ENROLLED

2025 Regular Session

ACT No. 195

HOUSE BILL NO. 451

BY REPRESENTATIVE BACALA

AN ACT

To amend and reenact Children's Code Articles 603(17)(d) and (e) and 610(A)(3) and (4) and to enact Children's Code Article 610(A)(5), relative to mandatory reporting of child abuse or neglect; to provide for police officers or law enforcement officials who work as school resource officers; to provide for definitions; to provide for mandatory reporting requirements for school resource officers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 603(17)(d) and (e) and 610(A)(3) and (4) are hereby amended and reenacted and Children's Code Article 610(A)(5) is hereby enacted to read as follows:

Art. 603. Definitions

As used in this Title:

* * *

(17) "Mandatory reporter" is any of the following individuals:

* * *

(d) "Teaching or child care provider" is any person who provides or assists in the teaching, training, and supervision of a child, including any public or private teacher, teacher's aide, instructional aide, school principal, school staff member, ~~school resource officer,~~ bus driver, coach, professor, technical or vocational instructor, technical or vocational school staff member, college or university administrator, college or university staff member, social worker, probation officer,

foster home parent, group home or other child care institutional staff member, personnel of residential home facilities, a licensed or unlicensed day care provider, or any individual who provides these services to a child in a voluntary or professional capacity.

* * *

(e) Police officers or law enforcement officials. Any police officer or law enforcement official who works as a school resource officer shall be considered a mandatory reporter. ~~A school resource officer shall not receive information from another mandatory reporter or commence or oversee any investigation into the report.~~

* * *

Art. 610. Reporting procedure; reports to the legislature and the United States Department of Defense Family Advocacy Program

A.

* * *

(3) If a school resource officer suspects child abuse or neglect of a student or if a mandatory reporter reports suspected child abuse or neglect to a school resource officer, the school resource officer shall immediately notify the officer's employing law enforcement agency or the Department of Children and Family Services in accordance with the provisions of this Article. The school resource officer's employer shall assign investigation of the matter to the most appropriate law enforcement officer, who may be the school resource officer.

~~(3)~~ (4) If a mandatory reporter is prohibited from immediately making the report required by this Chapter to the department or local or state law enforcement because of an employer's policies or employee manual, the mandatory reporter shall file a complaint with local or state law enforcement. Local or state law enforcement shall investigate the complaint, and an employer violating this Chapter shall be subject to the penalties provided for in R.S. 14:131.1 and 403. An employer shall not discriminate or retaliate against an employee who is a mandatory reporter for complying with this Article. If an employer is found discriminating or retaliating

against an employee for complying with this Article, the employer shall be subject to double the fines provided for in R.S. 14:131.1 and 403.

~~(4)~~ (5) In an investigation of a report of abuse or neglect allegedly committed by a parent or caretaker, the department shall determine whether the person is an active duty member of the United States Armed Forces or the spouse of a member on active duty. If the department determines that the person is an active duty member of the United States Armed Forces or the spouse of a member on active duty, the department shall notify the United States Department of Defense Family Advocacy Program at the closest active duty military installation of the investigation.

* * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ENROLLED

2025 Regular Session

ACT No. 261

HOUSE BILL NO. 268

BY REPRESENTATIVES LAFLEUR, ADAMS, BACALA, BAYHAM, BERAULT, BILLINGS, BOYD, BOYER, BRASS, BRYANT, CARLSON, CARRIER, CARVER, CHASSION, CHENEVERT, COATES, COX, DEVILLIER, DEWITT, DICKERSON, EDMONSTON, EGAN, FISHER, HORTON, HUGHES, JACKSON, JORDAN, KNOX, LACOMBE, JACOB LANDRY, LARVADAIN, LYONS, MOORE, NEWELL, OWEN, ROMERO, SCHLEGEL, SPELL, TAYLOR, THOMPSON, WALTERS, WYBLE, AND YOUNG

