

SENATE BILL NO. 237

BY SENATORS BARROW, BARTHELEMY, BOUDREAUX, CARTER, DUPLESSIS, FESI, JENKINS, MIZELL, PRICE AND WHEAT AND REPRESENTATIVES ADAMS, BAMBURG, BERAULT, BILLINGS, BOUDREAUX, BOYD, BOYER, BRASS, BROUSSARD, CARPENTER, CARRIER, CARVER, CHASSION, COATES, COX, DEWITT, DICKERSON, DOMANGUE, ECHOLS, EDMONSTON, EGAN, FISHER, FREEMAN, FREIBERG, GLORIOSO, GREEN, HEBERT, JACKSON, MIKE JOHNSON, JORDAN, KERNER, KNOX, LAFLEUR, JACOB LANDRY, TERRY LANDRY, LYONS, MACK, MARCELLE, MCMAKIN, MILLER, OWEN, RISER, SCHLEGEL, SPELL, ST. BLANC, TAYLOR, VENTRELLA, WRIGHT AND WYBLE

1 AN ACT

2 To amend and reenact R.S. 24:525(C)(5), (6), and (13) and (D) through (G), R.S.
 3 44:4.1(B)(32), R.S. 46:56(F)(1), (2), (8), (9)(a), (e), (g), and (10)(a), Children's Code
 4 Arts. 508, 511(D), 609(A)(3), 610(A)(4)(a) and (D) through (H), 612(A), (B), and
 5 (C), 619(A)(1), 620(A), and 725.5(A), to enact R.S. 24:525(H), R.S. 42:17(A)(12),
 6 R.S. 46:1(7), 51(17) and (18), 52.2, R.S. 49:191(2)(h) and Children's Code Arts.
 7 512(E), 524(B)(13), and 603(17)(p) and (33), and to repeal R.S. 49:191(1)(h) and
 8 Children's Code Arts. 509 and 610(I), relative to child welfare; to provide for the
 9 duties and responsibilities of the state child ombudsman; to provide for the duties
 10 and responsibilities of the Department of Children and Family Services; to provide
 11 for exceptions to public meetings; to provide for confidentiality; to provide for a
 12 critical incident review team; to provide for multidisciplinary investigative teams;
 13 to provide for forensic interviews; to provide for definitions; to provide for
 14 mandatory reporter training; to provide for child abuse and neglect reporting
 15 procedures; to provide for the assignment of reports for investigation and
 16 assessment; to provide for instanter custody orders; to provide for the re-creation of
 17 the Department of Children and Family Services and the statutory entities made a
 18 part of the department by law; to provide for the effective termination date for all
 19 statutory authority for the existence of such statutory entities; to provide for
 20 implementation; to provide for effectiveness; and to provide for related matters.

21 Be it enacted by the Legislature of Louisiana:

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

3 §525. State child ombudsman; duties

4 * * *

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

7 * * *

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

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

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

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

18 * * *

19 ~~(13)(a) Notify the senator and representative who represent the district in~~
20 ~~which a child has died as a result of abuse or neglect, within twenty-four hours of his~~
21 ~~knowledge of the death of the child. Notify all of the following within twenty-four~~
22 ~~hours of being notified by the department of the fatality or near fatality of a~~
23 ~~child:~~

24 ~~(i) The senator and representative who represent the district in which a~~
25 ~~child who has died, as a result of abuse or neglect, resided or, if unknown, the~~
26 ~~district in which the child died.~~

27 ~~(ii) The speaker pro tempore of the House of Representatives.~~

28 ~~(iii) The president pro tempore of the Senate.~~

29 ~~(iv) The chairs of the House and Senate committees on health and~~
30 ~~welfare.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 **(iv) Whether the fatality or near fatality occurred during an active child**

1 protective services investigation or an open family services case.

2 (b) When the determination is that the report is inconclusive or
 3 unsubstantiated the notification shall include all of the following:

4 (i) The identification number assigned to the report.

