

<b>FOR OFFICE USE ONLY</b>	

**HOUSE FLOOR AMENDMENTS**

2026 Regular Session

Amendments proposed by Representative Berault to Re-Reengrossed Senate Bill No. 237  
by Senator Barrow

1 AMENDMENT NO. 1

2 Delete the set of amendments by the House Committee on Health and Welfare (#5949)

3 AMENDMENT NO. 2

4 Delete the set of amendments by the House Committee on Appropriations (#6100)

5 AMENDMENT NO. 3

6 On page 1, delete lines 2 through 9 in their entirety and insert the following

7 "To amend and reenact R.S. 24:525(C)(5), (6), and (13) and (D) through (G), R.S.  
8 44:4.1(B)(32), R.S. 46:56(F)(1), (2), (8), (9)(a), (e), (g), and (10)(a), Children's Code  
9 Arts. 508, 511(D), 609(A)(3), 610(A)(4)(a) and (D) through (H), 612(A), (B), and  
10 (C), 619(A)(1), 620(A), and 725.5(A), to enact R.S. 24:525(H), R.S. 42:17(A)(12),  
11 R.S. 46:1(7), 51(17) and (18), 52.2, R.S. 49:191(2)(h) and Children's Code Arts.  
12 512(E), 524(B)(13), and 603(17)(p) and (33), and to repeal R.S. 49:191(1)(h) and  
13 Children's Code Arts. 509 and 610(I), relative to child welfare; to provide for the"

14 AMENDMENT NO. 4

15 On page 1, line 12, after "confidentiality;" delete the remainder of the line

16 AMENDMENT NO. 5

17 On page 1, line 13, delete "public reporting of fatalities and near fatalities;"

18 AMENDMENT NO. 6

19 On page 2, delete line 1 in its entirety and insert the following:

20 "custody orders; to provide for the re-creation of the Department of Children and  
21 Family Services and the statutory entities made a part of the department by law; to provide  
22 for the effective termination date for all statutory authority for the existence of such statutory  
23 entities; to provide for implementation; to provide for effectiveness; and to provide for  
24 related"

25 AMENDMENT NO. 7

26 On page 2, line 5, change "R.S. 24:525(C)(14) and (H) are" to "R.S. 24:525(H) is"

27 AMENDMENT NO. 8

28 On page 2, delete lines 22 through 29 in their entirety and insert the following:

1       "~~(13)(a) Notify the senator and representative who represent the district in which a~~  
 2       ~~child has died as a result of abuse or neglect, within twenty-four hours of his~~  
 3       ~~knowledge of the death of the child. **Notify all of the following within twenty-four**~~  
 4       ~~**hours of being notified by the department of the fatality or near fatality of a**~~  
 5       ~~**child:**~~

6               ***(i) The senator and representative who represent the district in which***  
 7       ***a child who has died, as a result of abuse or neglect, resided or, if unknown, the***  
 8       ***district in which the child died.***

9               ***(ii) The speaker pro tempore of the House of Representatives.***

10              ***(iii) The president pro tempore of the Senate.***

11              ***(iv) The chairs of the House and Senate committees on health and***  
 12       ***welfare.***

13              ***(b) The notification shall include the information provided to the state***  
 14       ***child ombudsman pursuant to Subparagraphs (E)(1)(a) through (d) of this***  
 15       ***Section.***

16       AMENDMENT NO. 9

17       On page 3, delete lines 1 and 2 in their entirety

18       AMENDMENT NO. 10

19       On page 3, delete lines 6 through 29 in their entirety and insert the following:

20              "~~(2) E.(1)~~ The Department of Children and Family Services shall notify the  
 21       state child ombudsman **in writing** within three business days of receiving a **report**  
 22       **of information on the death a fatality or near fatality** of any child that had been  
 23       reported to the department for alleged **whose fatality or near fatality is the subject**  
 24       **of a** child abuse or neglect **investigation. The notification shall include all of the**  
 25       **following:**

26              ***(a) The date of the child's death.***

27              ***(b) The age of the child.***

28              ***(c) The biological sex of the child.***

29              ***(d) The child's parish of residence.***

30              ***(e) The identification number assigned to the report.***

31              ***(f) The date on which the report was accepted for investigation.***

