

Regular Session, 2013

SENATE BILL NO. 109

BY SENATOR MORRISH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CHILDREN'S CODE. Provides relative to examinations of a suspected child abuse victim.

1 AN ACT

2 To enact Children's Code Articles 612(A)(4) and 614(E), relative to evaluation and  
3 examination orders for children; to provide relative to certain medical and other  
4 examinations and evaluations; to require certain medical examinations in connection  
5 with certain mandatory reporting; to provide terms, conditions, and procedures; and  
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Articles 612(A)(4) and 614(E) are hereby enacted to read  
9 as follows:

10 Article 612. Assignment of reports for investigation and assessment

11 A.(1)

12 \* \* \*

13 **(4) When the department receives a mandatory report from a health care**  
14 **practitioner of abuse or neglect of a child who is not in the custody of the state,**  
15 **upon request of the child's parent or caretaker the department shall schedule**  
16 **at its cost an additional and independent medical examination of the child to be**  
17 **conducted promptly by a health care practitioner selected by the child's parent**



contradictory hearing, the court may order a psychological or psychiatric examination and evaluation of the child or other children in the household by a psychologist or psychiatrist. Further provides that upon a showing of good cause in an affidavit executed by the applicant and after a contradictory hearing, the court may order a physical, psychological, or psychiatric examination of the parent or caretaker.

Proposed law retains present law and adds that when a medical examination of the child has been conducted in accordance with the proposed law, upon a showing of good cause in an affidavit executed by the applicant and after a court hearing, the court may order an additional physical examination of the child or other children in the household by any physician. For the purposes of the proposed law, an applicant to the court may be the investigator or the child's parent or caretaker.

Effective August 1, 2013.

(Adds CHC Arts. 612(A)(4) and 614(E))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Adds language providing for additional medical examination of child upon request of the child's parent or caretaker.
2. Revises language relative to obtaining court-ordered additional examinations of the child or other children in the household by either the investigator or child's parent or caretaker as applicant to the court.