

**ACT No. 327**

2015 Regular Session

HOUSE BILL NO. 368

BY REPRESENTATIVE BADON

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(31) and to enact Chapter 21-D of Title 46 of the  
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:1860 through 1863,  
4 relative to family justice centers; to provide for the establishment of family justice  
5 centers; to provide a list of the victims who are eligible to receive services at the  
6 family justice center; to provide relative to the entities that may assign persons to  
7 provide services at the family justice center; to provide certain requirements for any  
8 established family justice center; to provide relative to the sharing and confidentiality  
9 of information relative to a victim served by the family justice center; to provide  
10 relative to immunity from liability for persons providing services to a victim at a  
11 family justice center; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Chapter 21-D of Title 46 of the Louisiana Revised Statutes of 1950, to be  
14 comprised of R.S. 46:1860 through 1863, is hereby enacted to read as follows:

15 CHAPTER 21-D. FAMILY JUSTICE CENTERS

16 §1860. Purpose

17 The purpose of this Chapter is to provide multiagency and multidisciplinary  
18 support and services to victims of abuse, sexual assault, stalking, cyberbullying, and  
19 human trafficking, to ensure that victims are able to access all needed services, to  
20 enhance victim safety, to increase offender accountability, and to reduce to a  
21 minimum the number of times the victim is questioned and examined and the  
22 number of places a victim must go to receive assistance.

1           §1861. Family justice centers

2                   A.(1) A family justice center may be established in any judicial district to  
 3           provide support, services, and assistance to victims of the following types of  
 4           offenses:

5                   (a) Domestic abuse as defined by R.S. 46:2132(3) and dating violence as  
 6           defined in R.S. 46:2151(C).

7                   (b) Sexual assault which includes the commission of or the attempt to  
 8           commit any offense listed in R.S. 15:541(24).

9                   (c) Abuse of a person protected by the Adult Protective Services Act  
 10          pursuant to R.S. 15:1501 et seq.

11                  (d) Stalking including any action prohibited by R.S. 14:40.2 and 40.3.

12                  (e) Cyberbullying as defined by R.S. 14:40.7.

13                  (f) Human trafficking as defined by R.S. 14:46.2 and trafficking of children  
 14          for sexual purposes as defined by R.S. 14:46.3.

15                  (2) A family justice center may be established in one judicial district to serve  
 16          those victims listed in Paragraph (1) of this Subsection from one or more  
 17          geographically contiguous judicial districts.

18                  B.(1) Each family justice center established pursuant to the provisions of this  
 19          Chapter is authorized to consult with, contract with, work with, or be staffed, on a  
 20          full- or part-time basis, by personnel from any of the following public, private, or  
 21          nonprofit entities providing services within any of the judicial districts served by and  
 22          participating in the family justice center:

23                  (a) Federal or state law enforcement agencies.

24                  (b) Health care provider as defined by R.S. 40:1299.39 or 1299.41.

25                  (c) Office of a district attorney or city prosecutor.

26                  (d) Any agency or entity providing victim advocacy services.

27                  (e) Community shelter for crime victims.

28                  (f) Social service agency.

29                  (g) Child welfare agency.

30                  (h) Civil legal service providers.

1                   (2) The list of entities provided in Paragraph (1) of this Subsection is not  
 2                   exclusive and each family justice center is authorized to consult with, contract with,  
 3                   work with, or be staffed by personnel from any other public, private, or nonprofit  
 4                   entity not specifically provided for in this Chapter that is necessary for providing  
 5                   services and assistance consistent with the purposes of this Chapter.

6                   (3) Any person described in the provisions of this Subsection who is  
 7                   providing services to a family justice center shall comply with all laws, rules, or  
 8                   regulations governing their respective professions.

9                   C. Each family justice center shall:

10                   (1) Establish procedures for the ongoing input, feedback, and evaluation of  
 11                   the operations of the family justice center by survivors of violence and abuse and  
 12                   community-based crime victims service providers and advocates.

13                   (2) Develop policies and procedures to ensure coordinated services are  
 14                   provided to victims and to enhance the safety of victims and personnel at the family  
 15                   justice center.

16                   (3) Maintain a formal process for receiving feedback, complaints, and input  
 17                   from those persons receiving services at the family justice center and for addressing  
 18                   any concerns about services provided or the operations of any family justice center.