32              ***(2) The Department of Children and Family Services shall notify the***  
 33       ***state child ombudsman in writing within three business days after the***  
 34       ***conclusion of an investigation into a fatality or near fatality of any child.***

35              ***(a) When the determination is that the report is substantiated the***  
 36       ***notification shall include all of the following:***

37              ***(i) The identification number assigned to the report.***

38              ***(ii) Whether the perpetrator had previously been reported to the***  
 39       ***Department of Children and Family Services for alleged child abuse or neglect***  
 40       ***of any child.***

41              ***(iii) Whether the child had previously been the subject of a child abuse***  
 42       ***or neglect report or investigation.***

43              ***(iv) Whether the fatality or near fatality occurred during an active child***  
 44       ***protective services investigation or an open family services case.***

45              ***(b) When the determination is that the report is inconclusive or***  
 46       ***unsubstantiated the notification shall include all of the following:***

47              ***(i) The identification number assigned to the report.***

48              ***(ii) A statement that the report was not substantiated.***

49       AMENDMENT NO. 11

50       Delete page 4 in its entirety

1 AMENDMENT NO. 12

2 On page 5, delete line 1 in its entirety

3 AMENDMENT NO. 13

4 On page 5, delete line 11 and 12 in their entirety and insert the following:

5 **"add to, edit, delete, alter, reproduce, or distribute any data or document in any**  
6 **department's system. The child ombudsman may publish reports, findings, or**  
7 **recommendations, or aggregate or de-identified data derived from information**  
8 **accessed in accordance with this Subsection provided that no confidential or personal**  
9 **identifying information is disclosed in violation of state or federal law. The child**  
10 **ombudsman shall not disclose the identifying information"**

11 AMENDMENT NO. 14

12 On page 5, line 16, after "use" and before "documents" insert "**physical**"

13 AMENDMENT NO. 15

14 On page 6, between lines 11 and 12, insert the following:

15 "Section 3. R.S. 44:4.1(B)(32) is hereby amended and reenacted to read as follows:

16 §4.1. Exceptions

17 \* \* \*

18 B. The legislature further recognizes that there exist exceptions, exemptions,  
19 and limitations to the laws pertaining to public records throughout the revised  
20 statutes and codes of this state. Therefore, the following exceptions, exemptions, and  
21 limitations are hereby continued in effect by incorporation into this Chapter by  
22 citation:

23 \* \* \*

24 (32) ~~R.S. 46:56~~, **R.S. 46:52.2, 56**, 123(K), 236.1.1 through 238, 284, 286.1,  
25 439.1, 446.1, 1073, 1355, 1806, 1831.5, 1844, 1862, 1923, 2124.1, 2134, 2187, 2356,  
26 2416, 2597, 2603, 2625

27 \* \* \*"

28 AMENDMENT NO. 16

29 On page 6, line 12, change "Section 3." to "Section 4."

30 AMENDMENT NO. 17

31 On page 6, line 13, change "52.2, and 52.3" to "and 52.2"

32 AMENDMENT NO. 18

33 On page 6, delete lines 18 and 19 and insert the following:

34 **"(7) "Near fatality" means an act that, as certified by a physician, places the**  
35 **child in serious or critical condition."**

36 AMENDMENT NO. 19

37 On page 6, line 25, delete "**each region of**"

1 AMENDMENT NO. 20

2 On page 6, line 26, change "Each" to "The"

3 AMENDMENT NO. 21

4 On page 7, line 1, delete "the chief medical director as the" and insert "an"

5 AMENDMENT NO. 22

6 On page 7, line 4, after "R.S. 24:525" insert a period "." and delete the remainder of the line

7 AMENDMENT NO. 23

8 On page 7, delete lines 5 and 6 in their entirety

9 AMENDMENT NO. 24

10 On page 7, delete lines 8 through 29 in their entirety

11 AMENDMENT NO. 25

12 Delete pages 8 and 9 in their entirety

13 AMENDMENT NO. 26

14 On page 10, delete lines 1 through 15 in their entirety and insert the following:

15 **"§52.2. Critical incident review team**

16 **A. Each child fatality and near fatality substantiated by the department**  
 17 **as being the result of abuse or neglect shall be reviewed by the critical incident**  
 18 **review team, hereinafter referred to as the review team. Any child fatality or**  
 19 **near fatality that was unsubstantiated by the department as being the result of**  
 20 **abuse or neglect may be reviewed by the review team at the discretion of the**  
 21 **chair of the review team.**

