ENROLLED

Regular Session, 2011

ACT No. 189

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.

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 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

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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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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