
 DIGEST

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SB 137 Re-Reengrossed

2023 Regular Session

Barrow

Proposed law requires the legislative auditor to appoint a state child ombudsman, subject to legislative appropriation, and employ necessary personnel to perform the duties assigned to the ombudsman. Proposed law further provides for the duties of the ombudsman who shall independently monitor and evaluate the public and private agencies involved in the protection of children and delivery of services to children with the goal of safeguarding the welfare of children through educational advocacy, system reform, public awareness, and training.

Proposed law provides that the ombudsman shall have knowledge of the child welfare system and the legal system and be qualified by training and experience to perform the duties of the office.

Proposed law requires the ombudsman to prepare the following reports:

- (1) A biennial, in-depth report on conditions of confinement regarding children 21 years of age or younger who are held in secure detention in any facility operated by a state agency.
- (2) An annual report on the goals of and projects undertaken by him, within available appropriations, that are consistent with his duties and responsibilities.

Proposed law requires any state agency having responsibility for the custody or care of children to provide monthly notice to the ombudsman of the death of a child in its custody or care. Proposed law further requires the ombudsman to notify the senator and representative who represent the district in which a child has died as a result of abuse or neglect within 24 hours of his knowledge of the death of the child.

Proposed law provides that the standing committee of each house having responsibility for oversight shall perform a biennial review and evaluation of the ombudsman.

Proposed law provides that the state child ombudsman or his designee shall serve as a member of the State Child Death Review Panel.

Effective when an Act of the Louisiana Legislature containing a specific appropriation of monies for the implementation of proposed law becomes effective.

(Amends R.S. 40:2019(C)(intro. para.); Adds R.S. 24:513(D)(7) and 525 and R.S. 40:2019(C)(23))

Summary of Amendments Adopted by the Senate

Committee Amendments Proposed by the Senate Committee on Finance to the engrossed bill

1. Changes the Office of Child Advocacy to the Office of the State Child Ombudsman.
2. Adds a provision that the Office of the State Child Ombudsman shall only be created within the office of the governor subject to the appropriation of funds by the legislature.
3. Changes state child advocate to state child ombudsman.

4. Removes provision for legal representation for children.
5. Remove provision that any state agency cited in report shall submit a response within 90 days.
6. Adds a provision that in the event of the death of child in state custody or care, the responsible agency shall submit a monthly notice to the state child ombudsman.
7. Specifies that the disclosure of any confidential information does not violate existing state or federal confidentiality laws.
8. Adds provision for legislative review.

Senate Floor Amendments to reengrossed bill

1. Requires the state child ombudsman to notify the senator and representative who represent the district in which a child has died as a result of abuse or neglect within 24 hours of the death of the child.
2. Makes technical changes.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the re-reengrossed bill:

1. Move the state child ombudsman from the governor's office to the legislative auditor's office and eliminate the proposed creation of the Office of the State Child Ombudsman.
2. Require the ombudsman to notify the senator and representative representing the district in which a child has died within 24 hours of his knowledge of the death, rather than within 24 hours of the death.
3. Remove proposed law provisions regarding the following:
 - (a) Written acknowledgments from agencies contacted by the ombudsman.
 - (b) Access to records.
 - (c) Private communications with children or other persons.
 - (d) Applying for and accepting grants, donations, and bequests.
 - (e) Confidentiality and disclosure of certain information.
 - (f) Discrimination and retaliation against an employee who makes a complaint to or cooperates with the ombudsman.
4. Provide an effective date.
5. Make technical changes.

The Committee Amendments Proposed by House Committee on Appropriations to the re-reengrossed bill:

1. Provide that proposed law becomes effective upon appropriation by the legislature of monies for the implementation of proposed law.