

2015 Regular Session

HOUSE BILL NO. 368

BY REPRESENTATIVE BADON

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(31) and to enact Chapter 21-D of Title 46 of the
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:1860 through 1863,
4 relative to family justice centers; to provide for the establishment of family justice
5 centers; to provide a list of the victims who are eligible to receive services at the
6 family justice center; to provide relative to the entities that may assign persons to
7 provide services at the family justice center; to provide certain requirements for any
8 established family justice center; to provide relative to the sharing and confidentiality
9 of information relative to a victim served by the family justice center; to provide
10 relative to immunity from liability for persons providing services to a victim at a
11 family justice center; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Chapter 21-D of Title 46 of the Louisiana Revised Statutes of 1950, to be
14 comprised of R.S. 46:1860 through 1863, is hereby enacted to read as follows:

15 CHAPTER 21-D. FAMILY JUSTICE CENTERS

16 §1860. Purpose

17 The purpose of this Chapter is to provide multiagency and multidisciplinary
18 support and services to victims of abuse, sexual assault, stalking, cyberbullying, and
19 human trafficking, to ensure that victims are able to access all needed services, to
20 enhance victim safety, to increase offender accountability, and to reduce to a
21 minimum the number of times the victim is questioned and examined and the
22 number of places a victim must go to receive assistance.

1 §1861. Family justice centers

2 A.(1) A family justice center may be established in any judicial district to
 3 provide support, services, and assistance to victims of the following types of
 4 offenses:

5 (a) Domestic abuse as defined by R.S. 46:2132(3) and dating violence as
 6 defined in R.S. 46:2151(C).

7 (b) Sexual assault which includes the commission of or the attempt to
 8 commit any offense listed in R.S. 15:541(24).

9 (c) Abuse of a person protected by the Adult Protective Services Act
 10 pursuant to R.S. 15:1501 et seq.

11 (d) Stalking including any action prohibited by R.S. 14:40.2 and 40.3.

12 (e) Cyberbullying as defined by R.S. 14:40.7.

13 (f) Human trafficking as defined by R.S. 14:46.2 and trafficking of children
 14 for sexual purposes as defined by R.S. 14:46.3.

15 (2) A family justice center may be established in one judicial district to serve
 16 those victims listed in Paragraph (1) of this Subsection from one or more
 17 geographically contiguous judicial districts.

18 B.(1) Each family justice center established pursuant to the provisions of this
 19 Chapter is authorized to consult with, contract with, work with, or be staffed, on a
 20 full- or part-time basis, by personnel from any of the following public, private, or
 21 nonprofit entities providing services within any of the judicial districts served by and
 22 participating in the family justice center:

23 (a) Federal or state law enforcement agencies.

24 (b) Health care provider as defined by R.S. 40:1299.39 or 1299.41.

25 (c) Office of a district attorney or city prosecutor.

26 (d) Any agency or entity providing victim advocacy services.

27 (e) Community shelter for crime victims.

28 (f) Social service agency.

29 (g) Child welfare agency.

30 (h) Civil legal service providers.

1 (2) The list of entities provided in Paragraph (1) of this Subsection is not
 2 exclusive and each family justice center is authorized to consult with, contract with,
 3 work with, or be staffed by personnel from any other public, private, or nonprofit
 4 entity not specifically provided for in this Chapter that is necessary for providing
 5 services and assistance consistent with the purposes of this Chapter.

6 (3) Any person described in the provisions of this Subsection who is
 7 providing services to a family justice center shall comply with all laws, rules, or
 8 regulations governing their respective professions.

9 C. Each family justice center shall:

10 (1) Establish procedures for the ongoing input, feedback, and evaluation of
 11 the operations of the family justice center by survivors of violence and abuse and
 12 community-based crime victims service providers and advocates.

13 (2) Develop policies and procedures to ensure coordinated services are
 14 provided to victims and to enhance the safety of victims and personnel at the family
 15 justice center.

16 (3) Maintain a formal process for receiving feedback, complaints, and input
 17 from those persons receiving services at the family justice center and for addressing
 18 any concerns about services provided or the operations of any family justice center.

19 D. No family justice center shall:

20 (1) Deny services to any victim on the grounds of the victim's criminal
 21 history.

