

2026 Regular Session

HOUSE BILL NO. 1052

BY REPRESENTATIVES SPELL AND CHASSION AND SENATOR BARROW

1 AN ACT

2 To amend and reenact R.S. 15:440.8, R.S. 44:4.1(B)(40), and Children's Code Article 513
3 and to enact Children's Code Articles 525(C), 525.1, and 545(C), relative to
4 confidentiality of records; to provide relative to confidentiality of work product; to
5 provide for a definition; to provide for authorized and prohibited disclosures; to
6 provide for public records exceptions; to provide for an effective date; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:440.8 is hereby amended and reenacted to read as follows:

10 §440.8. Confidentiality of records; child advocacy centers

11 The files, reports, records, communications, working papers, or videotaped
12 interviews used or developed in providing services ~~under Part H of~~ pursuant to Title
13 V of the Children's Code are confidential and not subject to the Public Records Law.
14 Disclosure of any files, reports, records, communications, or working papers of a
15 child advocacy center may be made only pursuant to Children's Code Article 525 or
16 by order of the juvenile court of competent jurisdiction pursuant to Children's Code
17 Article 412. Disclosure of videotaped interviews of protected persons shall be
18 disclosed either pursuant to R.S. 15:440.1 et seq. or Children's Code Article 322 et
19 seq.

20 Section 2. R.S. 44:4.1(B)(40) is hereby amended and reenacted to read as follows:

21 §4.1. Exceptions

22 * * *

23 B. The legislature further recognizes that there exist exceptions, exemptions,
24 and limitations to the laws pertaining to public records throughout the revised

1 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
2 limitations are hereby continued in effect by incorporation into this Chapter by
3 citation:

4 * * *

5 (40) Children's Code Articles 328, 328.2, 404, 412, 424.6, 424.9, 441, 525,
6 525.1, 543, 545, 615, 616, 616.1, 663, 737, 793, 888, 891, 893, 920, 921, 922, 1007,
7 1106, 1107, 1185, 1186, 1187, 1207, 1213, 1229, 1235, 1252, 1273, 1283.5, 1283.10,
8 1416, 1453, 1568

9 * * *

10 Section 3. Children's Code Article 513 is hereby amended and reenacted and
11 Children's Code Articles 525(C), 525.1, and 545(C) are hereby enacted to read as follows:

12 Art. 513. Confidentiality policy

13 A. A multidisciplinary investigative team may obtain all information
14 necessary to perform its official duties from any public agency, department, or other
15 organization, including material otherwise made confidential or privileged. Any
16 confidential or privileged material or verbal information obtained by a team member
17 during an investigation shall be disclosed only as necessary to other team members,
18 and shall not be disclosed to any agency or individual not represented on the
19 multidisciplinary investigative team unless otherwise required by law.

20 B. Each multidisciplinary investigative team shall adopt and adhere to a
21 written confidentiality policy governing information obtained in the course of child
22 abuse and neglect investigations. The policy adopted pursuant to this Article shall
23 ensure that information is shared only among authorized participants for the purposes
24 of investigation, assessment, prosecution, and treatment. All work product generated
25 by a multidisciplinary investigative team is subject to the protections provided in
26 Article 525.1.

27 * * *

28 Art. 525. Confidentiality policy; exceptions

29 * * *

1 C. Each child advocacy center shall adopt and enforce a written
 2 confidentiality policy consistent with state and federal law. Information maintained
 3 by a child advocacy center is confidential and shall be disclosed only as necessary
 4 to carry out the purposes of the center. All confidential information that is generated
 5 or maintained by a child advocacy center is subject to the protections provided in
 6 Article 525.1.

7 Art. 525.1. Confidential information of child advocacy centers and multidisciplinary
 8 investigative teams

9 A. For the purposes of this Article, "confidential information" means any
 10 files, reports, communications, records, materials, or information of any kind
 11 created, received, or maintained by a child advocacy center or a multidisciplinary
 12 investigative team in connection with a child abuse or neglect case, including but not
 13 limited to forensic interviews, evidence, medical exams, advocacy notes, counseling
 14 notes, mental health records, case review notes, communications, and
 15 recommendations.

16 B. Notwithstanding any provision of law to the contrary, confidential
 17 information is not subject to any public records requests, subpoena, discovery, or
 18 disclosure except as provided in this Article.

19 C. Confidential information may be shared only as follows:

20 (1) Among multidisciplinary investigative team members for the purposes
 21 of investigation, assessment, prosecution, and treatment.

22 (2) With a court of competent jurisdiction, subject to a protective order
 23 issued pursuant to R.S. 15:440.1 et seq.

24 (3) As otherwise provided by law.

25 D. The provisions of this Article do not apply to criminal proceedings or
 26 those proceedings governed by Titles VI, VII, and VIII of the Louisiana Children's
 27 Code, which are subject to R.S. 15:440.5.

28 E. Confidential information other than forensic interviews is privileged and
 29 protected from disclosure in child custody, civil, and administrative proceedings.
 30 However, pursuant to R.S. 15:440.7, forensic interviews may be disclosed only for

1 in camera inspection in connection with such proceedings. After in camera
2 inspection, the court may order in writing that the videotape be disclosed to the
3 attorneys of record for each party, subject to a protective order as provided for in
4 R.S. 15:440.7(A)(2).

5 F. The protections of this Article apply only to agencies and individuals
6 acting under formal multidisciplinary agreements.

7 G. Nothing in this Article limits the disclosure of independently obtained
8 evidence, the authority of law enforcement, or the constitutional rights of a
9 defendant.

10 * * *

11 Art. 545. Confidentiality

12 * * *

13 C. Information shared pursuant to this Chapter is confidential. The
14 confidentiality provisions of this Article include the protections provided in Article
15 525.1.

16 Section 4. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____