

2026 Regular Session

HOUSE BILL NO. 1052

BY REPRESENTATIVE SPELL

CHILDRENS CODE: Provides relative to confidentiality policies and procedures pertaining to work product created, received, or maintained by child advocacy centers and multidisciplinary investigative teams

1 AN ACT
2 To amend and reenact R.S. 15:440.8, R.S. 44:4.1(B)(40), and Children's Code Article 513
3 and to enact Children's Code Articles 525(C), 525.1, and 545(C), relative to
4 confidentiality of records; to provide relative to confidentiality of work product; to
5 provide for a definition; to provide for authorized and prohibited disclosures; to
6 provide for public records exceptions; to provide for an effective date; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:440.8 is hereby amended and to read as follows:

10 §440.8. Confidentiality of records; child advocacy centers

11 The files, reports, records, communications, working papers, or videotaped
12 interviews used or developed in providing services ~~under Part H of~~ pursuant to Title
13 V of the Children's Code are confidential and not subject to the Public Records Law.
14 Disclosure of any files, reports, records, communications, or working papers of a
15 child advocacy center may be made only pursuant to Children's Code Article 525 or
16 by order of the juvenile court of competent jurisdiction pursuant to Children's Code
17 Article 412. Disclosure of videotaped interviews of protected persons shall be
18 disclosed either pursuant to R.S. 15:440.1 et seq. or Children's Code Article 322 et
19 seq.

1 Section 2. R.S. 44:4.1(B)(40) 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 (40) Children's Code Articles 328, 328.2, 404, 412, 424.6, 424.9, 441, 525,
11 525.1, 543, 545, 615, 616, 616.1, 663, 737, 793, 888, 891, 893, 920, 921, 922, 1007,
12 1106, 1107, 1185, 1186, 1187, 1207, 1213, 1229, 1235, 1252, 1273, 1283.5, 1283.10,
13 1416, 1453, 1568

14 * * *

15 Section 3. Children's Code Article 513 is hereby amended and reenacted and
16 Children's Code Articles 525(C), 525.1, and 545(C) are hereby enacted to read as follows:

17 Art. 513. Confidentiality policy

18 A. A multidisciplinary investigative team may obtain all information
19 necessary to perform its official duties from any public agency, department, or other
20 organization, including material otherwise made confidential or privileged. Any
21 confidential or privileged material or verbal information obtained by a team member
22 during an investigation shall be disclosed only as necessary to other team members,
23 and shall not be disclosed to any agency or individual not represented on the
24 multidisciplinary investigative team unless otherwise required by law.

25 B. Each multidisciplinary investigative team shall adopt and adhere to a
26 written confidentiality policy governing information obtained in the course of child
27 abuse and neglect investigations. The policy adopted pursuant to this Article shall
28 ensure that information is shared only among authorized participants for the purposes
29 of investigation, assessment, prosecution, and treatment. All work product generated

1 by a multidisciplinary investigative team is subject to the protections provided in
2 Article 525.1.

3 * * *

4 Art. 525. Confidentiality policy; exceptions

5 * * *

6 C. Each child advocacy center shall adopt and enforce a written
7 confidentiality policy consistent with state and federal law. Information maintained
8 by a child advocacy center is confidential and shall be disclosed only as necessary
9 to carry out the purposes of the center. All work product that is generated or
10 maintained by a child advocacy center is subject to the protections provided in
11 Article 525.1.

12 Art. 525.1. Confidentiality; work product of child advocacy centers and
13 multidisciplinary investigative teams

14 A. For the purposes of this Article, "work product" means any records,
15 materials, or information created, received, or maintained by a child advocacy center
16 or a multidisciplinary investigative team in connection with a child abuse or neglect
17 case, including but not limited to forensic interviews, evidence, medical exams,
18 advocacy notes, mental health records, case review notes, communications, and
19 recommendations.

20 B. Notwithstanding any provision of law to the contrary, work product is
21 confidential and is not subject to any public records requests, subpoena, discovery,
22 or disclosure except as provided in this Article.

23 C. Work product may be shared in de-identified or aggregate form as
24 follows:

25 (1) Among multidisciplinary investigative team members for the purposes
26 of investigation, assessment, prosecution, and treatment.

27 (2) With a court of competent jurisdiction, subject to a protective order
28 issued pursuant to R.S. 15:440.1 et seq.

29 (3) As otherwise provided by law.

Proposed law generally retains present law and adds a cross-reference to the public record exceptions provided in proposed law.

Present law (Ch.C. Art. 513) provides for confidentiality policies relative to multidisciplinary investigations of child abuse and neglect.

Proposed law requires each multidisciplinary investigative team to adopt and adhere to a written confidentiality policy governing information obtained in the course of child abuse and neglect investigations.

Proposed law requires that the policy ensure that information is shared only among authorized participants for the purposes of investigation, assessment, prosecution, and treatment. Further provides that all work product generated by a multidisciplinary investigative team is subject to the protections provided in proposed law.

Present law (Ch.C. Art. 525) provides for confidentiality policies relative to child advocacy centers.

Proposed law requires each child advocacy center to adopt and enforce a written confidentiality policy consistent with state and federal law. Further provides that information maintained by a child advocacy center is confidential and requires disclosure only as necessary to carry out the purposes of the center.

Proposed law provides that all work product that is generated or maintained by a child advocacy center is subject to the protections provided in proposed law.

Proposed law defines the term "work product". Further provides that work product is confidential and is not subject to any public records requests, subpoena, discovery, or disclosure except as provided in proposed law.

Proposed law provides for circumstances when work product may be shared in de-identified or aggregate form.

Proposed law provides that work product is privileged and protected from disclosure in child custody, civil, criminal, and administrative proceedings, except as authorized by proposed law.

Proposed law provides that the protection of proposed law is applicable only to agencies and individuals acting under formal multidisciplinary agreements.

Proposed law does not limit the disclosure of independently obtained evidence, the authority of law enforcement, or the constitutional rights of a defendant.

Present law (Ch.C. Art. 545) provides for the confidentiality of information that is disclosed pursuant to an interagency information sharing agreement.

Proposed law provides that information shared pursuant to present law is confidential and that the confidentiality provisions of present law (Ch.C. Art. 545) include the protections provided in proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:440.8, R.S. 44:4.1(B)(40), and Ch.C. Art. 513; Adds Ch.C. Arts. 525(C), 525.1, and 545(C))