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

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

9 F.G. Notwithstanding any other provision of law to the contrary and to the
 10 extent allowed by federal law, the state child ombudsman shall **have unrestricted**
 11 **remote access to departmental computer networks, including access to any and**
 12 **all case management systems, databases, and department policy and procedure**
 13 **systems, pertaining to state agencies that provide services to children through**
 14 **funds provided by the state. The child ombudsman shall not have the ability to**
 15 **add to, edit, delete, alter, reproduce, or distribute any data or document in any**
 16 **department's system. The child ombudsman may publish reports, findings, or**
 17 **recommendations, or aggregate or de-identified data derived from information**
 18 **accessed in accordance with this Subsection provided that no confidential or**
 19 **personal identifying information is disclosed in violation of state or federal law.**

20 **The child ombudsman shall not disclose the identifying information concerning**
 21 **an individual who initiated a report or complaint of alleged child abuse or**
 22 **neglect contained within any network or case management system accessed**
 23 **pursuant to this Section. The ombudsman shall,** upon request, have permission
 24 to view and use **physical** documents and records, **including audio and video**
 25 **recordings,** relevant to the ombudsman's statutory duties. To the extent allowed by
 26 federal law, such documents and records shall include but not be limited to the
 27 applications and case files of the Louisiana Department of Health and the
 28 Department of Children and Family Services except for ~~the name and any identifying~~
 29 ~~information of the reporter of child abuse or neglect and restrictions provided in Title~~
 30 IV-D of the Social Security Act and the Internal Revenue Code, juvenile court

1 judgments and court minute entries, records and reports of children in the custody
 2 of or under the supervision of the office of juvenile justice, student records in the
 3 possession of the State Department of Education, any parish or city school board,
 4 and any elementary or secondary education school, including charter schools. The
 5 state child ombudsman shall comply with any and all restrictions imposed by law on
 6 documents, data, or information considered confidential or privileged and furnished
 7 to the state child ombudsman.

8 ~~G.H.~~ Notwithstanding any other provision of law to the contrary, the state
 9 child ombudsman shall not be compelled to be a witness or be deposed in any case
 10 where the state child ombudsman is not personally a defendant.

11 Section 2. R.S. 42:17(A)(12) is hereby enacted to read as follows:

12 §17. Exceptions to open meetings

13 A. A public body may hold an executive session pursuant to R.S. 42:16 for
 14 one or more of the following reasons:

15 * * *

16 (12) Testimony including identifying information and explicit details
 17 related to physical or sexual abuse of children.

18 * * *

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

20 §4.1. Exceptions

21 * * *

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

27 * * *

28 (32) ~~R.S. 46:56~~, **R.S. 46:52.2, 56**, 123(K), 236.1.1 through 238, 284, 286.1,
 29 439.1, 446.1, 1073, 1355, 1806, 1831.5, 1844, 1862, 1923, 2124.1, 2134, 2187, 2356,
 30 2416, 2597, 2603, 2625

1 * * *

2 Section 4. R.S. 46:56(F)(1), (2), (8), (9)(a), (e), and (g), and (10)(a) are hereby
3 amended and reenacted and R.S. 46:1(7), 51(17) and (18), and 52.2 are hereby enacted to
4 read as follows:

5 §1. Definitions

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

7 * * *

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

10 * * *

11 §51. Duties of the department

12 The Department of Children and Family Services, through its secretary, shall
13 administer the public assistance and welfare laws of the state as follows:

14 * * *

15 **(17) Establish a law enforcement liaison position for the state. The law**
16 **enforcement liaison shall have previous law enforcement experience and shall**
17 **serve as a resource for law enforcement referrals and to facilitate joint**
18 **investigations between the department and law enforcement, as necessary.**

19 **(18) Designate an employee primarily responsible for overseeing all**
20 **matters regarding child fatalities and near fatalities, including but not limited**
21 **to child death notification to the state child ombudsman in accordance with R.S.**
22 **24:525.**