19                   D. No family justice center shall:

20                   (1) Deny services to any victim on the grounds of the victim's criminal  
 21                   history.

22                   (2) Request the criminal history of a victim without the victim's written  
 23                   consent unless pursuant to a criminal investigation.

24                   (3) Require a victim to participate in the criminal justice system or cooperate  
 25                   with law enforcement in order to receive counseling, medical care, or any other  
 26                   services at a family justice center.

27                   (4) Require a victim to sign a consent form to share information in order to  
 28                   access services at the family justice center.

1           §1862. Confidentiality; information sharing

2                   A. If a multi-disciplinary team (MDT) conference is formed under this  
3                   statute and the district attorney and chief law enforcement agency in the parish  
4                   participate, the MDT may obtain information from any public agency, department,  
5                   or other organization, including material otherwise made confidential or privileged.  
6                   Any confidential or privileged material or information obtained by an MDT member  
7                   shall be disclosed only as necessary to other persons providing services to the same  
8                   victim, and shall not be disclosed to an agency or individual outside of the family  
9                   justice center unless otherwise required by law or court order.

10                   B. The files, reports, records, communications, working papers, or any other  
11                   material or information used or developed in providing services to a victim at the  
12                   family justice center are confidential and not subject to the Public Records Law.  
13                   Disclosure may be made only to another person providing services at the family  
14                   justice center to the same victim and who needs access to the information or material  
15                   in order to perform his duties and provide services to the victim consistent with the  
16                   provisions of this Chapter.

17                   C.(1) Each family justice center shall maintain a client consent policy and  
18                   shall comply with all state and federal laws protecting the confidentiality rights and  
19                   identity of the victim. Each family justice center shall have a designated privacy  
20                   officer to develop and oversee privacy policies and procedures consistent with state  
21                   and federal privacy laws.

22                   (2) Each family justice center is required to obtain informed, written, and  
23                   reasonably time-limited consent from the victim before sharing information obtained  
24                   from the victim with any staff member, agency partner, or personnel providing  
25                   services at the family justice center except as provided by the following:

26                   (a) A family justice center is not required to obtain consent from the victim  
27                   before sharing information obtained from the victim with any staff member, agency  
28                   partner, or personnel who is also a mandatory reporter, a peace officer, or a member  
29                   of the prosecuting team who is required by law to report or disclose specific  
30                   information or incidents.

1           (b) Each family justice center is required to inform the victim that the  
2           information shared with staff members, partner agencies, or other personnel at the  
3           family justice center may be shared with law enforcement professionals without the  
4           victim's consent if there is a mandatory duty to report as required by law or the  
5           victim is a danger to himself or others. Each family justice center shall obtain  
6           written acknowledgment from the victim that the victim has been informed of this  
7           policy.

8           (3) Consent by the victim to share information within a family justice center  
9           pursuant to the provisions of this Section is not a universal waiver of any existing  
10          evidentiary privilege or confidentiality provision provided by law.

11          (4) Any oral or written communication or any document authorized by the  
12          victim to be shared for the purposes of enhancing safety and providing more  
13          effective and efficient services to the victim shall not be disclosed to any third party,  
14          unless that third-party disclosure is authorized by the victim, or required by other  
15          state or federal law or by court order.

16          D. Each family justice center shall maintain a formal training program with  
17          mandatory training of not less than eight hours per year for all persons providing  
18          services at the family justice center, including but not limited to training on  
19          evidentiary privileges, confidentiality provisions, information sharing, risk  
20          assessment, safety planning, victim advocacy, and high-risk case response.

21          §1863. Immunity from liability

22          A. A person providing services to a victim at a family justice center pursuant  
23          to the provisions of this Chapter shall not be liable for civil damages while acting in  
24          the official scope of his duties if the person, in good faith, makes a recommendation,  
25          gives an opinion, or releases or uses information for the purposes of protecting or  
26          providing services to the victim.

27          B. This limitation of civil liability does not apply if the person acted with  
28          gross negligence or in bad faith.

1 Section 2. R.S. 44:4.1(B)(31) 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 (31) R.S. 46:56, 236.1.1 through 238, 284, 286.1, 439.1, 446.1, 1073, 1355,  
11 1806, 1844, ~~1845~~, 1862, 1923, 2124.1, 2134, 2356, 2416, 2603, 2625, ~~2685~~

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_