AN ACT

To amend and reenact R.S. 14:73.8 (A), (C), and (D), 81.1(A), (B)(8) and (9), (E)(1) through (4) and (5)(a) and (b), (F)(2), (3)(b) and (c), (4), and (5)(introductory paragraph) and (d), 89.1(A)(2)(b)(i), 91.2(B), and 91.5(A)(1), R.S. 15:537(A), 539.1(F)(introductory paragraph), 541(24)(a) and (25)(d), 543.1(18), 545.1(C), and 1352(A)(45), R.S. 17:100.7(A)(1), R.S. 46:51.2(C)(1)(a), Code of Criminal Procedure Articles 648(B)(3)(i) and 718.1(A) and (B), Children's Code Articles 502(3) and (4)(l), 603(8) and (12)(l), and 610(F), and Civil Code Article 2315.3 and to enact R.S. 14:81.1(I) and R.S. 15:541(24)(c), relative to pornography involving juveniles; to change all references of "pornography involving juveniles" to "child sexual abuse materials"; to provide relative to the effects of these changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:73.8(A), (C), and (D), 81.1(A), (B)(8) and (9), (E)(1) through (4) and (5)(a) and (b), (F)(2), (3)(b) and (c), (4), and (5)(introductory paragraph) and (d), 89.1(A)(2)(b)(i), 91.2(B), and 91.5(A)(1) are hereby amended and reenacted and R.S. 14:81.1(I) is hereby enacted to read as follows:

§73.8. Unauthorized use of a wireless router system; ~~pornography involving juveniles~~ child sexual abuse materials; penalty

A. Unauthorized use of a wireless router system is the accessing or causing to be accessed of any computer, computer system, computer network, or any part thereof via any wireless router system for the purposes of uploading, downloading,

or selling of ~~pornography involving juveniles~~ child sexual abuse materials as defined in R.S. 14:81.1.

* * *

C. Whoever commits the crime of unauthorized use of a wireless router system for the purpose of accessing ~~pornography involving a juvenile~~ child sexual abuse materials shall be imprisoned at hard labor for not less than two years or more than ten years, and fined not more than ten thousand dollars. Imprisonment shall be without benefit of parole, probation, or suspension of sentence.

D. Whoever commits the crime of unauthorized use of a wireless routing system for the purpose of accessing ~~pornography involving a juvenile~~ child sexual abuse materials when the victim is under the age of thirteen years and the offender is seventeen years of age or older, shall be punished by imprisonment at hard labor for not less than twenty-five years nor more than ninety-nine years. At least twenty-five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

* * *

§81.1. ~~Pornography involving juveniles~~ Child sexual abuse materials

A.(1) It shall be unlawful for a person to produce, promote, advertise, distribute, possess, or possess with the intent to distribute ~~pornography involving juveniles~~ child sexual abuse materials.

(2) It shall also be a violation of the provision of this Section for a parent, legal guardian, or custodian of a child to consent to the participation of the child in ~~pornography involving juveniles~~ child sexual abuse materials.

B. For purposes of this Section, the following definitions shall apply:

* * *

(8) "~~Pornography involving juveniles~~ Child sexual abuse materials" is any photograph, videotape, film, or other reproduction, whether electronic or otherwise, of any sexual performance involving a child under the age of seventeen.

(9) "Produce" means to photograph, videotape, film, or otherwise reproduce ~~pornography involving juveniles~~ child sexual abuse materials, or to solicit, promote,

or coerce any child for the purpose of ~~pornography involving juveniles~~ child sexual abuse materials.

* * *

E.(1)(a) Whoever intentionally possesses ~~pornography involving juveniles~~ child sexual abuse materials shall be fined not more than fifty thousand dollars and shall be imprisoned at hard labor for not less than five years or more than twenty years, without benefit of parole, probation, or suspension of sentence.

(b) On a second or subsequent conviction for the intentional possession of ~~pornography involving juveniles~~ child sexual abuse materials, the offender shall be fined not more than seventy-five thousand dollars and imprisoned at hard labor for not less than ten years nor more than forty years, without benefit of parole, probation, or suspension of sentence.

(2)(a) Whoever distributes or possesses with the intent to distribute ~~pornography involving juveniles~~ child sexual abuse materials shall be fined not more than fifty thousand dollars and shall be imprisoned at hard labor for not less than five years or more than twenty years, without benefit of parole, probation, or suspension of sentence.

(b) On a second or subsequent conviction for distributing or possessing with the intent to distribute ~~pornography involving juveniles~~ child sexual abuse materials, the offender shall be fined not more than seventy-five thousand dollars and imprisoned at hard labor for not less than ten years nor more than forty years, without benefit of parole, probation, or suspension of sentence.

(3) Any parent, legal guardian, or custodian of a child who consents to the participation of the child in ~~pornography involving juveniles~~ child sexual abuse materials shall be fined not more than fifty thousand dollars and imprisoned at hard labor for not less than five years nor more than twenty years, without benefit of probation, parole, or suspension of sentence.

