Regular Session, 2011

HOUSE BILL NO. 465

BY REPRESENTATIVES NORTON, ARMES, AUSTIN BADON, BOBBY BADON, BALDONE, BARROW, BISHOP, HENRY BURNS, BURRELL, CARMODY, DIXON, GISCLAIR, HONORE, MORENO, RICHARD, GARY SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, AND THIERRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CHILDREN/ABUSE: Provides relative to extending existing preliminary investigations of abuse and neglect to include an immediate assessment of certain visitation orders, custody orders, or agreements involving an alleged perpetrator and the child

AN ACT

To amend and reenact Children's Code Article 612(A)(2), relative to child abuse; to provide that a preliminary investigation shall include an immediate assessment of certain visitation or custody orders; to require the Department of Children and Family Services to request a temporary restraining order if it determines that any previous ordered visitation or custody would put the child's health and safety at risk; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 612(A)(2) is hereby amended and reenacted to read as follows:

Art. 612. Assignment of reports for investigation and assessment

A.

* * *

(2) Reports of high and intermediate levels of risk shall be investigated promptly. This investigation shall include a preliminary investigation as to the nature, extent, and cause of the abuse or neglect and the identity of the person actually responsible for the child's condition. This preliminary investigation shall include an interview with the child and his parent or parents or other caretaker. Such

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

preliminary investigation shall also include an immediate assessment of any existing visitation or custody order or agreement involving the alleged perpetrator and the child. The department shall request a temporary restraining order pursuant to Article 617 or a protective order pursuant to Article 618 if the department determines that any such previously ordered visitation or custody would put the child's health and safety at risk. Admission of the investigator on school premises or access to the child in school shall not be denied by school personnel. However, the request for a temporary restraining order or a protective order in accordance with this Article shall not independently confer exclusive jurisdiction on the juvenile court in accordance with Article 303.

* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

Norton HB No. 465

Abstract: Requires a preliminary investigation of abuse and neglect to include an immediate assessment of certain visitation orders, custody orders, or agreements involving an alleged perpetrator and the child.

Present law provides procedures for reports of child abuse or neglect for children not in the custody of the state, which includes an assessment of the level of risk and an investigation into the nature, extent, and cause of the abuse, and a determination of the person responsible for the abuse.

Present law (Ch.C. Art. 136) provides that parents are entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would not be in the best interest of the child.

Present law (R.S. 9:341) provides that whenever the court finds that a parent has abused the child, the court shall prohibit visitation between the abusive parent and the abused child until such parent proves that visitation would not cause physical, emotional, or psychological damage to the child.

Proposed law requires that a preliminary investigation of abuse and neglect include an immediate assessment of any existing visitation order, custody order, or agreement involving the alleged perpetrator and the child. Also, requires the Dept. of Children and Family Services to request a temporary restraining order pursuant to present law (Art. 617) or a protective order pursuant to present law (Art. 618) if the department determines that any such previously ordered visitation would put the child's health and safety at risk.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

Proposed law provides that a request for a temporary restraining order or a protective order made in accordance with present law and proposed law shall not independently confer exclusive jurisdiction on the juvenile court in accordance with present law.

(Amends Ch.C. Art. 612(A)(2))

Summary of Amendments Adopted by House

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

1. Made technical changes.

2. Added a provision that requires an existing preliminary investigation of abuse and neglect to also include an immediate assessment of any existing visitation order or agreement involving the alleged perpetrator or the child.

3. Added a provision that requires the Dept. of Children and Family Services to request a temporary restraining order or protective order if the department determines that any previously ordered visitation would put the child's health or safety at risk.

4. Deleted a provision that authorized the department to require supervised visitation until a determination is made in accordance with present law governing the disposition of reports.

House Floor Amendments to the engrossed bill.

1. Added a provision requiring that a preliminary investigation include an immediate assessment of certain custody orders.

2. Provided that a request for a temporary restraining order or a protective order made in accordance with present law and proposed law shall not independently confer exclusive jurisdiction on the juvenile court in accordance with present law.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.