
DIGEST

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HB 385 Reengrossed

2015 Regular Session

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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.