

2020 Updates to Louisiana Children's Code

Art. 406. Waiver of court costs and fees

A. In its discretion, the court may waive costs and fees to the extent that a party is unable to pay such costs and fees due to poverty or lack of means or for any other reason determined by the court.

B. In determining whether or to what extent a party is unable to pay, the court shall consider the party's income, property owned, outstanding obligations, and the number and ages of dependents.

C. The court may order payments in installments over time, or in any manner which it believes reasonable and compatible with the financial ability of the party.

Acts 1991, No. 235, §4, eff. Jan. 1, 1992; Acts 1992, No. 705, §1, eff. July 6, 1992; Acts 2020, No. 146, §1.

Art. 603.1. Required education; reporting child abuse

A. Every person graduating from any teacher preparation program in Louisiana shall have had in his curriculum instruction on the requirements of and how to report suspected child abuse cases pursuant to Article 601 et seq., as well as instruction on how to identify the signs and symptoms of child neglect and abuse, including sexual abuse, in order to receive his teacher certification.

B. Teaching or child care providers as defined by Article 603 shall complete an online training course provided by the Department of Children and Family Services between June first and August thirty-first annually. A record of completion of the course by the teaching or child care provider shall be provided to and retained by each entity at which the teaching or child care provider is employed. The entity at which the teaching or child care provider is employed shall retain a list of all teaching or child care providers who have not complied with the training requirements provided in this Article.

Acts 2003, No. 769, §1; Acts 2020, No. 272, §1, eff. June 11, 2020.

Art. 609. Mandatory and permitted reporting; training requirements

A. With respect to mandatory reporters:

(1)(a) Notwithstanding any claim of privileged communication, any mandatory reporter who has cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect or that abuse or neglect was a contributing factor in a child's death shall report in accordance with Article 610.

(b) For purposes of this Article, the pregnancy of a child under the age of thirteen years shall constitute cause to consider whether the child has been abused.

(2) Violation of the duties imposed upon a mandatory reporter subjects the offender to criminal prosecution authorized by R.S. 14:403(A)(1).

(3)(a) To familiarize mandatory reporters, as defined by Children's Code Article 603, with their legal mandate for reporting suspected child abuse and neglect, such mandatory reporters shall be offered training on the statutory requirements and responsibility of reporting child abuse and neglect. This training shall be made available by the child welfare division of the Department of Children and Family Services or any other mechanism as approved by the department as long as it includes information on the reporting procedure and the consequences of failing to report.

(b) Each mandatory reporter may obtain mandatory reporting training as each mandatory reporter believes to be necessary in accordance with Subsubparagraph (a) or (d) of this Subparagraph.

(c) The appropriate state regulatory department, board, commission, or agency for each category of mandatory reporter may provide continuing education credit for the completion of the training pursuant to this Paragraph.

(d) Any entity, including but not limited to hospitals, educational and religious institutions, and nonprofits, may provide its employees, volunteers, or educational attendees with equivalent training pursuant to Subsubparagraph (a) of this Subparagraph.

B. With respect to permitted reporters, any other person having cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect, including a judge of any court of this state, may report in accordance with Article 610.

C. The filing of a report, known to be false, may subject the offender to criminal prosecution authorized by R.S. 14:403(A)(3).

Acts 1991, No. 235, §6, eff. Jan. 1, 1992; Acts 1993, No. 637, §1, eff. June 15, 1993; Acts 2013, No. 163, §1; Acts 2020, No. 122, §1, eff. June 9, 2020.

Art. 910. Modification procedure; generally applicable

A. Except as specially provided in Articles 911 through 916, a motion for modification may be filed by the district attorney, the child, his parents, the custodian of the child, a probation officer, or the court. A motion for modification shall be in writing and shall set forth in plain and concise terms the facts supporting the modification. A motion for modification shall be served upon all parties at least three days prior to the hearing unless waived by the parties.

B. Any motion for modification may be denied without a hearing.

C. Except as provided by Paragraph B of this Article, a motion for modification shall be tried at a contradictory hearing unless waived by the parties.

D. A judgment of disposition shall not be modified to release a child from the custody of a public or private mental institution or an institution for persons with mental illness without three days prior notice to the district attorney and the institution.

E. If a judgment of disposition is modified, a copy of the minute entry reflecting the modification shall be served upon the district attorney, the child, his parent, and any person, institution, or agency to whom custody of the child is assigned.

Acts 1991, No. 235, §8, eff. Jan. 1, 1992; Acts 2014, No. 811, §33, eff. June 23, 2014; Acts 2018, No. 467, §2; Acts 2020, No. 106, §1.