

2022 Regular Session

SENATE BILL NO. 63

BY SENATORS MIZELL, BARROW, CARTER, HENSGENS, LUNEAU, MCMATH
AND POPE AND REPRESENTATIVES FREIBERG, MOORE AND
SCHLEGEL

CHILDREN/FAMILY SERVICES DEPT. Provides for the duties of the Department of
Children and Family Services regarding victims of child sex trafficking. (1/1/23)

1 AN ACT

2 To amend and reenact Children's Code Article 610(A)(1) and to enact Children's Code

3 Article 610(E)(4) and R.S. 46:51(16), relative to mandatory reporting of child abuse;

4 to provide for reporting of child sex trafficking; to provide for the duties of the

5 department including the provision of care coordination and advocacy services; to

6 provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Art. 610(A)(1) is hereby amended and reenacted and

9 Children's Code Art. 610(E)(4) is hereby enacted to read as follows:

10 Art. 610. Reporting procedure; reports to the legislature and the United States

11 Department of Defense Family Advocacy Program

12 A.(1) Reports of child abuse or neglect or that such was a contributing factor

13 in a child's death, where the abuser is believed to be a parent or caretaker, a person

14 who maintains an interpersonal dating or engagement relationship with the parent or

15 caretaker, or a person living in the same residence with the parent or caretaker as a

16 spouse whether married or not, shall be made immediately to the department. A

17 permitted reporter shall make a report through the designated state child protection

1 reporting hotline telephone number or in person at any child welfare office. A
 2 mandatory reporter shall make a report through the designated state child protection
 3 reporting hotline telephone number, via the Louisiana Department of Children and
 4 Family Services Mandated Reporter Portal online, or in person at any child welfare
 5 office. Reports in which the abuse or neglect is believed to be perpetrated by
 6 someone other than a caretaker, a person who maintains an interpersonal dating or
 7 engagement relationship with the parent or caretaker, or a person living in the same
 8 residence with the parent or caretaker as a spouse whether married or not, and the
 9 caretaker is not believed to have any responsibility for the abuse or neglect shall be
 10 made immediately to a local or state law enforcement agency. Dual reporting to both
 11 the department and the local or state law enforcement agency is permitted. **If a**
 12 **report involves alleged sex trafficking, all mandatory reporters shall report to**
 13 **the department regardless of whether there is alleged parental or caretaker**
 14 **culpability.**

* * *

15 E. * * *

17 **(4) The department shall communicate as soon as possible all reports**
 18 **involving alleged child victims of sex trafficking to the Louisiana State Police for**
 19 **referral to the appropriate local law enforcement agency for investigation or**
 20 **other action as appropriate.**

* * *

22 Section 2. R.S. 46:51(16) is hereby enacted to read as follows:

23 §51. Duties of the department

24 The Department of Children and Family Services, through its secretary, shall
 25 administer the public assistance and welfare laws of the state, as follows:

* * *

27 **(16) Make care coordination and advocacy services available for child**
 28 **victims of child sex trafficking as follows:**

29 **(a) Care coordination services may include emergency and ongoing**

1 multidisciplinary coordination and service planning with key agencies to
 2 address medical, psychological, safety, housing, and other emergency and long-
 3 term needs of the child and the investigative needs of law enforcement.

4 (b) Based on the needs of the child and the child's family, advocacy
 5 services may include:

6 (i) Face-to-face visits to include emotional support.

7 (ii) Development, implementation, and updates to safety plans.

8 (iii) Communication and advocacy on the child's behalf with care
 9 coordinators.

10 (iv) Assistance with referrals and implementation of services.

11 (v) Twenty-four hour on-call crisis assistance to respond to the needs of
 12 the child.

13 (vi) Assistance with transportation and other physical needs.

14 (vii) Support work with the family to develop safety procedures based on
 15 the particular situation and the child's needs.

16 (viii) Education on how to monitor and address the child's internet
 17 access, messaging, and telephone contacts.

18 Section 3. This Act shall become effective on January 1, 2023; if vetoed by the
 19 governor and subsequently approved by the legislature, this Act shall become effective on
 20 the day following such approval by the legislature or January 1, 2023, whichever is later.

The original instrument was prepared by Brandi Cannon. The following
 digest, which does not constitute a part of the legislative instrument, was
 prepared by Leonore Heavey.

SB 63 Reengrossed

DIGEST
 2022 Regular Session

Mizell

Present law provides for reports of child 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 to be made to the Dept. of Children and Family Services (DCFS). Further provides that all other reports are to be made to a local or state law enforcement agency.

Proposed law retains present law and provides that if a report involves alleged sex trafficking, the provisions of proposed law also apply and all mandatory reporters shall report to DCFS regardless of whether there is alleged parental or caretaker culpability.

Proposed law provides that DCFS shall communicate as soon as possible all reports involving alleged child victims of sex trafficking to the La. State Police for referral to local law enforcement.

Present law provides for the duties and responsibilities of DCFS to administer the public assistance laws of the state.

Proposed law retains present law duties of DCFS and adds the responsibility to make care coordination and advocacy services available for victims of child sex trafficking.

Proposed law describes the services that may be provided as care coordination and advocacy services.

Effective January 1, 2023.

(Amends Ch.C. Art 610(A)(1); adds Ch.C. Art. 610(E)(4) and R.S. 46:51(16))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Requires mandatory reporters to report all alleged child victims of sex trafficking.
2. Requires DCFS to report to the LSP.
3. Allows DCFS to delegate its duties under proposed law.
4. Provides for optional services for parents who have no culpability.
5. Changes the effective date.
6. Makes technical changes.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Removes required actions by DCFS when a child has been identified as a victim of sex trafficking.
2. Removes provisions authorizing DCFS to delegate the performance of required actions relative to child victims of sex trafficking.
3. Removes DCFS rulemaking requirement.
4. Adds making care coordination and advocacy services available for victims of child sex trafficking to duties of DCFS and describes these services.