

2026 Regular Session

SENATE BILL NO. 237

BY SENATORS BARROW AND MIZELL

CHILDREN. Provides relative to child welfare. (8/1/26)

1 AN ACT
2 To amend and reenact R.S. 24:525(C)(5), (6), and (13) and (D) through (G), R.S.
3 46:56(F)(1), (2), (8), (9)(a), (e), and (g), and (10)(a), Children's Code Arts. 508,
4 511(D), 609(A)(3), the introductory paragraph of 610(A), the introductory paragraph
5 of 610(A)(1), the introductory paragraph of 610(A)(2), 610(A)(3) and (4)(a), and (D)
6 through (H), 612(A), (B), and (C), 619(A)(1), 620(A), and 725.5(A), to enact R.S.
7 17:15.1, R.S. 24:525(C)(14) and (H), R.S. 42:17(A)(12), R.S. 46:1(7), 51(17) and
8 (18), 52.2, and 52.3, and Children's Code Arts. 512(E), 524(B)(13), and 603(17)(p),
9 and to repeal Children's Code Arts. 509 and 610(I), relative to child welfare; to
10 require schools to report allegations of child abuse by school employees; to provide
11 for false reporting; to provide for the duties and responsibilities of the state child
12 ombudsman; to provide for the duties and responsibilities of the Department of
13 Children and Family Services; to provide for exceptions to public meetings; to
14 provide for confidentiality; to provide for public reporting of fatalities and near
15 fatalities; to provide for a critical incident review team; to provide for
16 multidisciplinary investigative teams; to provide for forensic interviews; to provide
17 for definitions; to provide for mandatory reporter training; to provide for child abuse

1 and neglect reporting procedures; to provide for the assignment of reports for
2 investigation and assessment; to provide for instanter custody orders; and to provide
3 for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 17:15.1 is hereby enacted to read as follows:

6 **§15.1. Reporting allegations of abuse; school employees; requirements**

7 **A. In addition to the mandatory reporter requirements provided for in**
8 **Children's Code Article 610, a principal or school administrator shall**
9 **immediately report to the state Department of Education if an allegation of**
10 **physical or sexual abuse of a student has been made against a school employee.**

11 **B. Law enforcement shall notify the state Department of Education of**
12 **the disposition of any investigation involving an allegation of physical or sexual**
13 **abuse of a student by a school employee.**

14 **C. The state Department of Education shall maintain a database of all**
15 **reports and the disposition of each report received from law enforcement.**

16 **D. Each school shall check the database prior to hiring any employee to**
17 **assess whether previous allegations have been made against the prospective**
18 **employee or if a pattern of allegations exists.**

19 **E. A person acting in good faith who reports or assists in the**
20 **investigation of a report or who testifies or otherwise participates in a**
21 **disciplinary process or judicial proceeding arising from a report shall be**
22 **immune from civil liability and from criminal liability that might otherwise be**
23 **incurred or imposed as a result of those actions.**

24 **F. The immunity provided for in Subsection E of this Section shall not**
25 **be extended to any person who makes a report known to be false or with**
26 **reckless disregard for the truth of the report. Any person who makes a false**
27 **report to the state Department of Education shall be subject to the penalties**
28 **provided for in R.S. 14:126.1.**

29 **G. For the purposes of this Section, the following definitions shall apply:**

1 ~~(13)~~**(14)** Notify the senator and representative who represent the district in
 2 which a child has died as a result of abuse or neglect, within twenty-four hours of ~~his~~
 3 knowledge **being notified by the department** of the death of the child. **The**
 4 **notification shall include the information provided to the state child**
 5 **ombudsman pursuant to Subparagraphs (E)(2)(b) through (f) of this Section.**

6 D.~~(1)~~ Any state agency having responsibility for the custody or care of
 7 children shall provide monthly notice to the state child ombudsman of the death of
 8 a child in its custody or care.

9 ~~(2)~~**E.** The Department of Children and Family Services shall notify the state
 10 child ombudsman ~~within three business days of receiving information~~ on the death
 11 of any child that had been reported to the department for alleged child abuse or
 12 neglect **that resulted in a child fatality or near fatality in accordance with the**
 13 **following:-**

14 **(1) The Department of Children and Family Services shall notify the**
 15 **state child ombudsman in writing within three business days of receiving**
 16 **information on the death or near fatality of any child whose death or injury is**
 17 **the subject of a child abuse or neglect investigation. The notification shall**
 18 **include:**

19 **(a) The date of the child's death or near fatality.**

20 **(b) The age of the child at death or near fatality.**

21 **(c) The biological sex of the child.**

22 **(d) The parish of the child's death or near fatality.**

23 **(e) Information regarding prior department involvement, including:**

24 **(i) Whether the child's caretaker had previously been reported to the**
 25 **department for alleged child abuse or neglect of any child.**

26 **(ii) Whether the child who suffered the near fatality or fatality had**
 27 **previously been the subject of a child abuse or neglect report or investigation.**

28 **(iii) Whether the child's fatality or near fatality occurred during an**
 29 **active child protective services investigation or an open family services case.**

1 (f) The assigned intake identification number.

2 (g) The date on which the report was accepted for investigation.

3 (2) The Department of Children and Family Services shall notify the
4 state child ombudsman within three business days after the conclusion of an
5 investigation into a fatality or near fatality of any child when it has been
6 determined that the death or near fatality was a result of abuse or neglect. The
7 notification shall include:

8 (a) The assigned intake investigation number if one had already been
9 assigned and reported to the ombudsman or provided and indicated as new if
10 one had not been previously provided.

11 (b) The date of the child's death or near fatality.

12 (c) The age of the child at death or near fatality.

13 (d) The gender of the child.

