

RÉSUMÉ DIGEST

ACT 376 (SB 54)

2017 Regular Session

Mizell

Prior law (Ch.C. Art. 116) provided definitions for purposes of the Children's Code.

New law retains prior law and amends the definition of "shelter care facility" to include a licensed, physically unrestricting public or private child care facility, a residential facility operated for runaway, homeless, or a sexually exploited child, or a safe house as defined by present law which provides temporary care for children.

Prior law (Ch.C. Art. 606) provided the grounds for which a child is alleged to be a child in need of care, including a child who is a victim of commercial sexual exploitation, human trafficking, or trafficking of children for sexual purposes perpetrated by any person regardless of their relationship to the child.

New law retains prior law and adds prior law citations for references to the crime human trafficking (R.S. 14:46.2) or trafficking of children for sexual purposes (R.S. 14:46.3).

Prior law (Ch.C. Art. 622(B)) provided for the placement of a child who appears to be a child in need of care and whose immediate removal is necessary for his protection from further abuse or neglect pending a custody hearing.

New law retains prior law and adds a shelter care facility to the list of places the child may be held pending a custody hearing if the child, who is not in the custody of the Department of Children and Family Services (DC&FS), is a victim of human trafficking or trafficking of children for sexual purposes as those crimes are defined by present law.

Prior law (Ch.C. Art. 725 et seq.) provided relative to safe harbor for sexually exploited children and requires the office of juvenile justice of the Dept. of Public Safety and Corrections (DPS&C) to operate or contract with an appropriate nongovernmental agency for the operation of a safe house. Further required the department to develop a statewide protocol for helping to coordinate the delivery of services to sexually exploited children.

New law changes the department that is required to carry out the prior and new law duties from the DPS&C, office of juvenile justice to the DC&FS.

New law requires the DC&FS to identify and maintain a current listing of safe houses which are licensed residential homes that specialize in the provision of services to sexually exploited children, regardless of whether the facilities receive taxpayer funding. This listing shall be made available to courts, prosecutors, and other stakeholders involved in proceedings pertaining to an exploited child.

New law (Ch.C. Art. 725.4) requires law enforcement to notify the Crime Victims Services Bureau of the DPS&C when a child is eligible for special services and, as a mandatory reporter as defined by prior law (Ch.C. Art. 603(17)(e)), to report to the DC&FS that the child is in need of protective services as they are required to do pursuant to prior law.

New law (Ch.C. Art. 725.5) provides that the DC&FS is 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. Further provides that the department must fully cooperate with law enforcement, prosecutors, and court staff in the investigation and prosecution of child sexual exploitation, including ensuring that all state, federal, and community-based resources for sexually exploited children are known and available to the child.

New law (Ch.C. Art. 725.6) requires all reports and records of exploitation to be kept confidential unless the disclosure of such information is essential for the purposes of investigation or prosecution, required by court order, or necessary to ensure services.

Prior law provided a child housed in a residential home may stay for a period not to exceed six months beyond his eighteenth birthday to complete any educational course begun at the facility including a General Education Development (GED) course. Further provided that a child housed in residential home that does not receive federal Title IV-E funding may

remain at the home until completion of his twenty-first birthday to complete any education course begun at the facility including a GED course.

New law removes these limitations and authorizes a child housed at a residential facility to remain at the facility until their twenty-first birthday to complete any education course begun at the facility including a GED course.

New law directs the La. State Law Institute to prepare comments to the provisions of new law.

Effective on August 1, 2017.

(Amends R.S. 46:1403.1, Ch.C. Arts. 116(25), 606(A)(intro. para.) and (7), 622(B)(intro. para.), and 725.1-725.3; adds Ch.C. Arts. 622(B)(5) and 725.4-725.6)