

2018 Regular Session

SENATE BILL NO. 459

BY SENATOR BARROW

CHILDREN. Provides relative to child welfare information. (gov sig)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 46:56(F) and (7)(a) and to enact
3 R.S. 46:56(F)(7)(c), relative to child welfare information; to provide for authorized
4 release of information; to provide for consent; to provide for persons authorized to
5 receive information; to provide for information not to be disclosed; to provide for an
6 effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The introductory paragraph of R.S. 46:56(F) and (7)(a) are hereby
9 amended and reenacted and R.S. 46:56(F)(7)(c) is hereby enacted to read as follows:

10 §56. Applications and client case records; definitions; confidentiality; waiver;
11 penalty

12 * * *

13 F. The following information shall not be subject to waiver and shall not be
14 released to applicants, recipients, or outside sources, except those outside sources
15 engaged in the administration of the programs of the department **or when**
16 **specifically authorized by law:**

17 * * *

1 (7)(a) The department may release, upon written request or consent of a
 2 former foster child or his legal tutor, the information described in Paragraph (1)
 3 of this Subsection to the former foster child, ~~or his legal tutor,~~ or to a designee who
 4 is engaged in rendering services, treatment, or an assessment of services
 5 previously provided to the child, if in its discretion it believes the release of such
 6 information to be in the best interest of the former foster child. Such information
 7 shall not include any information regarding the identity of the birth parents or birth
 8 siblings of a former foster child who was subsequently adopted or any information
 9 regarding the identity of the reporter in a case of abuse or neglect.

10 * * *

11 (c) The department, with the consent of the former foster child, may
 12 release information described in Paragraph (1) of this Subsection for the
 13 purpose of the education and training of foster youth and former foster youth,
 14 to the extent allowed by federal law. The information shall not include the
 15 identity of the birth parents or birth siblings of a former foster child or any
 16 information regarding the identity of the reporter in the case of abuse or
 17 neglect.

18 * * *

19 Section 2. This Act shall become effective upon signature by the governor or, if not
 20 signed by the governor, upon expiration of the time for bills to become law without signature
 21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 23 effective on the day following such approval.

The original instrument was prepared by Christine Arbo Peck. The following digest, which does not constitute a part of the legislative instrument, was prepared by McHenry Lee.

Present law provides that certain information regarding child welfare shall not be released to applicants, recipients, or outside sources. Proposed law retains present law and provides for exceptions to allow certain information to be released when a former foster child or his legal tutor consent. Proposed law adds a provider of treatment or services, or one who is

reviewing past services, as a party authorized to receive information from a case record.

Proposed law provides for the release of certain information for the purpose of education and training of foster youth and former foster youth, to the extent allowed by federal law, but prohibits the release of information that includes the identity of the birth parents or birth siblings or any information regarding the identity of the reporter in the case of abuse or neglect.

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

(Amends R.S. 46:56(F)(intro para) and (7)(a); adds R.S. 46:56(F)(7)(c))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Allows the release of certain information for the purposes of educating and training foster youths.