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## DIGEST

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HB 885 Original

2022 Regular Session

Mike Johnson

**Abstract:** Provides for the admissibility of prehearing videotape of a protected person as evidence in an administrative appeal of a determination of a justified report of abuse.

Proposed law provides that a prehearing videotape of a protected person in a child in need of care proceeding shall be admissible in an administrative appeal of a determination of a justified report of abuse if the videotape complies with present law provisions regarding admissibility of videotape as evidence.

Present law provides, generally, that videotape evidence is admissible only if the protected person is able to testify.

Proposed law retains present law but provides that for an administrative appeal of a justified report of abuse if the protected person is not in the custody of the department, the inability of the department to locate the protected person shall not render the prehearing videotape inadmissible.

Proposed law provides that the department shall attempt to make the protected person available to testify if called to testify by the individual appealing the decision. The division of administrative law judge may, however, consider this in determining the weight of the evidence.

Proposed law provides that proposed law shall not preclude a subpoena being issued for the protected person.

Proposed law provides that the protected person's testimony may be taken in any manner authorized by present law provisions related to the videotaping of protected persons.

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

(Adds Ch.C. Art. 616.1.1(C))