22 **B. The review team shall consist of the following members:**

23 **(1) The secretary of the Department of Children and Family Services, or**  
 24 **his designee.**

25 **(2) The chief medical director of the Department of Children and Family**  
 26 **Services, or his designee.**

27 **(3) A representative of the Department of Justice designated by the**  
 28 **attorney general.**

29 **(4) A representative of the office of state police designated by the**  
 30 **superintendent of state police.**

31 **(5) A representative of the Louisiana Department of Health designated**  
 32 **by the secretary of the Louisiana Department of Health.**

33 **(6) A coroner or forensic pathologist appointed by the president of the**  
 34 **Louisiana State Coroner's Association.**

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

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

38 **(9) A quality-improvement or continuous-improvement employee of the**  
 39 **Department of Children and Family Services with training in safety science or**  
 40 **human-factors analysis appointed by the secretary of the department.**

41 **C.(1) The representative of the Department of Justice designated by the**  
 42 **attorney general shall serve as the chair of the review team.**

43 **(2) The representative of the chair shall direct and coordinate meetings**  
 44 **of the review team.**

1           **(3) The review team shall hold regular meetings at least quarterly and**  
2 **shall hold special meeting as determined by the chair.**

3           **D. Each member of the review team shall provide any information**  
4 **created or obtained by their representative organization related to a child**  
5 **fatality or near fatality that is being reviewed within thirty days of being**  
6 **notified that the child fatality or near fatality is being reviewed.**

7           **E. The review team shall do all of the following:**

8           **(1) Evaluate means by which a fatality or near fatality might have been**  
9 **prevented.**

10           **(2) Report its findings to appropriate agencies and make**  
11 **recommendations that may help to reduce the number of child deaths caused**  
12 **by abuse or neglect.**

13           **(3) Make specific recommendations about policy or procedure needed to**  
14 **address any issues raised in the review of the case and any recommendations for**  
15 **further changes in policies, practices, rules, or statutes to address those issues.**

16           **F.(1) The review team, in order that it may perform its functions and**  
17 **duties as provided in this Section, shall have access to any information,**  
18 **documents, or records in the possession of any represented organization which**  
19 **are pertinent to a fatality or near fatality selected for review.**

20           **(2) All records obtained by the review team, in accordance with the**  
21 **provisions of this Section, shall be confidential and shall not be available for**  
22 **subpoena nor shall such information be disclosed, discoverable, or compelled**  
23 **to be produced in any civil, criminal, administrative, or other proceeding nor**  
24 **shall such records be deemed admissible as evidence in any civil, criminal,**  
25 **administrative, or other tribunal or court for any reason.**

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

28           **(4) The furnishing of confidential information, documents, and reports**  
29 **in accordance with this Section by any person, agency, or entity furnishing such**  
30 **information, documents, and reports shall not expose such person, agency, or**  
31 **entity to liability and shall not be considered a violation of any privileged or**  
32 **confidential relationship, if the participant has acted in good faith in the**  
33 **reporting as required in this Section."**

34 AMENDMENT NO. 27

35 On page 13, line 28, change "Section 4." to "Section 5." and after "609(A)(3),"delete the  
36 remainder of the line

37 AMENDMENT NO. 28

38 On page 13, delete line 29 in its entirety

39 AMENDMENT NO. 29

40 On page 14, line 1, delete "610(A)(3) and (4)(a)," and insert "610(A)(4)(a)"

41 AMENDMENT NO. 30

42 On page 14, line 3, delete "603(17)(p)" and insert "603(17)(p) and (33)"

43 AMENDMENT NO. 31

44 On page 14, line 14, change "that" to "for whom"

45 AMENDMENT NO. 32

46 On page 14, line 15, after "sexual" delete the remainder of the line and insert "abuse or  
47 severe physical"

1 AMENDMENT NO. 33

2 On page 14, line 16, after "**interview**" and before the period ":" insert "**in accordance with**  
3 **interagency protocols**"

4 AMENDMENT NO. 34

5 On page 15, after line 29, add the following:

6 **"(33) "Near fatality" means an act that, as certified by a physician,**  
7 **places the child in serious or critical condition.**  
8 \* \* \*

