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 DIGEST

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## DIGEST

Morrish (SB 109)

Present law provides that upon receiving a report of abuse or neglect of a child who is not in the custody of the state, the Dept. of Children and Family Services shall assign a level of risk to the child based on information provided by the reporter. Provides for investigatory procedures for reports of high, intermediate, and low levels of risk.

Proposed law retains present law and adds that when the department receives a report from a health care practitioner of abuse or neglect of a child who is not in the custody of the state, upon request of the child's parent or caretaker, the department shall provide copies of all medical information pertaining to the child's condition to the child's parents or caregiver for the purpose of having a medical expert chosen by the parents or caregiver conduct an independent review of the information provided. Further requires any report generated by the independent review to be submitted to DCFS and considered in assigning a level of risk.

Present law provides that the court may order a physical, psychological, or psychiatric examination of the child, parent, or caretaker upon application by the investigator in certain circumstances.

Proposed law retains present law and authorizes the parents or caretaker of a child to execute an affidavit requesting further examination and authorizes the court to order the additional physical evaluation of child or other children in the household when the court has conducted a contradictory hearing and has found that good cause exists. Prohibits application of proposed law in cases of alleged sexual abuse.

Effective August 1, 2013.

(Adds Ch.C. 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. Added language providing for additional medical examination of child upon request of the child's parent or caretaker.
2. Revised 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.

Senate Floor Amendments to engrossed bill

1. Made Legislative Bureau technical changes.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the reengrossed bill.

1. Added requirement that all available medical information provided to DCFS pertaining to the child's condition be considered in a preliminary investigation of abuse or neglect.
2. Deleted requirement that DCFS schedule an additional medical examination of a child upon the request of the parent or caretaker when there has been a report of abuse or neglect from a health care practitioner, and deleted the requirement that the report from the additional medical examination be made available to and considered by DCFS in assigning a level of risk to the child.
3. Added provision requiring DCFS to provide copies of all medical information pertaining to the child's condition to the parents or caregiver upon their request for the purpose of obtaining an independent review of the information provided. Required any report generated by the independent review to be submitted to DCFS and considered in assigning a level of risk.
4. Deleted provision authorizing the court to order an additional physical exam of the child or other children in the household when there has been a showing of good cause by an applicant in an affidavit and after a contradictory hearing.
5. Except in cases of alleged sexual abuse, added provision authorizing a parent or caretaker to execute an affidavit requesting a further physical examination of a child or other children in the household and provides for a contradictory hearing.