14 (e) The parish of the child's residence and parish of the child's death or
15 near fatality, if different.

16 (f) Child's name, if previously made public.

17 (g) Circumstances surrounding the child's death.

18 (h) Updated information regarding prior department involvement if such
19 new information is available since the department's reporting pursuant to
20 Subparagraph (1)(e) of this Subsection, including:

21 (i) Whether the child's caretaker or alleged perpetrator had previously
22 been reported to the department for alleged child abuse or neglect of any child.

23 (ii) Whether the child who suffered the near fatality or fatality had
24 previously been the subject of a child abuse or neglect report or investigation.

25 (iii) Whether the child's fatality or near fatality occurred during an
26 active child protective services investigation or an open family services case.

27 (3) The Department of Children and Family Services shall notify the
28 state child ombudsman within three business days after the conclusion of an
29 investigation by the department into a fatality or near fatality of any child when

1 it has been determined by the department that the death or near fatality was not
2 a result of abuse or neglect. The department shall provide the assigned intake
3 identification number provided pursuant to Subparagraph (E)(1)(f) of this
4 Section.

5 ~~E.F.~~ The standing committee of each house of the legislature having
6 responsibility for oversight shall perform a biennial review and evaluation of the
7 state child ombudsman and the provisions of this Section.

8 ~~E.G.~~ Notwithstanding any other provision of law to the contrary and to the
9 extent allowed by federal law, the state child ombudsman shall **have unrestricted**
10 **remote access to departmental computer networks, including access to any and**
11 **all case management systems, databases, and department policy and procedure**
12 **systems, pertaining to state agencies that provide services to children through**
13 **funds provided by the state. The child ombudsman shall not have the ability to**
14 **add to, edit, delete, or otherwise alter any document in any departments'**
15 **system. The child ombudsman shall not disclose the identifying information**
16 **concerning an individual who initiated a report or complaint of alleged child**
17 **abuse or neglect contained within any network or case management system**
18 **accessed pursuant to this Section. The ombudsman shall,** upon request, have
19 permission to view and use documents and records, **including audio and video**
20 **recordings,** relevant to the ombudsman's statutory duties. To the extent allowed by
21 federal law, such documents and records shall include but not be limited to the
22 applications and case files of the Louisiana Department of Health and the
23 Department of Children and Family Services except for the name and any identifying
24 information of the reporter of child abuse or neglect and restrictions provided in Title
25 IV-D of the Social Security Act and the Internal Revenue Code, juvenile court
26 judgments and court minute entries, records and reports of children in the custody
27 of or under the supervision of the office of juvenile justice, student records in the
28 possession of the State Department of Education, any parish or city school board,
29 and any elementary or secondary education school, including charter schools. The

1 state child ombudsman shall comply with any and all restrictions imposed by law on
2 documents, data, or information considered confidential or privileged and furnished
3 to the state child ombudsman.

4 ~~G.H.~~ Notwithstanding any other provision of law to the contrary, the state
5 child ombudsman shall not be compelled to be a witness or be deposed in any case
6 where the state child ombudsman is not personally a defendant.

7 Section 3. R.S. 42:17(A)(12) is hereby enacted to read as follows:

8 §17. Exceptions to open meetings

9 A. A public body may hold an executive session pursuant to R.S. 42:16 for
10 one or more of the following reasons:

11 * * *

12 **(12) Testimony including identifying information and explicit details**
13 **related to physical or sexual abuse of children.**

14 * * *

15 Section 4. R.S. 46:56(F)(1), (2), (8), (9)(a), (e), and (g), and (10)(a) are hereby
16 amended and reenacted and R.S. 46:1(7), 51(17) and (18), 52.2, and 52.3 are hereby enacted
17 to read as follows:

18 §1. Definitions

19 As used in this Title, the following definitions shall apply:

20 * * *

21 **(7) "Near fatality" means an act as certified by the physician who**
22 **examined the child which placed the child in serious or critical condition.**

23 * * *

24 §51. Duties of the department

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

27 * * *

28 **(17) Establish a law enforcement liaison position for each region of the**
29 **state. Each law enforcement liaison shall have previous law enforcement**

1 experience and shall serve as a resource to determine cases that are appropriate
2 for law enforcement referrals and facilitate joint investigations between the
3 department and law enforcement.

4 (18) Designate the chief medical director as the employee primarily
5 responsible for all matters regarding child fatalities and near fatalities,
6 including but not limited to child death notification to the state child
7 ombudsman in accordance with R.S. 24:525 and for management of the public
8 website on incidents involving a child fatality or near fatality in accordance with
9 R.S. 46:52.2.

10 * * *

11 §52.2. Incidents involving fatality or near fatality; public website

12 The Department of Children and Family Services shall promptly provide
13 information to the public regarding a substantiated case of child abuse or
14 neglect that has resulted in a fatality or near fatality on its public website as
15 follows:

16 (1) The department shall provide the following preliminary information:

17 (a) The age, biological sex, parish, and general location of the residence
18 of the child who has suffered a fatality or a near fatality.

19 (b) The fact that a child suffered a fatality or near fatality as the result
20 of abuse or neglect.

21 (c) The name, city, town, or general location of the residence of the
22 alleged perpetrator, if available, unless the disclosure would violate any privacy
23 laws of this state.

24 (d) Whether there have been reports, or any current or past cases, of
25 abuse or neglect involving the child or the alleged perpetrator.

26 (e) Actions taken by the department in response to the fatality or near
27 fatality of the child.

28 (f) A detailed synopsis of prior reports or cases of abuse or neglect
29 involving the child or the alleged perpetrator and of the actions taken or

1 determinations made by the department in response to these reports or cases.

2 (2) Each fatality or near fatality shall be reviewed by a critical incident
3 review team in accordance with R.S. 46:52.3.

