ~~mandatory reporter believes to be necessary in accordance with Subsubparagraph (a)~~
17 ~~or (d) of this Subparagraph.~~

18 (e)(b) The appropriate state regulatory department, board, commission, or
19 agency for each category of mandatory reporter ~~may~~ **shall** provide continuing
20 education credit for the completion of the training pursuant to this Paragraph.

21 (d)(c) Any entity, including but not limited to hospitals, educational and
22 religious institutions, and nonprofits, may provide its employees, volunteers, or
23 educational attendees with equivalent training pursuant to Subsubparagraph (a) of
24 this Subparagraph.

25 * * *

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

28 A. A reporter shall immediately report **to the Department of Children and**
29 **Family Services as provided in Subparagraph (4) of this Paragraph** suspected

1 child abuse or neglect or that child abuse or neglect was a contributing factor in a
2 child's death, ~~in the following ways:~~

3 (1) ~~To the Department of Children and Family Services~~ **The department**
4 **shall initiate and conduct an investigation pursuant to Article 612** if the reporter
5 ~~has reason to believe~~ **indicates** that the perpetrator is any of the following:

6 * * *

7 (2) ~~To a~~ **The department shall refer the information provided by the**
8 **mandatory reporter to the appropriate** local or state law enforcement agency
9 **pursuant to Paragraph E of this Article and the appropriate law enforcement**
10 **agency shall initiate and conduct an investigation** if the reporter ~~has reason to~~
11 ~~believe~~ **indicates** that the perpetrator is any of the following:

12 * * *

13 (3) Dual reporting to both the department and the local or state law
14 enforcement agency is permitted. However, the agency who receives a report
15 pursuant to ~~Subparagraph (1) or (2)~~ of this Paragraph shall be the agency responsible
16 for accepting and acting on the report and shall ensure referral to other agencies as
17 necessary.

18 (4) Reports to the department shall be made as follows:

19 (a) A mandatory reporter shall make a report of suspected abuse or neglect
20 requiring immediate assistance via the designated state child protection reporting
21 hotline telephone number. A report of suspected abuse or neglect which is of a
22 nonemergency nature may be reported via the Louisiana Department of Children and
23 Family Services Mandated Reporter Portal. Reports may also be made in person at
24 any child welfare office. **In receiving any report of child abuse or neglect, the**
25 **department or law enforcement agency shall clearly inform the reporter that,**
26 **unless the reporter requests anonymity, that the department or law enforcement**
27 **agency may contact the reporter directly to obtain further information during**
28 **the investigation.**

29 * * *

1 ~~D. If the initial report was in oral form by a mandatory reporter, it shall be~~
2 ~~followed by a written report made within five days via the online Mandated Reporter~~
3 ~~Portal of the department or by mail to the centralized intake unit of the department~~
4 ~~at the address provided on the website of the department; or, if necessary, to the local~~
5 ~~law enforcement agency. The reporter may use a form for the written report, which~~
6 ~~shall be developed, approved, and made available by the Department of Children and~~
7 ~~Family Services. The form is optional and may be available electronically on the~~
8 ~~department's website.~~

9 E.D.(1) All reports made to any local or state law enforcement agency
10 involving abuse or neglect in which an individual provided for in Subparagraph
11 (A)(1) of this Article is believed responsible shall be reported to the department
12 within twenty-four hours in accordance with Paragraph A of this Article.

13 (2)(a) All reports made to the department involving abuse or neglect in which
14 someone other than an individual provided for in Subparagraph (A)(1) of this Article
15 is believed to be responsible shall be reported to the appropriate law enforcement
16 agency within twenty-four hours by telephone. **The department shall notify the**
17 **reporter of the specific law enforcement agency where the report was referred.**

18 (b) The department also shall report all cases of child death which involve
19 a suspicion of abuse or neglect as a contributing factor in the child's death to the
20 local and state law enforcement agencies, the office of the district attorney, **the state**
21 **child ombudsman**, and the coroner.

22 (3) Reports involving a felony-grade crime against a child shall be promptly
23 communicated to the appropriate law enforcement authorities as part of the
24 interagency protocols for multidisciplinary investigations of child abuse and neglect
25 in each judicial district as provided in ~~Articles 509 and~~ **Article** 510.

26 (4) The department shall communicate as soon as possible all reports
27 involving alleged child victims of sex trafficking to the Louisiana State Police for
28 referral to the appropriate local law enforcement agency for investigation or other
29 action as appropriate.