(4)(a) Whoever engages in the promotion, advertisement, or production of ~~pornography involving juveniles~~ child sexual abuse materials shall be fined not more than fifty thousand dollars and imprisoned at hard labor for not less than ten years

nor more than twenty years, without benefit of probation, parole, or suspension of sentence.

(b) On a second or subsequent conviction for promotion, advertisement, or production of ~~pornography involving juveniles~~ child sexual abuse materials, the offender shall be fined not more than seventy-five thousand dollars and imprisoned at hard labor for not less than twenty years nor more than forty years, without benefit of parole, probation, or suspension of sentence.

(5)(a) Whoever commits the crime of ~~pornography involving juveniles~~ child sexual abuse materials punishable by the provisions of Paragraph (1), (2), or (3) of this Subsection when the victim is under the age of thirteen years and the offender is seventeen years of age or older shall be punished by imprisonment at hard labor for not less than one-half the longest term nor more than twice the longest term of imprisonment provided in Paragraphs (1), (2), and (3) of this Subsection. The sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

(b) Whoever commits the crime of ~~pornography involving juveniles~~ child sexual abuse materials punishable by the provisions of Paragraph (4) of this Subsection when the victim is under the age of thirteen years, and the offender is seventeen years of age or older, shall be punished by imprisonment at hard labor for not less than twenty-five years nor more than ninety-nine years. At least twenty-five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

* * *

F.

* * *

(2) Upon the filing of any information or indictment by the prosecuting authority for a violation of this Section, the investigating law enforcement agency which seized the photographs, films, videotapes, or other visual reproductions of ~~pornography involving juveniles~~ child sexual abuse materials shall provide copies

of those reproductions to the Internet crimes against children division within the attorney general's office.

(3) Upon receipt of the reproductions as provided in Paragraph (2) of this Subsection, the Internet crimes against children division shall:

* * *

(b) Request the Child Victim Identification Program provide the law enforcement agency contact information for any visual reproductions recovered which contain an identified victim of ~~pornography involving juveniles~~ child sexual abuse materials as defined in this Section.

(c) Provide case information to the Child Victim Identification Program, as requested by the National Center for Missing and Exploited Children guidelines, in any case where the Internet crimes against children division within the attorney general's office identifies a previously unidentified victim of ~~pornography involving juveniles~~ child sexual abuse materials.

(4) The Internet crimes against children division shall submit to the designated prosecutor the law enforcement agency contact information provided by the Child Victim Identification Program at the National Center for Missing and Exploited Children, for any visual reproductions involved in the case which contain the depiction of an identified victim of ~~pornography involving juveniles~~ child sexual abuse materials as defined in this Section.

(5) In all cases in which the prosecuting authority has filed an indictment or information for a violation of this Section and the victim of ~~pornography involving juveniles~~ child sexual abuse materials has been identified and is a resident of this state, the prosecuting agency shall submit all of the following information to the attorney general for entry into the Louisiana Attorney General's Exploited Children's Identification database maintained by that office:

* * *

(d) The contact information for the law enforcement agency which identified a victim of ~~pornography involving juveniles~~ child sexual abuse materials, including contact information maintained by the Child Victim Identification Program and

provided to the Internet crimes against children division in accordance with this Section.

* * *

I. For all purposes, "pornography involving juveniles" and "child sexual abuse materials" mean the offense defined by the provisions of this Section and any reference to the crime of pornography involving juveniles is the same as a reference to the crime of child sexual abuse materials. Any act in violation of the provisions of this Section that is committed on or after August 1, 2025, shall be referred to as "child sexual abuse materials".

* * *

§89.1. Aggravated crime against nature

A. Aggravated crime against nature is either of the following:

* * *

(2)

* * *

(b) The following are prohibited acts under this Paragraph:

(i) Sexual intercourse, sexual battery, second degree sexual battery, carnal knowledge of a juvenile, indecent behavior with juveniles, ~~pornography involving juveniles~~ child sexual abuse materials, molestation of a juvenile or a person with a physical or mental disability, crime against nature, cruelty to juveniles, parent enticing a child into prostitution, or any other involvement of a child in sexual activity constituting a crime under the laws of this state.