4 (3) Within one hundred twenty days after the date of the report for a
5 case involving a fatality or a near fatality, the department shall provide to the
6 public a summary report that includes any actions taken by the department in
7 response to the case, any changes in policies or practices that have been made
8 to address any issues raised in the review of the case, and any recommendations
9 made by the critical incident review team for further changes in policies,
10 practices, rules, or statutes to address those issues.

11 §52.3. Critical incident review

12 A. Each case of child abuse or neglect received by the department that
13 has resulted in a fatality or near fatality, whether substantiated or
14 unsubstantiated by the department, shall be reviewed by a multidisciplinary
15 critical incident review team as provided for in this Section.

16 B. The team shall consist of the following members:

17 (1) A representative of the Department of Children and Family Services
18 designated by the secretary of the Department of Children and Family Services.

19 (2) The chief medical director of the Department of Children and Family
20 Services, or his designee.

21 (3) A representative of the Department of Justice designated by the
22 attorney general.

23 (4) A representative of the office of state police designated by the
24 superintendent of state police.

25 (5) A representative of the Louisiana Department of Health designated
26 by the secretary of the Louisiana Department of Health.

27 (6) A coroner or forensic pathologist appointed by the president of the
28 Louisiana Coroner's Association.

29 (7) A representative of a child advocacy center designated by the

1 Louisiana Alliance of Children's Advocacy Centers.

2 (8) The state child ombudsman, or his designee.

3 C. The department shall provide to the review team the following within
4 thirty days of reaching a disposition in a fatality or near fatality case:

5 (1) The investigation report and all evidence collected or generated as
6 part of the investigation of the fatality or near fatality.

7 (2) All prior reports of suspected abuse or neglect received by the
8 department concerning the child, the child's caretakers, or the alleged
9 perpetrator.

10 (3) All prior investigation reports concerning the child, the child's
11 caretakers, and the alleged perpetrator.

12 (4) Any additional records requested by the review team that the review
13 team deems relevant after reviewing the materials provided in Paragraphs (1)
14 through (3) of this Subsection.

15 D. The review team shall do all of the following:

16 (1) Evaluate means by which the death might have been prevented.

17 (2) Report its findings to appropriate agencies and make
18 recommendations that may help to reduce the number of child deaths caused
19 by abuse or neglect.

20 (3) Make specific recommendations to the Department of Children and
21 Family Services of any changes in policies or practices needed to address any
22 issues raised in the review of the case and any recommendations for further
23 changes in policies, practices, rules, or statutes to address those issues.

24 E. The attorney general shall be responsible for coordinating meetings
25 of the review team. The review team shall hold regular meetings at least
26 quarterly and shall hold special meetings if determined necessary by the
27 attorney general.

28 F.(1) The review team, in order that it may perform its functions and
29 duties as provided in this Section, shall have access to any information,

1 documents, or records in the possession of the Department of Children and
2 Family Services involving a child abuse and neglect investigations which are
3 pertinent as decided by the review team to the alleged child abuse or neglect
4 that led to the death of the child.

5 (2) All such records obtained by the review team in accordance with the
6 provisions of this Subsection, shall be confidential and shall not be available for
7 subpoena nor shall such information be disclosed, discoverable, or compelled
8 to be produced in any civil, criminal, administrative, or other proceeding nor
9 shall such records be deemed admissible as evidence in any civil, criminal,
10 administrative, or other tribunal or court for any reason.

11 (3) In no instance shall the name or identifying information of the
12 reporter in a case of abuse or neglect be disclosed to the review team.

13 (4) The furnishing of confidential information, documents, and reports
14 in accordance with this Section by any person, agency, or entity furnishing such
15 information, documents, and reports shall not expose such person, agency, or
16 entity to liability and shall not be considered a violation of any privileged or
17 confidential relationship, provided the participant has acted in good faith in the
18 reporting as required in this Section.

19 * * *

20 §56. Applications and client case records; definitions; confidentiality; waiver;
21 penalty

22 * * *

23 F. The following information shall not be subject to waiver and shall not be
24 released to applicants, recipients, or outside sources, except those outside sources
25 engaged in the administration of the programs of the department or when specifically
26 authorized by law:

27 (1) Records pertaining to foster care of children, investigations of abuse and
28 neglect of children, and other child welfare services. For the purposes of this
29 Paragraph, case records of children in abuse and neglect and foster care cases may

1 be reviewed by the state child ombudsman pursuant to R.S. 24:525, attorneys
2 who are appointed by a court of juvenile jurisdiction to represent the sole interest of
3 the children, and pursuant to court order, such case records may be reviewed by
4 court-appointed special advocates appointed pursuant to Children's Code Article
5 424.1. Prior to a court hearing, the department may provide to such attorneys and
6 court-appointed special advocates copies of the most recent case plan for the child
7 and his family, the most recent court order and court report, and the child's most
8 recent medical ~~report~~ reports, including but not limited to psychological
9 counseling and behavioral health assessments. Additionally, pursuant to Children's
10 Code Article 616, a judge of a court exercising juvenile jurisdiction may request, in
11 writing to the department, central registry record checks. However, in no instance
12 shall the name or identifying information regarding a complainant in neglect and
13 abuse cases or the case records of the foster parents be subject to such review. The
14 department may, however, provide foster parents all information from the
15 department's records and from other records to which the department has access
16 concerning a child in the foster home, and concerning the child's family, where such
17 information is necessary for the foster parents to properly care for the child. The
18 department may also provide surrogate parents representing the special education
19 interests of children in the department's custody with all information from the
20 department's records and from other records to which the department has access
21 where such information is necessary for the surrogate parents to properly advocate
22 for the children. In any child custody proceeding, after the issue has been raised of
23 the potential existence of a relevant departmental record concerning the abuse or
24 neglect of a child who is the subject of that proceeding, the judge may contact the
25 local child protection unit to determine if such a record exists. If the department has
26 a substantiated report pursuant to Children's Code Article 615(B)(1) through (3), the
27 local child protection unit shall verbally advise the judge that such report is in the
28 possession of the unit. If the court finds that information which may be contained in
29 the report is necessary for an issue before the court, the court may order the release

1 of such information. If the report was unsubstantiated, such records shall be sealed
2 and accessible only pursuant to Children's Code Article 615.