1 F.E. Any commercial film or photographic print processor who has
2 knowledge of or observes, within the scope of this professional capacity or
3 employment, any film, photograph, video tape, negative, or slide depicting a child
4 who he knows or should know is under the age of seventeen years, which constitutes
5 child pornography or child sexual abuse materials as defined in Article 603, shall
6 report immediately to the local law enforcement agency having jurisdiction over the
7 case. The reporter shall provide ~~a copy~~ of the film, photograph, videotape, negative,
8 or slide to the agency receiving the report.

9 G.F.(1) If a physician has cause to believe that a newborn was exposed in
10 utero to an unlawfully used controlled dangerous substance, as defined by R.S.
11 40:961 et seq., the physician shall order a toxicology test upon the newborn, without
12 the consent of the newborn's parents or guardian, to determine whether there is
13 evidence of prenatal neglect. If the test results are positive, the physician shall issue
14 a report, as soon as possible, in accordance with this Article. If the test results are
15 negative, all identifying information shall be obliterated if the record is retained,
16 unless the parent approves the inclusion of identifying information. Positive test
17 results shall not be admissible in a criminal prosecution.

18 (2) If there are symptoms of withdrawal in the newborn or other observable
19 and harmful effects in his physical appearance or functioning that a physician has
20 cause to believe are due to the chronic or severe use of alcohol by the mother during
21 pregnancy or are the effects of fetal alcohol spectrum disorder, the physician shall
22 issue a report in accordance with this Article.

23 H.G.(1) All instances of alleged child abuse that occur in a school setting
24 shall be immediately reported by the school to the child's parent or legal guardian
25 and to ~~local or state law enforcement~~ the Department of Children and Family
26 Services, regardless of the alleged perpetrator.

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

29 (3) The Department of Children and Family Services shall immediately

1 notify law enforcement if the alleged perpetrator is any individual identified in
2 Subparagraph (A)(2) of this Article. Law enforcement shall begin an investigation
3 of the allegations within forty-eight hours of receiving the report.

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

6 (5) Any sexual abuse cases in which the alleged perpetrator is a child shall
7 be ~~referred to~~ accepted by the Department of Children and Family Services. The
8 department shall assess the family of the child victim and the alleged child
9 perpetrator to ensure child safety and well-being in accordance with Children's Code
10 Article 612(A)(3).

11 (6) For purposes of this Article, the following definitions shall apply:

12 (a) "School setting" means in a school building, on school grounds, in school
13 vehicles, or at any activities sponsored by a public, private, or charter school.

14 (b) "Sexual abuse" means the perpetration or attempted perpetration of R.S.
15 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.

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

18 * * *

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

20 A.(1) Upon receiving a report of abuse or neglect of a child, ~~who is not in the~~
21 ~~custody of the state, the local child protection unit~~ of the department shall promptly
22 immediately assign a level of risk to the child based on the information provided by
23 the reporter.

24 (2) Reports of high risk shall be investigated immediately and intermediate
25 levels of risk shall be investigated promptly. This investigation shall include a
26 preliminary investigation as to the nature, extent, and cause of the abuse or neglect
27 and the identity of the person actually responsible for the child's condition. This
28 preliminary investigation shall include an inquiry as to whether there is reason to
29 know that the child is an Indian child. This preliminary investigation shall also

1 include an interview with the child and the child's parents or other caretaker and shall
2 include consideration of all available medical information provided to the
3 department pertaining to the child's condition. **If the report is of sexual abuse, the**
4 **preliminary interview with the child shall only be to assess the immediate safety**
5 **of the child and a forensic interview at a child advocacy center shall be**
6 **scheduled immediately.** This preliminary investigation shall also include an
7 immediate assessment of any existing visitation or custody order or agreement
8 involving the alleged perpetrator and the child. The department shall request a
9 temporary restraining order pursuant to Article 617, a protective order pursuant to
10 Article 618, or an instanter safety plan order pursuant to Article 619 or 620 if the
11 department determines that any previously ordered visitation or custody would put
12 the child's health, welfare, and safety at risk. Admission of the investigator on school
13 premises or access to the child in school shall not be denied by school personnel.
14 However, the request for a temporary restraining order or a protective order in
15 accordance with this Article shall not independently confer exclusive jurisdiction on
16 the juvenile court in accordance with Article 303.

17 (3) In lieu of an investigation, reports of low levels of risk ~~and reports from~~
18 ~~law enforcement of child sexual abuse as provided for in Article 610~~ may be
19 assessed ~~promptly~~ through interviews with the family to identify needs and available
20 match to community resources. If during this assessment, it is determined that a child
21 is at immediate substantial risk of harm, the local child protection unit shall ~~promptly~~
22 **immediately** conduct ~~or participate in~~ an intensive investigation.