* * *

§91.2. Unlawful presence of a sex offender

* * *

B. The following acts, when committed by a person convicted of either an aggravated offense as defined in R.S. 15:541 when the victim is under the age of fifteen years or ~~pornography involving juveniles~~ child sexual abuse materials as

defined in R.S. 14:81.1 when the victim is under the age of fifteen years, shall constitute the crime of unlawful residence or presence of a sex offender:

* * *

§91.5. Unlawful use of a social networking website

A. The following shall constitute unlawful use of a social networking website:

(1) The intentional use of a social networking website by a person who is required to register as a sex offender and who was convicted of R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1 (~~pornography involving juveniles~~ child sexual abuse materials), R.S. 14:81.3 (computer-aided solicitation of a minor), or R.S. 14:283 (video voyeurism) or was convicted of a sex offense as defined in R.S. 15:541 in which the victim of the sex offense was a minor.

* * *

Section 2. R.S. 15:537(A), 539.1(F)(introductory paragraph), 541(24)(a) and (25)(d), 543.1(18), 545.1(C), and 1352(A)(45) are hereby amended and reenacted and R.S. 15:541(24)(c) is hereby enacted to read as follows:

§537. Sentencing of sexual offenders; serial sexual offenders

A. If a person is convicted of or pleads guilty to, or where adjudication has been deferred or withheld for a violation of R.S. 14:80 (felony carnal knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1 (~~pornography involving juveniles~~ child sexual abuse materials), R.S. 14:81.2 (molestation of a juvenile or a person with a physical or mental disability), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:89 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:93.5 (sexual battery of persons with infirmities), or any provision of Subpart C of Part II of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, and is sentenced to imprisonment for a stated number of years or months, the person shall not be eligible for diminution of sentence for good behavior.

* * *

§539.1. Forfeited property related to certain sex crimes; exempt property; allocation of forfeited property

* * *

F. Notwithstanding Subsection E of this Section, when the currency, instruments, securities, or other property is forfeited following a conviction for a violation of R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:81.1 (~~pornography involving juveniles~~ child sexual abuse materials), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:82.1 (prostitution; persons under eighteen; additional offenses), R.S. 14:83 (soliciting for prostitutes), R.S. 14:83.1 (inciting prostitution), R.S. 14:83.2 (promoting prostitution), R.S. 14:84 (pandering), R.S. 14:85 (letting premises for prostitution), R.S. 14:86 (enticing persons into prostitution), R.S. 14:104 (keeping a disorderly place), R.S. 14:105 (letting a disorderly place), and R.S. 14:282 (operation of places of prostitution), the currency, instruments, and securities and proceeds of the public sale or public auction shall pay the costs of the public sale or public auction, court costs, and fees related to the seizure and storage of the personal property and shall then be applied to any restitution granted to the victim. Any remaining currency, instruments, securities, or proceeds shall be distributed in the following manner:

* * *

§541. Definitions

For the purposes of this Chapter, the definitions of terms in this Section shall apply:

* * *

(24)(a) "Sex offense" means deferred adjudication, adjudication withheld, or conviction for the perpetration or attempted perpetration of or conspiracy to commit human trafficking when prosecuted under the provisions of R.S. 14:46.2(B)(2), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:89 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:89.2(B)(3) (crime against nature by solicitation), R.S. 14:80 (felony carnal knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1

(pornography involving juveniles) which occurred prior to August 1, 2025, R.S. 14:81.2 (molestation of a juvenile or a person with a physical or mental disability), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct between an educator and student), R.S. 14:82.1 (prostitution; persons under eighteen), R.S. 14:82.2(C)(4) and (5) (purchase of commercial sexual activity), R.S. 14:92(A)(7) (contributing to the delinquency of juveniles), R.S. 14:93.5 (sexual battery of persons with infirmities), R.S. 14:106(A)(5) (obscenity by solicitation of a person under the age of seventeen), R.S. 14:283 (video voyeurism), R.S. 14:41 (rape), R.S. 14:42 (aggravated or first degree rape), R.S. 14:42.1 (forcible or second degree rape), R.S. 14:43 (simple or third degree rape), R.S. 14:43.1 (sexual battery), R.S. 14:43.2 (second degree sexual battery), R.S. 14:43.3 (oral sexual battery), R.S. 14:43.5 (intentional exposure to HIV), a second or subsequent conviction of R.S. 14:283.1 (voyeurism), or a second or subsequent conviction of R.S. 14:89.3 (sexual abuse of an animal), committed on or after June 18, 1992, or committed prior to June 18, 1992, if the person, as a result of the offense, is under the custody of the Department of Public Safety and Corrections on or after June 18, 1992. A conviction for any offense provided in this definition includes a conviction for the offense under the laws of another state, or military, territorial, foreign, tribal, or federal law which is equivalent to an offense provided for in this Chapter, unless the tribal court or foreign conviction was not obtained with sufficient safeguards for fundamental fairness and due process for the accused as provided by the federal guidelines adopted pursuant to the Adam Walsh Child Protection and Safety Act of 2006.