3 (2) Information furnished to the department by persons, governmental
4 agencies, or other legal entities when such furnisher of information is subject to a
5 confidentiality statute or regulation which prohibits release of such information to
6 an outside source, ~~and,~~

7 * * *

8 (8)(a) Case records involving investigation of reports of child abuse and
9 neglect shall be confidential in order to protect the rights of the child and his parents
10 or guardians. Information contained in such records shall only be made available as
11 provided in this Section or applicable state or federal laws or regulations.

12 (b) The department shall not disclose identifying information concerning an
13 individual who initiated a report or complaint of alleged child abuse or neglect,
14 except that the department shall disclose such information:

15 **(i) To law enforcement involved in the investigation of a report or**
16 **complaint.**

17 **(ii) Pursuant** ~~pursuant~~ to a court order after such court has reviewed, in
18 camera, the department's case record and finds reason to believe that the reporter
19 knowingly made a false report.

20 (9) Notwithstanding any other provision of this Section, limited public
21 disclosure of summary information contained in the child abuse or neglect records
22 of the Department of Children and Family Services may be made as follows:

23 (a) When there has been a child fatality or near fatality in which abuse or
24 neglect was medically determined by an examining physician to be a contributing
25 factor in the cause of death or near fatality. ~~For purposes of this Paragraph, "near~~
26 ~~fatality" means an act as certified by the physician who examined the child which~~
27 ~~placed the child in serious or critical condition.~~

28 * * *

29 (e) The department shall not publicly disclose any information concerning the

1 individual initiating a report or complaint. Providing information to law
 2 enforcement for purposes of investigating a report or complaint shall not be
 3 considered publicly disclosing the information.

4 * * *

5 (g) Nothing in this Paragraph shall limit the authority of the department to
 6 disclose requested information to the parent or guardian of an abused or neglected
 7 child as otherwise provided by law, unless the parent or guardian is the alleged
 8 perpetrator or living with or in a relationship with the alleged perpetrator.

9 * * *

10 (10)(a) Upon written request, the department shall disclose limited
 11 information contained in child abuse or neglect records or reports to the following:

12 (i) An examining ~~physician~~ healthcare provider of a child whom he
 13 reasonably believes has been abused or neglected.

14 (ii) A committee or subcommittee of the legislature which has subject matter
 15 jurisdiction over child protection legislation according to the rules of the respective
 16 house, provided that such information is reviewed in closed session and kept
 17 confidential.

18 (iii) The executive director of a ~~day care center~~ an early learning center or
 19 residential provider, provided that the use of such information is limited to a
 20 confidential employee disciplinary investigation of alleged abuse or neglect of a
 21 child within that facility and the employee who is the subject of the disciplinary
 22 investigation is the subject of the requested information. ~~However, the department~~
 23 ~~shall have the authority to fine, revoke, or suspend the license of any day care center~~
 24 ~~or residential provider, after due notice and a hearing, if the executive director~~
 25 ~~releases the confidential information to an unauthorized person or persons. The~~
 26 ~~proceedings shall be conducted in accordance with rules and regulations to be~~
 27 ~~promulgated by the department.~~

28 (iv) The attorney who represents the child, the ~~day care~~ early learning
 29 center, or an employee of the ~~day care~~ early learning center.

* * *

Section 5. Children's Code Arts. 508, 511(D), 609(A)(3), the introductory paragraph of 610(A), the introductory paragraph of 610(A)(1), the introductory paragraph of 610(A)(2), 610(A)(3) and (4)(a), and (D) through (H), 612(A), (B), and (C), 619(A)(1), 620(A), and 725.5(A) are hereby amended and reenacted and Children's Code Arts. 512(E), 524(B)(13), and 603(17)(p) are hereby enacted to read as follows:

Art. 508. Multidisciplinary investigative team; scope of responsibility

A. ~~Not later than February 15, 2004, a~~ **A** multidisciplinary investigative team shall be established for the investigation of child abuse within each judicial district.

B. The team shall be responsible for the investigation of all child sexual abuse cases, abuse and neglect cases involving allegations of the commission of a felony-grade crime against a child, and any other case involving trauma to a child, ~~in accordance with their agency scope of services,~~ which is referred to the team by any member and accepted by the team for investigation in compliance with the interagency protocols developed and instituted in accordance with ~~Articles 509 and~~ **Article** 510 of this Part.

C. Any child that the Department of Children and Family Services or law enforcement has received a report of suspected sexual or serious physical abuse shall be referred to a child advocacy center for a forensic interview. The department or law enforcement agency shall notify the child advocacy center within seventy-two hours of receiving the report and the child advocacy center shall notify members of the appropriate multidisciplinary team within twenty-four hours. Every child advocacy center shall accept referrals from both the department and law enforcement. The multidisciplinary team shall meet to review any case in which a forensic interview has occurred. Law enforcement or the department shall not close a case in which a forensic interview has occurred prior to the multidisciplinary team review.