23 **(4) Any reports of sexual abuse in which the alleged perpetrator is a child**
24 **shall be assessed immediately through interviews with family of the child victim**
25 **and the alleged child perpetrator to identify needs and available matches to**
26 **community resources. If during this assessment, it is determined that a child is**
27 **at immediate substantial risk of harm, the local child protection unit shall**
28 **immediately conduct an intensive investigation.**

29 ~~(4)(5)~~ During the investigation of a report from a treating health care

1 practitioner of physical or sexual abuse of a child ~~who is not in custody of the state,~~
 2 ~~at the request and expense of the child's parent or caregiver,~~ the department shall
 3 provide copies of all medical information pertaining to the child's condition or
 4 treatment obtained during the investigation to a board certified child abuse
 5 pediatrician for purposes of conducting an independent review of the information.
 6 Any resulting report shall be provided to the department and to the child's parent or
 7 caretaker and shall be utilized in the department's ongoing assessment of risk and to
 8 determine what action may be necessary to protect the health, welfare, and safety of
 9 the child. Nothing in this Subparagraph shall be construed to prohibit granting an
 10 instanter removal order pursuant to Article 615(B).

11 B. All persons, including without limitation mandatory and permissive
 12 reporters, shall cooperate fully with investigative procedures, including independent
 13 investigations and psychological evaluations of the child ~~initiated by the parent on~~
 14 ~~behalf of the child.~~ The provisions of this Paragraph shall not require the disclosure
 15 of any communications between an attorney and his client or any confession or other
 16 sacred communication between priest, rabbi, duly ordained minister, or Christian
 17 Science practitioner and his communicant.

18 C. All interviews of the child or his parents conducted in the course of a child
 19 protective investigation shall be tape-recorded, ~~if requested by the parent or parents.~~

20 * * *

21 Art. 619. Instanter custody orders; instanter safety plan orders

22 A.(1) A peace officer, district attorney, or employee of the local child
 23 protection unit of the department may file a verified complaint alleging facts
 24 showing that there are reasonable grounds to believe that the child is in need of care
 25 and that emergency removal or the implementation of a safety plan is necessary to
 26 secure the child's health, welfare, and safety. The department shall request
 27 instanter custody of any child that is in the custody of another state and located
 28 in Louisiana until the child can be returned to the state of original jurisdiction.

29 * * *

1 Art. 620. Oral instanter orders

2 A.(1) In exceptional circumstances, the facts supporting the issuance of an
3 instanter order and the exceptional circumstances may be relayed orally, including
4 telephonically, to the judge, and the order directing that a child be taken into custody
5 or, upon request by the state, that an instanter safety plan order be implemented may
6 be issued orally.

7 **(2) An oral instanter order may be executed if the department requests**
8 **instanter custody of any child that is in the custody of another state and located**
9 **in Louisiana until the child can be returned to the state of original jurisdiction.**

10 * * *

11 Art. 725.5. Duties of the Department of Children and Family Services

12 A. The department shall be responsible for investigating reports of abuse or
13 neglect ~~where the abuser is believed to be a parent or caretaker, a person who~~
14 ~~maintains an interpersonal dating or engagement relationship with the parent or~~
15 ~~caretaker, or a person living in the same residence with the parent or caretaker as a~~
16 ~~spouse whether married or not~~ **as provided for in Article 610.**

17 * * *

18 Section 5. Children's Code Articles 509 and 610(I) are hereby repealed.

19 Section 6. The implementation of the provisions of this Act shall be subject to the
20 appropriation of funds by the legislature for this purpose.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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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Title 24

Present law provides for the duties and responsibilities of the state child ombudsman, including the duty to notify the senator and representative who represent the district in which a child has died as a result of abuse or neglect.

Proposed law requires the state child ombudsman to also notify the senator or representative when a child in their district is the subject of an alleged child abuse or neglect investigation. Proposed law further requires that the notification shall not include any identifying

information.

Present law requires the Dept. of Children and Family Services (DCFS) to notify the state child ombudsman of the death of any child that had been reported to the department for alleged child abuse or neglect.

Proposed law requires DCFS to provide notification to the state child ombudsman upon DCFS receiving information of the death or near fatality of any child whose death or injury is the subject of a child abuse or neglect investigation and after the conclusion of the investigation. Proposed law further provides for specific information to be included in the notification.

Present law authorizes the state child ombudsman to have permission, upon request, to view and use documents and records relevant to the ombudsman's statutory authority, excluding the name and identifying information of a reporter of child abuse or neglect.

