

Regular Session, 2012

SENATE BILL NO. 136

BY SENATOR WHITE

CHILDREN. Provides for the reporting procedures for suspected cases of child abuse and neglect. (gov sig)

1 AN ACT

2 To amend and reenact Children's Code Article 610(A) and(E)(1) and (2), relative to  
3 reporting of child abuse or neglect; to provide with respect to the reporting  
4 procedures for suspected cases of child abuse and neglect; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Children's Code Article 610(A) and(E)(1) and (2) is hereby amended and  
8 reenacted to read as follows:

9 Art. 610. Reporting procedure

10 A. Reports of child abuse or neglect or that such was a contributing factor in  
11 a child's death, where the abuser is believed to be a parent or caretaker, a person who  
12 maintains an interpersonal dating or engagement relationship with the parent or  
13 caretaker, or a person living in the same residence with the parent or caretaker as a  
14 spouse whether married or not, shall be made immediately to ~~the local child~~  
15 ~~protection unit of the department~~ **through the designated state child protection**  
16 **reporting hotline number**. Reports in which the abuse or neglect is believed to be  
17 perpetrated by someone other than a caretaker, a person who maintains an

1 interpersonal dating or engagement relationship with the parent or caretaker, or a  
 2 person living in the same residence with the parent or caretaker as a spouse whether  
 3 married or not, and the caretaker is not believed to have any responsibility for the  
 4 abuse or neglect shall be made immediately to a local or state law enforcement  
 5 agency. Dual reporting to both ~~the local child protection unit~~ of the department  
 6 **through the designated state child protection reporting hotline number** and the  
 7 local or state law enforcement agency is permitted.

8 \* \* \*

9 E.(1) All reports made to any local or state law enforcement agency involving  
 10 abuse or neglect in which the child's parent or caretaker, a person who maintains an  
 11 interpersonal dating or engagement relationship with the parent or caretaker, or a  
 12 person living in the same residence with the parent or caretaker as a spouse whether  
 13 married or not, is believed responsible shall be promptly communicated to ~~the local~~  
 14 ~~child protection unit~~ of the department **through the designated state child**  
 15 **protection reporting hotline number** in accordance with a written working  
 16 agreement developed between the local law enforcement agency and ~~child protection~~  
 17 ~~unit~~ **the department**.

18 (2) ~~A local child protection unit~~ **The department** shall promptly  
 19 communicate abuse or neglect cases not involving a parent, caretaker, or occupant  
 20 of the household to the appropriate law enforcement agency in accordance with a  
 21 written working agreement developed between the ~~local child protection unit~~  
 22 **department** and law enforcement agency. The ~~local child protection unit~~  
 23 **department** also shall report all cases of child death which involve a suspicion of  
 24 abuse or neglect as a contributing factor in the child's death to the local and state law  
 25 enforcement agencies, the office of the district attorney, and the coroner.

26 \* \* \*

27 Section 2. This Act shall become effective upon signature by the governor or, if not  
 28 signed by the governor, upon expiration of the time for bills to become law without signature  
 29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

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#### DIGEST

Present law requires reports of child abuse or neglect or that such was a contributing factor in a child's death, where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, shall be made immediately to the local child protection unit of the department.

Proposed law requires reporting as in present law, but instead of reporting to the DCFS local child protection unit, the reporting is through the designated state child protection reporting hotline number.

Present law permits dual reporting to both the local child protection unit of the DCFS and the local or state law enforcement agency.

Proposed law allows dual reporting to both the DCFS through the designated state child protection reporting hotline number and the local or the state law enforcement agency.

Present law requires all reports made to any local or state law enforcement agency involving abuse or neglect in which the child's parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, is believed responsible shall be promptly communicated to the local child protection unit of the department in accordance with a written working agreement developed between the local law enforcement agency and child protection unit.

Proposed law requires the same communication as in present law, but the communication involves the DCFS instead of local child protection unit of DCFS.

Present law requires the local child protection unit to promptly communicate abuse or neglect cases not involving a parent, caretaker, or occupant of the household to the appropriate law enforcement agency in accordance with a written working agreement developed between the local child protection unit and law enforcement agency. The local child protection unit shall report all cases of child death which involve a suspicion of abuse or neglect as a contributing factor in the child's death to the local and state law enforcement agencies, the office of the district attorney, and the coroner.

Proposed law maintains present law, but instead of DCFS' local child protection unit, it is the DCFS.

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

(Amends Ch.C. Art. 610(A) and(E)(1) and (2))