* * *

(c) For purposes of this Chapter, "sex offense" shall include deferred adjudication, adjudication withheld, or conviction for the perpetration or attempted perpetration of or conspiracy to commit child sexual abuse materials (R.S. 14:81.1) occurring on or after August 1, 2025.

(25) "Sexual offense against a victim who is a minor" means a conviction for the perpetration or attempted perpetration of, or conspiracy to commit, any of the following:

* * *

(d)(i) Pornography involving juveniles (R.S. 14:81.1), which occurred prior to August 1, 2025.

(ii) Child sexual abuse materials (R.S. 14:81.1), which occurred on or after August 1, 2025.

* * *

§543.1. Written notification by the courts; form to be used

* * *

Based on the foregoing, you are hereby notified of the following:

* * *

(18) For those offenders who have been convicted of R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1 (pornography involving juveniles) which occurred prior to August 1, 2025, R.S. 14:81.1 (child sexual abuse materials) which occurred on or after August 1, 2025, R.S. 14:81.3 (computer-aided solicitation of a minor), or R.S. 14:283 (video voyeurism) or have been convicted of a sex offense as defined in R.S. 15:541 in which the victim of the sex offense was a minor, R.S. 14:91.5, which prohibits such offenders from using certain social networking websites, is applicable. A copy of this statute is provided to you with this notification.

* * *

§545.1. Duty of interactive computer service

* * *

C. An interactive computer service doing business in this state that obtains knowledge of facts or circumstances from which a violation of any law in this state prohibiting possession, distribution or creation of images containing child pornography or child sexual abuse materials or prohibiting sexual activity involving a child is apparent, shall make a report, as soon as reasonably possible, of such facts

or circumstances to the ~~Cyber Tip Line~~ CyberTipline at the National Center for Missing and Exploited Children consistent with the requirements of 42 U.S.C. 13032.

* * *

§1352. Definitions

A. As used in this Chapter, "racketeering activity" means committing, attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating another person to commit any crime that is punishable under the following provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform Controlled Dangerous Substances Law, or the Louisiana Securities Law:

* * *

(45)(a) R.S. 14:81.1 (Pornography involving juveniles) which occurred prior to August 1, 2025.

(b) R.S. 14:81.1 (child sexual abuse materials) which occurred on or after August 1, 2025.

* * *

Section 3. R.S. 17:100.7(A)(1) is hereby amended and reenacted to read as follows:

§100.7. Policies; governing authorities of public elementary and secondary schools; Internet and online sites; access by students and employees; resources for parents; exceptions

A.(1) Each governing authority of a public elementary or secondary school shall adopt policies, in accordance with policies adopted by the State Board of Elementary and Secondary Education, regarding access by students and employees to Internet and online sites that contain or make reference to harmful material the character of which is such that it is reasonably believed to be obscene, child pornography, child sexual abuse materials, conducive to the creation of a hostile or dangerous school environment, pervasively vulgar, excessively violent, or sexually harassing in the school environment all as defined by any applicable state or federal laws and the policies adopted pursuant to this Subsection. Such policies shall include

but not be limited to prohibitions against accessing sites containing information on the manufacturing or production of bombs or other incendiary devices.

* * *

Section 4. R.S. 46:51.2(C)(1)(a) is hereby amended and reenacted to read as follows:

§51.2. Criminal history and central registry information

* * *

C.(1) No prospective foster or adoptive parent or relative guardian shall be finally approved for placement of a child or to receive kinship guardian assistance payments until it is determined that the prospective foster or adoptive parent, or relative guardian and any other adult living in the home of the relative guardian, does not have any of the following:

(a) A felony conviction for child abuse or neglect; for spousal abuse; for a crime against children, including child pornography <u>or child sexual abuse materials</u>; or for a crime involving violence including rape, sexual assault, or homicide, but not including other assault or battery.

* * *

Section 5. Code of Criminal Procedure Articles 648(B)(3)(i) and 718.1(A) and (B), are hereby amended and reenacted to read as follows:

Art. 648. Procedure after determination of mental capacity or incapacity

* * *

B.