9 AMENDMENT NO. 35

10 On page 16, delete lines 28 and 29 and on page 17, delete lines 1 through 17 and insert the  
11 following:

12 "A. A reporter shall immediately report suspected child abuse or neglect or that child  
13 abuse or neglect was a contributing factor in a child's death in the following ways:  
14 \* \* \*

15 AMENDMENT NO. 36

16 On page 17, line 26, delete "**that**"

17 AMENDMENT NO. 37

18 On page 18, line 16, after "telephone." delete the remainder of the line and delete line 17 in  
19 its entirety

20 AMENDMENT NO. 38

21 On page 19, delete lines 25 and 26 in their entirety and insert the following:

22 "and to local or state law enforcement, regardless of the alleged perpetrator."

23 AMENDMENT NO. 39

24 On page 19, delete line 29 in its entirety

25 AMENDMENT NO. 40

26 On page 20, delete lines 1 and 2 in their entirety and insert the following:

27 "(3) Law enforcement shall begin an investigation"

28 AMENDMENT NO. 41

29 On page 20, delete line 7 in its entirety and insert "be referred to the Department of Children  
30 and Family Services. The"

31 AMENDMENT NO. 42

32 On page 21, line 24 change "**shall**" to "**may**"

33 AMENDMENT NO. 43

34 On page 21, line 26, after "**If**" and before "**during**" insert a comma " ,"

1 AMENDMENT NO. 44

2 On page 22, delete lines 1 and 2 in their entirety and insert the following:

3 "practitioner of physical abuse of a child who is not in custody of the state, at the request and  
4 expense of the child's parent or caregiver, the department shall"

5 AMENDMENT NO. 45

6 On page 22, delete lines 18 and 19 in their entirety and insert the following:

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

10 AMENDMENT NO. 46

11 On page 23, delete lines 18 through 20 in their entirety and insert the following:

12 "Section 6. Pursuant to R.S. 49:193, the Department of Children and Family  
13 Services and the statutory entities made a part of the department by law shall be re-created  
14 effective June 30, 2026, and all statutory authority therefor is continued in accordance with  
15 the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

16 Section 7. All statutory authority for the existence of the Department of Children and  
17 Family Services and the statutory entities made a part of the department as re-created by  
18 Section 6 of this Act shall cease as of July 1, 2029, pursuant to R.S. 49:191. However, the  
19 Department of Children and Family Services may be re-created prior to such date in  
20 accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised  
21 Statutes of 1950.

22 Section 8. The provisions of R.S. 49:193 are hereby superseded to the extent that  
23 those provisions are in conflict with the provisions of this Act.

24 Section 9. R.S. 49:191(2)(h) is hereby enacted to read as follows:

25 §191. Termination of legislative authority for existence of statutory entities; phase-  
26 out period for statutory entities; table of dates

27 Notwithstanding any termination dates set by any previous Act of the  
28 legislature, the statutory entities set forth in this Section shall begin to terminate their  
29 operations on July first of each of the following years, and all legislative authority  
30 for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of  
31 July first of the following year, which shall be the termination date:

32 \* \* \*

33 (2) July 1, 2028:

34 \* \* \*

35 (h) The Department of Children and Family Services and all statutory  
36 entities made a part of the department by law.

37 \* \* \*

38 Section 10. R.S. 49:191(1)(h) is hereby repealed.

39 Section 11. Children's Code Articles 509 and 610(I) are hereby repealed.

40 Section 12. This Section and Sections 6 through 10 of this Act shall become effective  
41 on June 30, 2026; if vetoed by the governor and subsequently approved by the legislature,  
42 this Section and Sections 6 through 10 of this Act shall become effective on June 30, 2026,  
43 or on the day following such approval by the legislature, whichever is later.

1 Section 13. (A) The provisions of Sections 1 through 5 and 11 of this Act shall  
2 become effective January 1, 2027.

3 (B) The provisions of this Section shall become effective upon signature by the  
4 governor or, if not signed by the governor, upon expiration of the time for bills to become  
5 law without signature by the governor, as provided by Article III, Section 18 of the  
6 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the  
7 legislature, the provisions of this Section shall become effective on the day following such  
8 approval.  
9