DIGEST

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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.

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.