~~C.D.~~ Each team shall develop and institute interagency protocols in accordance with ~~Articles 509~~ **this Article** and **Article** 510 of this Part **and shall**

1 **update the protocols as necessary.**

2 * * *

3 Art. 511. Forensic interviewer; qualifications

4 * * *

5 D. The cost of employing and training the forensic interviewer is to be
6 decided on in the interagency protocols developed and instituted in accordance with
7 ~~Articles 509 and~~ **Article** 510 of this Part, and is not the responsibility of member
8 agencies unless agreed to in the protocols.

9 Art. 512. Composition of the multidisciplinary investigative team

10 * * *

11 **E. Each governmental entity provided for in Paragraph B of this Article**
12 **shall have a representative in attendance at each multidisciplinary team**
13 **meeting. Each child advocacy center shall submit the attendance records for**
14 **each multidisciplinary team in the center's jurisdiction to the attorney general**
15 **every six months. The attorney general shall review the records for compliance**
16 **with this Article and shall notify any agency that is out of compliance.**

17 * * *

18 Art. 524. Responsibilities

19 * * *

20 B. A child advocacy center shall be governed and managed so as to provide
21 at a minimum, for the following:

22 * * *

23 **(13) Specialized policies for conducting forensic interviews with children**
24 **with disabilities or children who require special accommodations.**

25 * * *

26 Art. 603. Definitions

27 As used in this Title:

28 * * *

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

* * *

(p) A court-appointed supervised visit monitor.

* * *

Art. 609. Mandatory and permitted reporting; training requirements

A. With respect to mandatory reporters:

* * *

(3)(a) ~~To familiarize mandatory reporters, as defined by Children's Code Article 603, with their legal mandate for reporting suspected child abuse and neglect, such mandatory Mandatory reporters shall be offered **complete annual** training on the statutory requirements and responsibility of reporting child abuse and neglect **and how to identify the signs and symptoms of child neglect and abuse, including sexual abuse and human trafficking.** This ~~The~~ training shall be made available by ~~the child welfare division of the Department of Children and Family Services or any other mechanism as approved by the department as long as it includes information on the reporting procedure and the consequences of failing to report.~~ **The department may provide for an annual competency assessment which may be used to satisfy the training requirement.**~~

~~(b) Each mandatory reporter may obtain mandatory reporting training as each mandatory reporter believes to be necessary in accordance with Subsubparagraph (a) or (d) of this Subparagraph.~~

~~(e)~~**(b)** The appropriate state regulatory department, board, commission, or agency for each category of mandatory reporter ~~may~~ **shall** provide continuing education credit for the completion of the training pursuant to this Paragraph.

~~(d) Any entity, including but not limited to hospitals, educational and religious institutions, and nonprofits, may provide its employees, volunteers, or educational attendees with equivalent training pursuant to Subsubparagraph (a) of this Subparagraph.~~

* * *

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

Department of Defense Family Advocacy Program

A. A reporter shall immediately report to the Department of Children and Family Services as provided in Subparagraph (4) of this Paragraph suspected child abuse or neglect or that child abuse or neglect was a contributing factor in a child's death, ~~in the following ways:~~

(1) ~~To the Department of Children and Family Services~~ **The department shall initiate and conduct an investigation pursuant to Article 612** if the reporter ~~has reason to believe~~ **indicates** that the perpetrator is any of the following:

* * *

(2) ~~To a~~ **The department shall send the report to the appropriate** local or state law enforcement agency **pursuant to Paragraph E of this Article and the appropriate law enforcement agency shall initiate and conduct an investigation** if the reporter ~~has reason to believe~~ **indicates** that the perpetrator is any of the following:

* * *

(3) Dual reporting to both the department and the local or state law enforcement agency is permitted. However, the agency who receives a report pursuant to ~~Subparagraph (1) or (2)~~ of this Paragraph shall be the agency responsible for accepting and acting on the report and shall ensure referral to other agencies as necessary.

(4) Reports to the department shall be made as follows:

(a) A mandatory reporter shall make a report of suspected abuse or neglect requiring immediate assistance via the designated state child protection reporting hotline telephone number. A report of suspected abuse or neglect which is of a nonemergency nature may be reported via the Louisiana Department of Children and Family Services Mandated Reporter Portal. Reports may also be made in person at any child welfare office. **In receiving any report of child abuse or neglect, the department or law enforcement agency shall clearly inform the reporter that, unless the reporter requests anonymity, that the department or law enforcement**

1 involving alleged child victims of sex trafficking to the Louisiana State Police for
2 referral to the appropriate local law enforcement agency for investigation or other
3 action as appropriate.

4 ~~F.E.~~ Any commercial film or photographic print processor who has
5 knowledge of or observes, within the scope of this professional capacity or
6 employment, any film, photograph, video tape, negative, or slide depicting a child
7 who he knows or should know is under the age of seventeen years, which constitutes
8 child pornography or child sexual abuse materials as defined in Article 603, shall
9 report immediately to the local law enforcement agency having jurisdiction over the
10 case. The reporter shall provide ~~a copy~~ of the film, photograph, videotape, negative,
11 or slide to the agency receiving the report.

12 ~~G.F.~~(1) If a physician has cause to believe that a newborn was exposed in
13 utero to an unlawfully used controlled dangerous substance, as defined by R.S.
14 40:961 et seq., the physician shall order a toxicology test upon the newborn, without
15 the consent of the newborn's parents or guardian, to determine whether there is
16 evidence of prenatal neglect. If the test results are positive, the physician shall issue
17 a report, as soon as possible, in accordance with this Article. If the test results are
18 negative, all identifying information shall be obliterated if the record is retained,
19 unless the parent approves the inclusion of identifying information. Positive test
20 results shall not be admissible in a criminal prosecution.

