

culpable, the police officer or probation officer shall immediately notify the parents or guardian to come take physical custody of the child.

Proposed law further provides that if the officer believes that the child was abused or neglected by 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 and immediate removal appears to be necessary for his protection, and protective custody is not necessary, the officer shall have the responsibility to promptly notify and release the child to the department. In all other situations, except when protective custody is necessary, the officer shall refer the child to the local child advocacy center or other community agency for services.

Proposed law (Ch.C. Art.725.5) authorizes the use of protective custody when an exploited child appears to be mentally ill or suffering from substance abuse and is in need of immediate treatment.

Proposed law (Ch.C. Art.725.6) provides that DCFS shall be responsible for investigating reports of abuse or neglect 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. Working with law enforcement, the department shall fully cooperate in investigating allegations of child exploitation.

Proposed law further provides that the department shall maintain a current listing of licensed residential homes that specialize in the provision of services to exploited children. This listing shall be made available to courts, prosecutors, and other stakeholders involved in proceedings pertaining an exploited child.

Proposed law (Ch.C. Art.725.7) requires all reports and records of exploitation to be kept confidential with a few exceptions.

Proposed law (Ch.C. Art.725.8) revises present law to provide procedures for the expungement of records when a child was exploited and then adjudicated for an offense arising from such exploitation. Proposed law further repeals present law (Ch.C. Art. 923) relative to such expungement procedures.

Present law (R.S. 46:1403.1) provides that notwithstanding any other provision of law to the contrary, a child housed at a residential home, may stay at such home for a period not to exceed six months beyond his eighteenth birthday to complete any educational course that he began at such facility, including but not limited to a General Education Development course, and any other program offered by the residential home. Present law further provides that a child housed at a residential home that does not receive Title IV-E funding pursuant to 42 U.S.C. 670 et seq., may remain at such home until his twenty-first birthday to complete any educational course that he began at such facility, including but not limited to a General Education Development course, and any other program offered by the residential home.

Proposed law revises present law to provide that a child housed at a residential home, may stay at such home until his twenty-first birthday to complete any educational course that he began at such facility, including but not limited to a General Education Development course, and any other program offered by the residential home.

Effective on August 1, 2017.

(Amends Ch.C. Arts. 116(25), 606(A)(intro para), 606(A)(7), 622(B)(intro para), 725.1 – 725.3, and R.S. 46:1403.1; adds Ch.C. Art. 622(B)(5), 725.4 – 725.8; repeals Ch.C. Art. 923)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Makes substantial revision of definitions and requirements.
2. Adds revision to R.S. 46:1403.1.