* * *

(3) If, after the hearing, the court determines that the incompetent defendant is unlikely in the foreseeable future to be capable of standing trial, the court shall order the defendant released or remanded to the custody of the Louisiana Department of Health which, within ten days exclusive of weekends and holidays, may institute civil commitment proceedings pursuant to Title 28 of the Louisiana Revised Statutes of 1950, or release the defendant. The defendant shall remain in custody pending such civil commitment proceedings. If the defendant is committed to a treatment facility pursuant to Title 28 of the Louisiana Revised Statutes of 1950, the director

of the institution designated for the patient's treatment shall, in writing, notify the court and the district attorney when the patient is to be discharged or conditionally discharged, as long as the charges are pending. If not dismissed without prejudice at an earlier trial, charges against an unrestorable incompetent defendant shall be dismissed on the date upon which his sentence would have expired had he been convicted and received the maximum sentence for the crime charged, or on the date five years from the date of his arrest for such charges, whichever is sooner, except for the following charges:

* * *

(i) R.S. 14:81.1 (~~pornography involving juveniles~~ child sexual abuse materials).

* * *

Art. 718.1. Evidence of obscenity, video voyeurism, ~~pornography involving juveniles~~ child sexual abuse materials, or unlawful posting of criminal activity for notoriety and publicity; prohibition on reproduction of ~~pornography involving juveniles~~ child sexual abuse materials

A. In any criminal proceeding, any property or material that is alleged to constitute evidence of obscenity as defined in R.S. 14:106(A)(2) that is unlawfully possessed, video voyeurism as defined in R.S. 14:283, ~~pornography involving juveniles~~ child sexual abuse materials as defined in R.S. 14:81.1, or unlawful posting of criminal activity for notoriety and publicity as defined in R.S. 14:107.4, shall remain in the care, custody, and control of the investigating law enforcement agency, the court, or the district attorney.

B. Notwithstanding any other provision of law to the contrary, the court shall deny any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that is alleged to constitute evidence of obscenity as defined in R.S. 14:106(A)(2) that is unlawfully possessed, video voyeurism as defined in R.S. 14:283, ~~pornography involving juveniles~~ child sexual abuse materials as defined in R.S. 14:81.1, or unlawful posting of criminal activity for notoriety and

publicity as defined in R.S. 14:107.4, provided that the district attorney makes the property or material reasonably available to the defendant.

* * *

Section 6. Children's Code Articles 502(3) and (4)(l), 603(8) and (12)(l), and 610(F) are hereby amended and reenacted to read as follows:

Art. 502. Definitions

For the purposes of this Title, the following terms have the following meanings, unless the context clearly indicates otherwise:

* * *

(3) "Child pornography" or "child sexual abuse materials" means visual depiction of a child engaged in actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the genitals.

(4) "Crime against the child" shall include the commission of or the attempted commission of any of the following crimes against the child as provided by federal or state statutes:

* * *

(l) ~~Pornography involving juveniles~~ Child sexual abuse materials.

* * *

Art. 603. Definitions

As used in this Title:

* * *

(8) "Child pornography" or "child sexual abuse materials" means visual depiction of a child engaged in actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the genitals.

* * *

(12) "Crime against the child" shall include the commission of or the attempted commission of any of the following crimes against the child as provided by federal or state statutes:

* * *

(l) ~~Pornography involving juveniles~~ Child sexual abuse materials.

* * *

Art. 610. Reporting procedure; reports to the legislature and the United States Department of Defense Family Advocacy Program

* * *

F. Any commercial film or photographic print processor who has knowledge of or observes, within the scope of this professional capacity or employment, any film, photograph, video tape, negative, or slide depicting a child who he knows or should know is under the age of seventeen years, which constitutes child pornography or child sexual abuse materials as defined in Article 603, shall report immediately to the local law enforcement agency having jurisdiction over the case. The reporter shall provide a copy of the film, photograph, videotape, negative, or slide to the agency receiving the report.

* * *

Section 7. Civil Code Article 2315.3 is hereby amended and reenacted to read as follows:

Art. 2315.3. Additional damages; child pornography; child sexual abuse materials

In addition to general and special damages, exemplary damages may be awarded upon proof that the injuries on which the action is based were caused by a wanton and reckless disregard for the rights and safety of the person through an act of ~~pornography involving juveniles~~ child sexual abuse materials, as defined by R.S. 14:81.1, regardless of whether the defendant was prosecuted for his acts.