Proposed law removes the exclusion for the reporter's identity and otherwise retains present law.

Proposed law additionally authorizes the ombudsman to have unrestricted remote access to department computer networks and systems for any state agency that provides services to children through state funds. Proposed law further prohibits the ombudsman from disclosing identifying information of a reporter of alleged child abuse or neglect contained within any network or system.

Title 42

Present law provides for a reason in which a public body may hold executive session.

Proposed law adds testimony including identifying information and explicit details related to physical or sexual abuse of children as an allowable reason to hold executive session.

Title 46

Present law provides for the duties of DCFS.

Proposed law requires the department to establish a law enforcement liaison position for each region of the state and provide for qualification and responsibilities for the position.

Present law provides relative to access of records pertaining to foster care of children, investigations of abuse and neglect of children, and other child welfare services and provides instances where the records may be reviewed.

Proposed law allows the state child ombudsman to review the records.

Present law provides that case records involving investigation of reports of child abuse and neglect are confidential and prohibits the disclosure of identifying information concerning an individual who reported alleged abuse or neglect except pursuant to certain court orders.

Proposed law authorizes DCFS to disclose identifying information of the reporter to law enforcement that is involved in the investigation of a report or complaint.

Present law authorizes DCFS to disclose requested information to the parent or guardian of an abused or neglected child.

Proposed law provides that DCFS's authority to share the information with the parent or guardian is limited if either is the alleged perpetrator or is living with or in a relationship with the alleged perpetrator.

Proposed law updated terminology and references to DCFS licensure of day care centers.

Proposed law requires DCFS to designate the chief medical director as the employee responsible for overseeing all matters regarding child fatalities and near fatalities, including notifying the child ombudsman and posting information on the public website.

Proposed law requires DCFS to post certain information on its public website relative to each substantiated case of child abuse or neglect that resulted in a fatality or near fatality.

Proposed law establishes a multidisciplinary critical incident review team, under the direction of the attorney general, to review all substantiated and unsubstantiated fatalities and near fatalities received by DCFS and make recommendations on changes to policies, procedures, rules and statutes.

Children's Code

Present law requires the establishment of a multidisciplinary investigative team (MDT) for the investigation of child abuse in each judicial district and provides for the referral of cases to the team in accordance with interagency protocols developed and instituted pursuant to present law.

Proposed law requires DCFS and law enforcement to refer any child that the department or agency has received a report of suspected sexual or serious physical abuse to a child advocacy center (CAC) for a forensic interview. Proposed law further requires DCFS or the law enforcement agency to notify the CAC within 72 hours of receiving the report and requires the CAC to notify the MDT within 24 hours.

Proposed law requires every CAC to accept referrals from both DCFS and law enforcement.

Proposed law requires the MDT to meet to review any case in which a forensic interview has occurred and prohibits DCFS or law enforcement from closing any case in which a forensic interview has occurred prior to the MDT review.

Present law provides for a drafting committee to confect interagency protocols for the MDTs in each judicial district no later than Aug. 15, 2006.

Proposed law repeals present law.

Present law provides for the composition of MDT teams including the following governmental entities: DCFS, the district attorney, the sheriff and other law enforcement agencies having responsibility in the district for the investigation of child abuse, the coroner or his designee who is a licensed medical professional with experience in the investigation of child abuse or the evaluation of child victims.

Proposed law provides that each governmental entity is required to have a representative at each MDT meeting. Proposed law further requires each CAC to submit the attendance records for each MDT in the CAC's jurisdiction to the attorney general every six months and requires the attorney general to review the records for compliance and notify any agency that is out of compliance.

Present law provides for the responsibilities and minimum standards for each CAC.

Proposed law required each CAC to have specialized policies for conducting forensic interviews with children with disabilities or who require special accommodations.

Present law defines "mandatory reporter".

Proposed law adds court-appointed supervised visit monitors as a mandatory reporter.

Present law requires mandatory reporters to be offered training made available by DCFS on the statutory requirements and responsibility of reporting child abuse and neglect.

Proposed law requires mandatory reporters to be offered training provided by DCFS to include how to identify signs and symptoms of child neglect and abuse, including sexual abuse and human trafficking.

Present law allows each mandatory reporter to obtain training as the reporter believes is necessary.

Proposed law repeals present law.

Present law further allows any entity, including but not limited to hospitals, educational and religious institutions, and nonprofits to provide its employees, volunteers, or educational attendees with training that is equivalent to the DCFS training.

Proposed law retains present law.

Proposed law further authorizes DCFS to provide for an annual competency assessment which may be used for training purposes.

