Existing 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.

Existing 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.

Existing 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.

New 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 existing law (Art. 617) or a protective order pursuant to existing law (Art. 618) if the department determines that any such previously ordered visitation would put the child's health and safety at risk.

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

Effective August 15, 2011.

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