21 (2) If there are symptoms of withdrawal in the newborn or other observable
22 and harmful effects in his physical appearance or functioning that a physician has
23 cause to believe are due to the chronic or severe use of alcohol by the mother during
24 pregnancy or are the effects of fetal alcohol spectrum disorder, the physician shall
25 issue a report in accordance with this Article.

26 ~~H.G.~~(1) All instances of alleged child abuse that occur in a school setting
27 shall be immediately reported **by the school** to the child's parent or legal guardian
28 and to ~~local or state law enforcement~~ **the Department of Children and Family**
29 **Services**, regardless of the alleged perpetrator.

1 (2) If more than one child is involved in the allegations, the school shall
2 immediately report to the parent or legal guardian of all involved children.

3 (3) **The Department of Children and Family Services shall immediately**
4 **notify law enforcement if the alleged perpetrator is any individual identified in**
5 **Subparagraph (A)(2) of this Article.** Law enforcement shall begin an investigation
6 of the allegations within forty-eight hours of receiving the report.

7 (4) If more than one child is involved in the allegations, law enforcement
8 shall interview the parent or legal guardian of all children involved.

9 (5) Any sexual abuse cases in which the alleged perpetrator is a child shall
10 be ~~referred to~~ **accepted by** the Department of Children and Family Services. The
11 department shall assess the family of the child victim and the alleged child
12 perpetrator to ensure child safety and well-being in accordance with Children's Code
13 Article 612(A)(3).

14 (6) For purposes of this Article, the following definitions shall apply:

15 (a) "School setting" means in a school building, on school grounds, in school
16 vehicles, or at any activities sponsored by a **public, private, or charter** school.

17 (b) "Sexual abuse" means the perpetration or attempted perpetration of R.S.
18 14:41, 42, 42.1, 43, 43.1, 43.2, 43.3, 43.4, 80, 81, 81.1, 81.2, 86, 89, or 89.1.

19 ~~§~~**H.**(1) The provisions of this Paragraph shall be known and may be cited as
20 The Alfred C. Williams Child Protection Act.

21 * * *

22 Art. 612. Assignment of reports for investigation and assessment

23 A.(1) Upon receiving a report of abuse or neglect of a child, ~~who is not in the~~
24 ~~custody of the state, the local child protection unit~~ of the department shall ~~promptly~~
25 **immediately** assign a level of risk to the child based on the information provided by
26 the reporter.

27 (2) Reports of high and intermediate levels of risk shall be **immediately**
28 investigated ~~promptly~~. This investigation shall include a preliminary investigation
29 as to the nature, extent, and cause of the abuse or neglect and the identity of the

1 person actually responsible for the child's condition. This preliminary investigation
2 shall include an inquiry as to whether there is reason to know that the child is an
3 Indian child. This preliminary investigation shall also include an interview with the
4 child and the child's parents or other caretaker and shall include consideration of all
5 available medical information provided to the department pertaining to the child's
6 condition. **If the report is of sexual abuse, the preliminary interview with the**
7 **child shall only be to assess the immediate safety of the child and a forensic**
8 **interview at a child advocacy center shall be scheduled immediately.** This
9 preliminary investigation shall also include an immediate assessment of any existing
10 visitation or custody order or agreement involving the alleged perpetrator and the
11 child. The department shall request a temporary restraining order pursuant to Article
12 617, a protective order pursuant to Article 618, or an instanter safety plan order
13 pursuant to Article 619 or 620 if the department determines that any previously
14 ordered visitation or custody would put the child's health, welfare, and safety at risk.
15 Admission of the investigator on school premises or access to the child in school
16 shall not be denied by school personnel. However, the request for a temporary
17 restraining order or a protective order in accordance with this Article shall not
18 independently confer exclusive jurisdiction on the juvenile court in accordance with
19 Article 303.

20 (3) In lieu of an investigation, reports of low levels of risk ~~and reports from~~
21 ~~law enforcement of child sexual abuse as provided for in Article 610~~ may be
22 assessed ~~promptly~~ through interviews with the family to identify needs and available
23 match to community resources. If during this assessment, it is determined that a child
24 is at immediate substantial risk of harm, the local child protection unit shall ~~promptly~~
25 **immediately** conduct ~~or participate in~~ an intensive investigation.

26 **(4) Any reports of sexual abuse in which the alleged perpetrator is a child**
27 **shall be assessed immediately through interviews with family of the child victim**
28 **and the alleged child perpetrator to identify needs and available match to**
29 **community resources. If during this assessment, it is determined that a child is**

1 at immediate substantial risk of harm, the local child protection unit shall
 2 immediately conduct an intensive investigation.

3 ~~(4)(5)~~ During the investigation of a report from a treating health care
 4 practitioner of physical or sexual abuse of a child ~~who is not in custody of the state,~~
 5 ~~at the request and expense of the child's parent or caregiver,~~ the department shall
 6 provide copies of all medical information pertaining to the child's condition or
 7 treatment obtained during the investigation to a board certified child abuse
 8 pediatrician for purposes of conducting an independent review of the information.
 9 Any resulting report shall be provided to the department and to the child's parent or
 10 caretaker and shall be utilized in the department's ongoing assessment of risk and to
 11 determine what action may be necessary to protect the health, welfare, and safety of
 12 the child. Nothing in this Subparagraph shall be construed to prohibit granting an
 13 instanter removal order pursuant to Article 615(B).

14 B. All persons, including without limitation mandatory and permissive
 15 reporters, shall cooperate fully with investigative procedures, including independent
 16 investigations and psychological evaluations of the child ~~initiated by the parent on~~
 17 ~~behalf of the child.~~ The provisions of this Paragraph shall not require the disclosure
 18 of any communications between an attorney and his client or any confession or other
 19 sacred communication between priest, rabbi, duly ordained minister, or Christian
 20 Science practitioner and his communicant.

