
DIGEST

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HB 494 Engrossed

2016 Regular Session

Moreno

Abstract: Revises membership of and further authorizes the La. State Child Death Review Panel.

Present law creates the Louisiana State Child Death Review Panel, referred to hereafter as the "panel", within the Department of Health and Hospitals (DHH). Provides for purposes, functions, and duties of the panel relative to child death investigations.

Present law provides that the age range of children whose deaths are subject to investigation by the panel, variably, is under 14 and 14 or below. Proposed law revises present law to provide that the age range of children whose deaths are subject to investigation by the panel is under 15.

Present law provides for membership of the 25-member panel. Proposed law increases the number of panel members to 27 through deleting two members (a representative of the injury research and prevention section of the office of public health and the executive director of the La. Maternal and Child Health Coalition) and adding the following members:

- (1) The assistant secretary of the DHH office of behavioral health or his designee.
- (2) A representative of the La. Partnership for Children and Families.
- (3) The state superintendent of education or his designee.
- (4) The director of the DHH bureau of emergency medical services or his designee.

Present law provides relative to confidentiality of records and prohibits certain disclosure and discovery actions. Proposed law retains present law and provides that notwithstanding any other provision of present law to the contrary, all of the following authorizations shall be effective when an unexpected death of an infant or child below the age of 15 has occurred:

- (1) The state panel, and any local or regional panel or its agent thereof is authorized to have access to any information, documents, or records in the possession of the Department of Children and Family Services (DCFS) involving a child abuse and neglect investigation which are pertinent to the alleged child abuse or neglect that led to the death of the child.
- (2) DCFS is authorized to have access to any and all information, documents, or records in the possession of the state panel, and any local or regional panel or its agent thereof, for use by the department in any investigation or child in need of care proceeding.

Proposed law stipulates that no information, document, or record obtained by the state panel or any local or regional panel or its agent from DCFS involving a report which results in an inconclusive, not justified, or invalid finding pursuant to present law (Ch.C. Art. 615) shall be included or referenced in any manner in any report or other document issued or published by or on behalf of the panel.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2019(A)(2), (C)(intro. para.), (12) and (13), (D)(2)(b), (E)(1), (F), and (G); Adds R.S. 40:2019(C)(21) and (22))