Present law requires reporters to report suspected child abuse or neglect to DCFS if the reporter believes the perpetrator is a parent, caretaker, or other individual identified in present law and to report to law enforcement if the suspected perpetrator is a school employee or other individual not under DCFS's investigative jurisdiction.

Proposed law requires reporters to report all suspected child abuse or neglect to DCFS and requires DCFS to either investigate or refer the information provided by the mandatory reporter to law enforcement.

Proposed law requires DCFS or law enforcement to clearly inform the reporter that the department or agency may contact the reporter directly to obtain further information during the investigation, unless the reporter requests anonymity.

Proposed law requires that if a mandatory reporter makes an initial report in oral form, the reporter shall follow up with a written report on the online Mandated Reporter Portal within five days.

Proposed law repeals present law.

Present law requires DCFS to notify law enforcement with 24 hours of reports made to the department in which the suspected perpetrator is an individual that is not under the investigative jurisdiction of DCFS.

Proposed law requires DCFS to notify the reporter of the specific law enforcement agency where the report was referred.

Present law requires all instances of alleged child abuse that occur in a school setting to be reported to the child's parent and legal guardian and to local or state law enforcement.

Proposed law adds that the school is required to make the reports and changes the required reporting from local or state law enforcement to DCFS and for DCFS to immediately notify law enforcement if the alleged perpetrator is an individual under the investigative jurisdiction of law enforcement.

Present law provides for the reports of high and intermediate levels of risk as determined by DCFS to be promptly investigated and include a preliminary investigation.

Proposed law requires reports of high risk to be investigated "immediately" and reports of intermediate levels of risk to be investigated "promptly". Proposed law further requires that preliminary interviews for reports of sexual abuse shall only be to assess the immediate safety of the child and a forensic interview at a CAC shall be immediately scheduled.

Present law authorizes peace officers, district attorneys, and employees of the local child protection unit of DCFS to request an instanter order for emergency removal or the implementation of a safety plan for a child in need of care.

Proposed law requires DCFS to request an instanter order of any child that is in the custody of another state and located in Louisiana until the child can be returned to the state of original jurisdiction and provides that the an oral instanter order may be executed in those situations.

Implementation of the provisions of proposed law is subject to the appropriation of funds by the legislature for this purpose.

Effective August 1, 2026.

(Amends R.S. 24:525(C)(5), (6), and (13) and (D)-(G), R.S. 46:56(F)(1), (2), (8), (9)(a), (e), and (g), and (10)(a), Ch.C. Arts. 508, 511(D), 609(A)(3), 610(A)(intro para), 610(A)(1)(intro para), 610(A)(2)(intro para), 610(A)(3) and (4)(a), and (D)-(H), 612(A), (B), and (C), 619(A)(1), 620(A), and 725.5(A); adds R.S. 24:525(C)(14) and (H), R.S. 42:17(A)(12), R.S. 46:1(7), 51(17) and (18), 52.2, and 52.3, and Ch.C. Arts. 512(E), 524(B)(13), and 603(17)(p); repeals Ch.C. Arts. 509 and 610(I))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Adds provisions relative to false reporting of alleged abuse or neglect perpetrated by school employees to the Dept. of Education.
2. Adds provisions relative to the child ombudsman's access to external departments' systems.
3. Requires DCFS to publish certain information relative to each substantiated case of child abuse or neglect that resulted in a fatality or near fatality on its public website.
4. Establishes a multidisciplinary critical incident review team to review all substantiated and unsubstantiated fatalities and near fatalities received by DCFS.
5. Makes technical changes.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Remove provision excluding the identity of a reporter of child abuse or neglect from documents and records accessible by the state child ombudsman.
2. Clarify the responsibilities of the law enforcement liaison position within DCFS.
3. Require DCFS to refer the information provided by the mandatory reporter

to law enforcement.

4. Require reports of high risk to be investigated "immediately" and reports of intermediate levels of risk to be investigated "promptly" by DCFS.
5. Remove provision requiring a principal or school administrator to immediately report to the Dept. of Education if an allegation of physical or sexual abuse of a student has been made against a school employee.
6. Remove provision requiring the state Dept. of Education to maintain a database of reports.
7. Remove immunity provisions.
8. Restores provision allowing any entity, including but not limited to hospitals, educational and religious institutions, and nonprofits to provide its employees, volunteers, or educational attendees with training that is equivalent to the DCFS training.
9. Remove requirement that mandatory reporters complete annual training.
10. Provide that the implementation of the provisions of proposed law is subject to the appropriation of funds by the legislature.
11. Make technical changes.