21 C. All interviews of the child or his parents conducted in the course of a child
 22 protective investigation shall be tape-recorded, ~~if requested by the parent or parents.~~

23 * * *

24 Art. 619. Instanter custody orders; instanter safety plan orders

25 A.(1) A peace officer, district attorney, or employee of the local child
 26 protection unit of the department may file a verified complaint alleging facts
 27 showing that there are reasonable grounds to believe that the child is in need of care
 28 and that emergency removal or the implementation of a safety plan is necessary to
 29 secure the child's health, welfare, and safety. The department shall request

1 **instanter custody of any child that is in the custody of another state and located**
2 **in Louisiana until the child can be returned to the state of original jurisdiction.**

3 * * *

4 Art. 620. Oral instanter orders

5 A.**(1)** In exceptional circumstances, the facts supporting the issuance of an
6 instanter order and the exceptional circumstances may be relayed orally, including
7 telephonically, to the judge, and the order directing that a child be taken into custody
8 or, upon request by the state, that an instanter safety plan order be implemented may
9 be issued orally.

10 **(2) An oral instanter order may be executed if the department requests**
11 **instanter custody of any child that is in the custody of another state and located**
12 **in Louisiana until the child can be returned to the state of original jurisdiction.**

13 * * *

14 Art. 725.5. Duties of the Department of Children and Family Services

15 A. The department shall be responsible for investigating reports of abuse or
16 neglect ~~where the abuser is believed to be a parent or caretaker, a person who~~
17 ~~maintains an interpersonal dating or engagement relationship with the parent or~~
18 ~~caretaker, or a person living in the same residence with the parent or caretaker as a~~
19 ~~spouse whether married or not~~ **as provided for in Article 610.**

20 * * *

21 Section 6. Children's Code Article 509 and 610(I) are hereby repealed.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

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Title 17

Proposed law requires a principal or school administrator to immediately report to the state Dept. of Education if an allegation of physical or sexual abuse of a student has been made against a school employee.

Proposed law requires law enforcement to notify the state Dept. of Education of the

disposition of any investigation involving an allegation of physical or sexual abuse of a student by a school employee.

Proposed law requires the state Dept. of Education shall maintain a database of all reports and the disposition of each report received from law enforcement and requires each school to check the database prior to hiring any employee to assess whether previous allegations have been made against the prospective employee or if a pattern of allegations exists.

Proposed law provides immunity for a person acting in good faith who reports or assists in the investigation of a report or who testifies or otherwise participates in a disciplinary process or judicial proceeding arising from a report pursuant to proposed law.

Proposed law provides that immunity shall not be extended to any person who makes a false report and provides for penalties for false reporting in accordance with present law.

Title 24

Present law provides for the duties and responsibilities of the state child ombudsman, including the duty to notify the senator and representative who represent the district in which a child has died as a result of abuse or neglect.

Proposed law requires the state child ombudsman to also notify the senator or representative when a child in their district is the subject of an alleged child abuse or neglect investigation. Proposed law further requires that the notification shall not include any identifying information.

Present law requires the Dept. of Children and Family Services (DCFS) to notify the state child ombudsman of the death of any child that had been reported to the department for alleged child abuse or neglect.

Proposed law requires DCFS to provide notification to the state child ombudsman upon DCFS receiving information of the death or near fatality of any child whose death or injury is the subject of a child abuse or neglect investigation and after the conclusion of the investigation. Proposed law further provides for specific information to be included in the notification.

Present law authorizes the state child ombudsman to have permission, upon request, to view and use documents and records relevant to the ombudsman's statutory authority.

Proposed law retains present law and additionally authorizes the ombudsman to have unrestricted remote access to department computer networks and systems for any state agency that provides services to children through state funds. Proposed law further prohibits the ombudsman from disclosing identifying information of a reporter of alleged child abuse or neglect contained within any network or system.

Title 42

Present law provides for a reason in which a public body may hold executive session.

Proposed law adds testimony including identifying information and explicit details related to physical or sexual abuse of children as an allowable reason to hold executive session.

Title 46

Present law provides for the duties of DCFS.

Proposed law requires the department to establish a law enforcement liaison position for each region of the state and provide for qualification and responsibilities for the position.

Present law provides relative to access of records pertaining to foster care of children, investigations of abuse and neglect of children, and other child welfare services and provides instances where the records may be reviewed.

Proposed law allows the state child ombudsman to review the records.

Present law provides that case records involving investigation of reports of child abuse and neglect are confidential and prohibits the disclosure of identifying information concerning an individual who reported alleged abuse or neglect except pursuant to certain court orders.

Proposed law authorizes DCFS to disclose identifying information of the reporter to law enforcement that is involved in the investigation of a report or complaint.

Present law authorizes DCFS to disclose requested information to the parent or guardian of an abused or neglected child.

Proposed law provides that DCFS's authority to share the information with the parent or guardian is limited if either is the alleged perpetrator or is living with or in a relationship with the alleged perpetrator.

Proposed law updated terminology and references to DCFS licensure of day care centers.

Proposed law requires DCFS to designate the chief medical director as the employee responsible for all matters regarding child fatalities and near fatalities, including notifying the child ombudsman and posting information on the public website.

Proposed law requires DCFS to post certain information on its public website relative to each substantiated case of child abuse or neglect that resulted in a fatality or near fatality.

Proposed law establishes a multidisciplinary critical incident review team, under the direction of the attorney general, to review all substantiated and unsubstantiated fatalities and near fatalities received by DCFS and make recommendations on changes to policies, procedures, rules and statutes.

Children's Code

Present law requires the establishment of a multidisciplinary investigative team (MDT) for the investigation of child abuse in each judicial district and provides for the referral of cases to the team in accordance with interagency protocols developed and instituted pursuant to present law.

