

2015 Regular Session

HOUSE BILL NO. 385

BY REPRESENTATIVE NANCY LANDRY

(On Recommendation of the Louisiana State Law Institute)

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CHILDREN/ABUSE: Provides with respect to mandatory reporters

1 AN ACT

2 To amend and reenact Children's Code Article 603(17)(b), relative to mandatory reporters;
3 to establish an exception for certain mental health/social service practitioners; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Children's Code Article 603(17)(b) is hereby amended and reenacted to
7 read as follows:

8 Art. 603. Definitions

9 As used in this Title:

10 * * *

11 (17) "Mandatory reporter" is any of the following individuals:

12 * * *

13 (b) "Mental health/social service practitioner" is any individual who provides
14 mental health care or social service diagnosis, assessment, counseling, or treatment,
15 including a psychiatrist, psychologist, marriage or family counselor, social worker,
16 member of the clergy, aide, or other individual who provides counseling services to
17 a child or his family. Notwithstanding any other provision of law to the contrary,
18 when representing a child, as defined in this Code, in a case arising out of this Code,
19 a mental health/social service practitioner shall not be considered a mandatory

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 385 Reengrossed

2015 Regular Session

Nancy Landry

Abstract: Provides an exception to the definition of mandatory reporter for mental health/social service practitioners serving as part of an attorney's team rendering legal services to a client.

Present law defines "mandatory reporter" to include a mental health/social service practitioner who provides mental health care or social service diagnosis, assessment, counseling, or treatment, including a psychiatrist, psychologist, marriage or family counselor, social worker, member of the clergy, aide, or other individual who provides counseling services to a child or his family.

Proposed law retains present law but adds an exception to the definition for mental health/social service practitioners serving as part of the legal team rendering legal services to a child in an action arising out of the La. Children's Code, if the practitioner meets all of the following criteria:

- (1) The practitioner is engaged by an attorney to assist in the rendition of professional legal services to that child.
- (2) The practitioner obtained the information that would serve as the basis for reporting while facilitating the rendition of those professional legal services to that child.
- (3) The mental health/social service practitioner documented the information that would serve as the basis for reporting.

Proposed law requires mental health/social service practitioners who are not considered mandatory reporters under proposed law to retain the documentation of alleged abuse until one year after the child has reached the age of majority.

Proposed law shall not be construed as to limit or abrogate any individual's obligation to report pursuant to any other law or profession's ethical standards.

(Amends Ch.C. Art. 603(17)(b))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Remove the proposed addition of behavioral health professional to the definition of mental health/social service practitioner.
2. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Narrow the exception to instances where the client is a child in an action arising out of the La. Children's Code.

2. Require the mental health/social service practitioner to document the alleged abuse and retain the documentation until one year after the child has reached the age of majority.
3. Add a provision to the La. State Law Institute comments to clarify the intended effect of proposed law.