23 * * *

24 **§52.2. Critical incident review team**

25 **A. Each child fatality and near fatality substantiated by the department**
26 **as being the result of abuse or neglect shall be reviewed by the critical incident**
27 **review team, hereinafter referred to as the review team. Any child fatality or**
28 **near fatality that was unsubstantiated by the department as being the result of**
29 **abuse or neglect may be reviewed by the review team at the discretion of the**
30 **chair of the review team.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (1) Records pertaining to foster care of children, investigations of abuse and
6 neglect of children, and other child welfare services. For the purposes of this
7 Paragraph, case records of children in abuse and neglect and foster care cases may
8 be reviewed by **the state child ombudsman pursuant to R.S. 24:525**, attorneys
9 who are appointed by a court of juvenile jurisdiction to represent the sole interest of
10 the children, and pursuant to court order, such case records may be reviewed by
11 court-appointed special advocates appointed pursuant to Children's Code Article
12 424.1. Prior to a court hearing, the department may provide to such attorneys and
13 court-appointed special advocates copies of the most recent case plan for the child
14 and his family, the most recent court order and court report, and the child's most
15 recent medical ~~report~~ **reports, including but not limited to psychological**
16 **counseling and behavioral health assessments**. Additionally, pursuant to Children's
17 Code Article 616, a judge of a court exercising juvenile jurisdiction may request, in
18 writing to the department, central registry record checks. However, in no instance
19 shall the name or identifying information regarding a complainant in neglect and
20 abuse cases or the case records of the foster parents be subject to such review. The
21 department may, however, provide foster parents all information from the
22 department's records and from other records to which the department has access
23 concerning a child in the foster home, and concerning the child's family, where such
24 information is necessary for the foster parents to properly care for the child. The
25 department may also provide surrogate parents representing the special education
26 interests of children in the department's custody with all information from the
27 department's records and from other records to which the department has access
28 where such information is necessary for the surrogate parents to properly advocate
29 for the children. In any child custody proceeding, after the issue has been raised of
30 the potential existence of a relevant departmental record concerning the abuse or

1 neglect of a child who is the subject of that proceeding, the judge may contact the
 2 local child protection unit to determine if such a record exists. If the department has
 3 a substantiated report pursuant to Children's Code Article 615(B)(1) through (3), the
 4 local child protection unit shall verbally advise the judge that such report is in the
 5 possession of the unit. If the court finds that information which may be contained in
 6 the report is necessary for an issue before the court, the court may order the release
 7 of such information. If the report was unsubstantiated, such records shall be sealed
 8 and accessible only pursuant to Children's Code Article 615.

9 (2) Information furnished to the department by persons, governmental
 10 agencies, or other legal entities when such furnisher of information is subject to a
 11 confidentiality statute or regulation which prohibits release of such information to
 12 an outside source, ~~and~~

13 * * *

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

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

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

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

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

29 (a) When there has been a child fatality or near fatality in which abuse or
 30 neglect was medically determined by an examining physician to be a contributing

1 factor in the cause of death or near fatality. ~~For purposes of this Paragraph, "near~~
2 ~~fatality" means an act as certified by the physician who examined the child which~~
3 ~~placed the child in serious or critical condition.~~

4 * * *

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

9 * * *

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

14 * * *

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

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

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

23 (iii) The executive director of a ~~day care center~~ **an early learning center** or
24 residential provider, provided that the use of such information is limited to a
25 confidential employee disciplinary investigation of alleged abuse or neglect of a
26 child within that facility and the employee who is the subject of the disciplinary
27 investigation is the subject of the requested information. ~~However, the department~~
28 ~~shall have the authority to fine, revoke, or suspend the license of any day care center~~
29 ~~or residential provider, after due notice and a hearing, if the executive director~~
30 ~~releases the confidential information to an unauthorized person or persons. The~~

1 ~~proceedings shall be conducted in accordance with rules and regulations to be~~
 2 ~~promulgated by the department.~~

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

5 * * *

6 Section 5. Children's Code Arts. 508, 511(D), 609(A)(3), 610(A)(4)(a) and (D)
 7 through (H), 612(A), (B), and (C), 619(A)(1), 620(A), and 725.5(A) are hereby amended and
 8 reenacted and Children's Code Arts. 512(E), 524(B)(13), and 603(17)(p) and (33) are hereby
 9 enacted to read as follows:

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

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

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

20 **C. Any child for whom the Department of Children and Family Services**
 21 **or law enforcement has received a report of suspected sexual abuse or severe**
 22 **physical abuse shall be referred to a child advocacy center for a forensic**
 23 **interview in accordance with interagency protocols. The department or law**
 24 **enforcement agency shall notify the child advocacy center within seventy-two**
 25 **hours of receiving the report and the child advocacy center shall notify**
 26 **members of the appropriate multidisciplinary team within twenty-four hours.**
 27 **Every child advocacy center shall accept referrals from both the department**
 28 **and law enforcement. The multidisciplinary team shall meet to review any case**
 29 **in which a forensic interview has occurred. Law enforcement or the department**
 30 **shall not close a case in which a forensic interview has occurred prior to the**

1 **multidisciplinary team review.**

2 ~~C.D.~~ Each team shall develop and institute interagency protocols in
3 accordance with ~~Articles 509~~ **this Article** and **Article** 510 of this Part **and shall**
4 **update the protocols as necessary.**

5 * * *

6 Art. 511. Forensic interviewer; qualifications

7 * * *

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

12 Art. 512. Composition of the multidisciplinary investigative team

13 * * *

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

20 * * *

21 Art. 524. Responsibilities

22 * * *

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

25 * * *

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

28 * * *

29 Art. 603. Definitions

30 As used in this Title:

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* * *

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

* * *

(p) A court-appointed supervised visit monitor.

* * *

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

* * *

Art. 609. Mandatory and permitted reporting; training requirements

A. With respect to mandatory reporters:

* * *

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

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

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

~~(d)~~**(c)** Any entity, including but not limited to hospitals, educational and religious institutions, and nonprofits, may provide its employees, volunteers, or

1 educational attendees with equivalent training pursuant to Subsubparagraph (a) of
2 this Subparagraph.

3 * * *

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

6 A. A reporter shall immediately report suspected child abuse or neglect or
7 that child abuse or neglect was a contributing factor in a child's death in the
8 following ways:

9 * * *

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

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

21 * * *

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

30 ~~E.D.~~(1) All reports made to any local or state law enforcement agency

1 involving abuse or neglect in which an individual provided for in Subparagraph
2 (A)(1) of this Article is believed responsible shall be reported to the department
3 within twenty-four hours in accordance with Paragraph A of this Article.

4 (2)(a) All reports made to the department involving abuse or neglect in which
5 someone other than an individual provided for in Subparagraph (A)(1) of this Article
6 is believed to be responsible shall be reported to the appropriate law enforcement
7 agency within twenty-four hours by telephone.

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

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

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

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

28 G.F.(1) If a physician has cause to believe that a newborn was exposed in
29 utero to an unlawfully used controlled dangerous substance, as defined by R.S.
30 40:961 et seq., the physician shall order a toxicology test upon the newborn, without

1 the consent of the newborn's parents or guardian, to determine whether there is
2 evidence of prenatal neglect. If the test results are positive, the physician shall issue
3 a report, as soon as possible, in accordance with this Article. If the test results are
4 negative, all identifying information shall be obliterated if the record is retained,
5 unless the parent approves the inclusion of identifying information. Positive test
6 results shall not be admissible in a criminal prosecution.

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

12 ~~H.G.~~(1) All instances of alleged child abuse that occur in a school setting
13 shall be immediately reported **by the school** to the child's parent or legal guardian
14 and to local or state law enforcement, regardless of the alleged perpetrator.

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

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

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

21 (5) Any sexual abuse cases in which the alleged perpetrator is a child shall
22 be referred to the Department of Children and Family Services. The department shall
23 assess the family of the child victim and the alleged child perpetrator to ensure child
24 safety and well-being in accordance with Children's Code Article 612(A)(3).

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

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

28 (b) "Sexual abuse" means the perpetration or attempted perpetration of R.S.
29 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.