Proposed law requires DCFS and law enforcement to refer any child that the department or agency has received a report of suspected sexual or serious physical abuse to a child advocacy center (CAC) for a forensic interview. Proposed law further requires DCFS or the law enforcement agency to notify the CAC within 72 hours of receiving the report and requires the CAC to notify the MDT within 24 hours.

Proposed law requires every CAC to accept referrals from both DCFS and law enforcement.

Proposed law requires the MDT to meet to review any case in which a forensic interview has occurred and prohibits DCFS or law enforcement from closing any case in which a forensic interview has occurred prior to the MDT review.

Present law provides for a drafting committee to confect interagency protocols for the MDTs in each judicial district no later than Aug. 15, 2006.

Proposed law repeals present law.

Present law provides for the composition of MDT teams including the following governmental entities: DCFS, the district attorney, the sheriff and other law enforcement agencies having responsibility in the district for the investigation of child abuse, the coroner or his designee who is a licensed medical professional with experience in the investigation of child abuse or the evaluation of child victims.

Proposed law provides that each governmental entity is required to have a representative at each MDT meeting. Proposed law further requires each CAC to submit the attendance records for each MDT in the CAC's jurisdiction to the attorney general every six months and requires the attorney general to review the records for compliance and notify any agency that is out of compliance.

Present law provides for the responsibilities and minimum standards for each CAC.

Proposed law required each CAC to have specialized policies for conducting forensic interviews with children with disabilities or who require special accommodations.

Present law defines "mandatory reporter".

Proposed law adds court-appointed supervised visit monitors as a mandatory reporter.

Present law requires mandatory reporters to be offered training made available by DCFS on the statutory requirements and responsibility of reporting child abuse and neglect and allows mandatory reporters to obtain training as the reporter believes is necessary.

Present law further allows any entity, including but not limited to hospitals, educational and religious institutions, and nonprofits to provide its employees, volunteers, or educational attendees with training that is equivalent to the DCFS training.

Proposed law repeals present law and requires all mandatory reporters to complete annual training provided by DCFS and requires the training to include the statutory requirements and responsibility of reporting child abuse and neglect and how to identify signs and symptoms of child neglect and abuse, including sexual abuse and human trafficking.

Proposed law further authorizes DCFS to provide for an annual competency assessment which may be used to satisfy the training requirement.

Present law requires reporters to report suspected child abuse or neglect to DCFS if the reporter believes the perpetrator is a parent, caretaker, or other individual identified in present law and to report to law enforcement if the suspected perpetrator is a school employee or other individual not under DCFS's investigative jurisdiction.

Proposed law requires reporters to report all suspected child abuse or neglect to DCFS and requires DCFS to either investigate or refer the report to law enforcement.

Proposed law requires DCFS or law enforcement to clearly inform the reporter that the department or agency may contact the reporter directly to obtain further information during the investigation, unless the reporter requests anonymity.

Proposed law requires that if a mandatory reporter makes an initial report in oral form, the reporter shall follow up with a written report on the online Mandated Reporter Portal within five days.

Proposed law repeals present law.

Present law requires DCFS to notify law enforcement within 24 hours of reports made to the department in which the suspected perpetrator is an individual that is not under the investigative jurisdiction of DCFS.

Proposed law requires DCFS to notify the reporter of the specific law enforcement agency where the report was referred.

Present law requires all instances of alleged child abuse that occur in a school setting to be reported to the child's parent and legal guardian and to local or state law enforcement.

Proposed law adds that the school is required to make the reports and changes the required reporting from local or state law enforcement to DCFS and for DCFS to immediately notify law enforcement if the alleged perpetrator is an individual under the investigative jurisdiction of law enforcement.

Present law provides for the reports of high and intermediate levels of risk as determined by DCFS to be promptly investigated and include a preliminary investigation.

Proposed law changes "promptly" to "immediately" and requires that preliminary interviews for reports of sexual abuse shall only be to assess the immediate safety of the child and a forensic interview at a CAC shall be immediately scheduled.

Present law authorizes peace officers, district attorneys, and employees of the local child protection unit of DCFS to request an instanter order for emergency removal or the implementation of a safety plan for a child in need of care.

Proposed law requires DCFS to request an instanter order of any child that is in the custody of another state and located in Louisiana until the child can be returned to the state of original jurisdiction and provides that the an oral instanter order may be executed in those situations.

Effective August 1, 2026.

(Amends R.S. 24:525(C)(5), (6), and (13) and (D)-(G), R.S. 46:56(F)(1), (2), (8), (9)(a), (e), and (g), and (10)(a), Ch.C. Arts. 508, 511(D), 609(A)(3), 610(A)(intro para), 610(A)(1)(intro para), 610(A)(2)(intro para), 610(A)(3) and (4)(a), and (D)-(H), 612(A), (B), and (C), 619(A)(1), 620(A), and 725.5(A); adds R.S. 17:15.1, R.S. 24:525(C)(14) and (H), R.S. 42:17(A)(12), R.S. 46:1(7), 51(17) and (18), 52.2, and 52.3, and Ch.C. Arts. 512(E), 524(B)(13), and 603(17)(p); repeals Ch.C. Arts. 509 and 610(I))

Summary of Amendments Adopted by Senate

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

1. Adds provisions relative to false reporting of alleged abuse or neglect perpetrated by school employees to the Dept. of Education.
2. Adds provisions relative to the child ombudsman's access to external departments' systems.
3. Requires DCFS to publish certain information relative to each substantiated case of child abuse or neglect that resulted in a fatality or near fatality on its public website.
4. Establishes a multidisciplinary critical incident review team to review all substantiated and unsubstantiated fatalities and near fatalities received by DCFS.
5. Makes technical changes.