Section 8. Nothing in this Act alleviates any person arrested, convicted, or adjudicated delinquent for pornography involving juveniles prior to the effective date of this Act from any requirement, obligation, or consequence imposed by law as a result of that arrest, conviction, or adjudication including but not limited to any requirements regarding

the setting of bail, sex offender registration and notification, parental rights, probation, parole, sentencing, or any other requirement, obligation, or consequence imposed by law as a result of that arrest, conviction, or adjudication.

Section 9. This Act shall be cited and referred to as "The Audrey Wascome Act".

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ENROLLED

2025 Regular Session

ACT No. 364

HOUSE BILL NO. 445

BY REPRESENTATIVE VILLIO

AN ACT

To amend and reenact Children's Code Article 412(M) and R.S. 15:576(2) and 579 and to enact Children's Code Article 412(P) and R.S. 15:589.1, relative to juvenile records; to provide for applicability; to provide relative to what constitutes information or record of criminal history; to provide relative to duties of the Louisiana Bureau of Criminal Identification and Information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 412(M) is hereby amended and reenacted and Children's Code Article 412(P) is hereby enacted to read as follows:

Art. 412. Confidentiality of records; disclosure exceptions; sanctions

* * *

M. Records of juvenile criminal conduct shall not be ~~made a part of any state or local~~ disseminated as a criminal background check to anyone outside of the criminal justice system as defined in R.S. 15:576(5).

* * *

P. This Article shall not prohibit the creation of an interoperable set of criminal justice information systems at the state and local levels pursuant to R.S. 15:575 et seq., or preclude the dissemination of criminal history record information as defined in R.S. 15:576(2) in and to the criminal justice system as defined in R.S. 15:576(5).

Section 2. R.S. 15:576(2) and 579 are hereby amended and reenacted and R.S. 15:589.1 is hereby enacted to read as follows:

§576. Definitions

As used in this Chapter:

* * *

(2) The terms "criminal history record" or "criminal history record information" mean information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing, correctional supervision, and release. The terms do not include intelligence or investigatory purposes, nor ~~does it~~ do they include any identification information which does not indicate involvement of the individual in the criminal justice system. ~~The terms do not include records of juvenile criminal conduct.~~

* * *

§579. Rules and regulations

The bureau shall issue rules and regulations, consistent with United States Department of Justice requirements, the Constitution of Louisiana, the Code of Criminal Procedure, the Children's Code, and the Louisiana Revised Statutes of 1950, governing the maintenance of privacy and security of criminal history records and records of juvenile criminal conduct; governing access to and use of records maintained by the central repository; governing restrictions to access and use by authorized agencies or individuals of any state owned or operated system of communications utilized for transmitting criminal history record information to or from the bureau; and governing the purging of any information maintained by the bureau as permitted by law. Records of juvenile criminal conduct shall not be ~~made a part of any state or local~~ disseminated as a criminal background check to anyone outside of the criminal justice system as defined in R.S. 15:576(5).

* * *

§589.1. Handling of information; juvenile criminal conduct

Any information on juvenile criminal conduct obtained by the bureau under this Title shall be handled in accordance with the provisions of Children's Code Articles 412, 414, and 917 through 926 and shall be made available pursuant to such provisions. Such access and use shall include an audit trail to maintain the integrity of the records and ensure accountability. Such trail shall include all of the following:

(1) Who accessed the system.

(2) When the system was accessed.

(3) What actions were performed during access.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2025 Regular Session

ACT No. 409

ENROLLED

SENATE BILL NO. 41

BY SENATORS BARROW, BOUDREAUX, BOUIE, CARTER, CATHEY, CONNICK, HODGES, JACKSON-ANDREWS, JENKINS, LAMBERT, LUNEAU, MCMATH, MIZELL, PRICE, SELDERS, STINE AND WOMACK AND REPRESENTATIVES ADAMS, BAYHAM, BERAULT, BILLINGS, BOYD, BRYANT, CARVER, CHASSION, CHENEVERT, DICKERSON, DOMANGUE, ECHOLS, FISHER, HILFERTY, HUGHES, ILLG, JACKSON, KNOX, LARVADAIN, LYONS, MARCELLE, MCMAHEN, MENA, NEWELL, PHELPS, SPELL, TAYLOR AND WALTERS