30 ~~H.H.~~(1) The provisions of this Paragraph shall be known and may be cited as

1 The Alfred C. Williams Child Protection Act.

2 * * *

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

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

8 (2) Reports of high **risk shall be investigated immediately** and intermediate
9 levels of risk shall be investigated promptly. This investigation shall include a
10 preliminary investigation as to the nature, extent, and cause of the abuse or neglect
11 and the identity of the person actually responsible for the child's condition. This
12 preliminary investigation shall include an inquiry as to whether there is reason to
13 know that the child is an Indian child. This preliminary investigation shall also
14 include an interview with the child and the child's parents or other caretaker and shall
15 include consideration of all available medical information provided to the
16 department pertaining to the child's condition. **If the report is of sexual abuse, the**
17 **preliminary interview with the child shall only be to assess the immediate safety**
18 **of the child and a forensic interview at a child advocacy center shall be**
19 **scheduled immediately.** This preliminary investigation shall also include an
20 immediate assessment of any existing visitation or custody order or agreement
21 involving the alleged perpetrator and the child. The department shall request a
22 temporary restraining order pursuant to Article 617, a protective order pursuant to
23 Article 618, or an instanter safety plan order pursuant to Article 619 or 620 if the
24 department determines that any previously ordered visitation or custody would put
25 the child's health, welfare, and safety at risk. Admission of the investigator on school
26 premises or access to the child in school shall not be denied by school personnel.
27 However, the request for a temporary restraining order or a protective order in
28 accordance with this Article shall not independently confer exclusive jurisdiction on
29 the juvenile court in accordance with Article 303.

30 (3) In lieu of an investigation, reports of low levels of risk ~~and reports from~~

1 ~~law enforcement of child sexual abuse as provided for in Article 610~~ may be
 2 assessed ~~promptly~~ through interviews with the family to identify needs and available
 3 match to community resources. If during this assessment, it is determined that a child
 4 is at immediate substantial risk of harm, the local child protection unit shall ~~promptly~~
 5 **immediately** conduct ~~or participate in~~ an intensive investigation.

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

12 ~~(4)~~**(5)** During the investigation of a report from a treating health care
 13 practitioner of physical abuse of a child who is not in custody of the state, at the
 14 request and expense of the child's parent or caregiver, the department shall provide
 15 copies of all medical information pertaining to the child's condition or treatment
 16 obtained during the investigation to a board certified child abuse pediatrician for
 17 purposes of conducting an independent review of the information. Any resulting
 18 report shall be provided to the department and to the child's parent or caretaker and
 19 shall be utilized in the department's ongoing assessment of risk and to determine
 20 what action may be necessary to protect the health, welfare, and safety of the child.
 21 Nothing in this Subparagraph shall be construed to prohibit granting an instanter
 22 removal order pursuant to Article 615(B).

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

30 C. All interviews ~~of the child or his parents~~ conducted in the course of a child

1 protective investigation shall be **recorded** ~~tape-recorded~~, if requested by the parent
2 ~~or parents recorded~~.

3 * * *

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

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

12 * * *

13 Art. 620. Oral instanter orders

14 A.**(1)** In exceptional circumstances, the facts supporting the issuance of an
15 instanter order and the exceptional circumstances may be relayed orally, including
16 telephonically, to the judge, and the order directing that a child be taken into custody
17 or, upon request by the state, that an instanter safety plan order be implemented may
18 be issued orally.

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

22 * * *

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

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

29 * * *

30 Section 6. Pursuant to R.S. 49:193, the Department of Children and Family Services

1 and the statutory entities made a part of the department by law shall be re-created effective
2 June 30, 2026, and all statutory authority therefor is continued in accordance with the
3 provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

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

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

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

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

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

20 * * *

21 (2) July 1, 2028:

22 * * *

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

25 * * *

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

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

28 Section 12. This Section and Sections 6 through 10 of this Act shall become effective
29 on June 30, 2026; if vetoed by the governor and subsequently approved by the legislature,
30 this Section and Sections 6 through 10 of this Act shall become effective on June 30, 2026,

1 or on the day following such approval by the legislature, whichever is later.

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____