22 (2) Request the criminal history of a victim without the victim's written
 23 consent unless pursuant to a criminal investigation.

24 (3) Require a victim to participate in the criminal justice system or cooperate
 25 with law enforcement in order to receive counseling, medical care, or any other
 26 services at a family justice center.

27 (4) Require a victim to sign a consent form to share information in order to
 28 access services at the family justice center.

1 §1862. Confidentiality; information sharing

2 A. If a multi-disciplinary team (MDT) conference is formed under this
3 statute and the district attorney and chief law enforcement agency in the parish
4 participate, the MDT may obtain information from any public agency, department,
5 or other organization, including material otherwise made confidential or privileged.
6 Any confidential or privileged material or information obtained by an MDT member
7 shall be disclosed only as necessary to other persons providing services to the same
8 victim, and shall not be disclosed to an agency or individual outside of the family
9 justice center unless otherwise required by law or court order.

10 B. The files, reports, records, communications, working papers, or any other
11 material or information used or developed in providing services to a victim at the
12 family justice center are confidential and not subject to the Public Records Law.
13 Disclosure may be made only to another person providing services at the family
14 justice center to the same victim and who needs access to the information or material
15 in order to perform his duties and provide services to the victim consistent with the
16 provisions of this Chapter.

17 C.(1) Each family justice center shall maintain a client consent policy and
18 shall comply with all state and federal laws protecting the confidentiality rights and
19 identity of the victim. Each family justice center shall have a designated privacy
20 officer to develop and oversee privacy policies and procedures consistent with state
21 and federal privacy laws.

22 (2) Each family justice center is required to obtain informed, written, and
23 reasonably time-limited consent from the victim before sharing information obtained
24 from the victim with any staff member, agency partner, or personnel providing
25 services at the family justice center except as provided by the following:

26 (a) A family justice center is not required to obtain consent from the victim
27 before sharing information obtained from the victim with any staff member, agency
28 partner, or personnel who is also a mandatory reporter, a peace officer, or a member
29 of the prosecuting team who is required by law to report or disclose specific
30 information or incidents.

1 (b) Each family justice center is required to inform the victim that the
2 information shared with staff members, partner agencies, or other personnel at the
3 family justice center may be shared with law enforcement professionals without the
4 victim's consent if there is a mandatory duty to report as required by law or the
5 victim is a danger to himself or others. Each family justice center shall obtain
6 written acknowledgment from the victim that the victim has been informed of this
7 policy.

8 (3) Consent by the victim to share information within a family justice center
9 pursuant to the provisions of this Section is not a universal waiver of any existing
10 evidentiary privilege or confidentiality provision provided by law.

11 (4) Any oral or written communication or any document authorized by the
12 victim to be shared for the purposes of enhancing safety and providing more
13 effective and efficient services to the victim shall not be disclosed to any third party,
14 unless that third-party disclosure is authorized by the victim, or required by other
15 state or federal law or by court order.

16 D. Each family justice center shall maintain a formal training program with
17 mandatory training of not less than eight hours per year for all persons providing
18 services at the family justice center, including but not limited to training on
19 evidentiary privileges, confidentiality provisions, information sharing, risk
20 assessment, safety planning, victim advocacy, and high-risk case response.

21 §1863. Immunity from liability

22 A. A person providing services to a victim at a family justice center pursuant
23 to the provisions of this Chapter shall not be liable for civil damages while acting in
24 the official scope of his duties if the person, in good faith, makes a recommendation,
25 gives an opinion, or releases or uses information for the purposes of protecting or
26 providing services to the victim.

27 B. This limitation of civil liability does not apply if the person acted with
28 gross negligence or in bad faith.

1 Section 2. R.S. 44:4.1(B)(31) is hereby amended and reenacted to read as follows:

2 §4.1. Exceptions

3 * * *

4 B. The legislature further recognizes that there exist exceptions, exemptions,
5 and limitations to the laws pertaining to public records throughout the revised
6 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
7 limitations are hereby continued in effect by incorporation into this Chapter by
8 citation:

9 * * *

10 (31) R.S. 46:56, 236.1.1 through 238, 284, 286.1, 439.1, 446.1, 1073, 1355,
11 1806, 1844, ~~1845~~, 1862, 1923, 2124.1, 2134, 2356, 2416, 2603, 2625, ~~2685~~

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____