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

AN ACT

To amend and reenact R.S. 14:91.3(A), the introductory paragraph of R.S. 15:587.1(C), 587.1(C)(1), and 1110.3(H), the introductory paragraph of R.S. 17:8.7(B) and 8.7(B)(1), 15(A)(1)(a), (b)(i)(bb) and (cc), and (b)(ii) and (2)(a)(ii) through (v), (D), and (E), 16(A), 24.8(A) and (B)(2), 407.33(5), 407.35(A), 407.42(A)(2) and (B)(1)(b), 407.46(A)(1), 407.71(A), 443(B)(1), 493(C)(1), and 3996(B)(28), R.S. 24:525(D), R.S. 40:2008.10(A)(3) and 2019(F)(3)(b), R.S. 46:51.2(A)(1)(b), 56(F)(1), (4)(c), (10)(b)(i), and (11), and 1414.1(A), Children's Code Art. 116(2.1) and (2.2), 603(4)(a) and (17)(d), 603.1(B), 610(A), (E)(1) and (2), and (H), 612(A)(3), 615(B)(2), (3), and (5), the introductory paragraph of 615(E) and 615(E)(1) and (4)(a) and (F), 616(B), the introductory paragraph of 616(D), 616(E) and (H), and 616.1.1(A) and to enact R.S. 17:15(A)(1)(b)(i)(dd) and (2)(a)(vi), 407.41, and 3996(B)(82), Children's Code Art. 603(17)(l) through (o) and 610(I) and Civil Code Art. 2315.12, relative to child welfare; to provide for review of the state central registry for school employees; to provide for reporting recordation on the state central registry; to provide for the licensure of early learning centers; to provide for child welfare and safety minimum standards for prekindergarten programs; to

provide for child abuse and neglect determinations; to provide for definitions in the Children's Code; to provide for mandatory reporting training; to provide for procedures for reporting child abuse and neglect; to provide for the responsibility of the Department of Children and Family Services to respond to reports; to provide for investigations of child sexual abuse in a school setting; to provide for liability for damages caused by sexual abuse in a school setting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:91.3(A) is hereby amended and reenacted to read as follows:

§91.3. Unlawful participation in a child-related business

A. No person who has been convicted of, or who has pled guilty or nolo contendere to, an offense listed in R.S. 15:587.1(C) **or whose name is recorded on the Department of Children and Family Services' state central registry on or after August 1, 2018,** shall own, operate, or in any way participate in the governance of any early learning center as defined by R.S. 17:407.33, residential home as defined by R.S. 46:1403, or residence in which child care services are provided by a family child care provider or in-home provider who is registered pursuant to R.S. 17:407.61 et seq.

* * *

Section 2. The introductory paragraph of R.S. 15:587.1(C), 587.1(C)(1), and 1110.3(H) are hereby amended and reenacted to read as follows:

§587.1. Provision of information to protect children

* * *

C. The provisions of R.S. 15:825.3, R.S. 17:8.9, 15, 407.42, and 407.71, R.S. 46:51.2 ~~and 1441.13~~, and Children's Code Article 424.1 shall govern the employment of persons who have been convicted of, or pled guilty or nolo contendere to, any of the following crimes:

(1) R.S. 14:30, R.S. 14:30.1, R.S. 14:31, R.S. 14:32.6 through R.S. 14:32.8, R.S. 14:41 through R.S. 14:45, **R.S. 14:46.2 through** R.S. 14:46.4, R.S. 14:74, ~~R.S. 14:78, R.S. 14:78.1,~~ R.S. 14:79.1, R.S. 14:80 through R.S. 14:86, R.S. 14:89, R.S.

14:89.1, R.S. 14:89.2, R.S. 14:92, R.S. 14:93, R.S. 14:93.2.1, R.S. 14:93.3, **R.S. 14:93.5,** crimes of violence as defined in R.S. 14:2(B), sex offenses as defined in R.S. 15:541, R.S. 14:106, R.S. 14:282, R.S. 14:283, R.S. 14:283.1, R.S. 14:284, R.S. 14:286, R.S. 40:966(A), R.S. 40:967(A), R.S. 40:968(A), R.S. 40:969(A), and R.S. 40:970(A) or convictions for attempt or conspiracy to commit any of those offenses;

* * *

§1110.3. Licensing; transfer to office of juvenile justice

* * *

H.(1) Any owner, operator, current or prospective employee, or volunteer of a juvenile detention facility that is requesting licensure or is licensed by the office of juvenile justice is prohibited from being employed by the facility if that individual's name is recorded on the state central registry as a perpetrator for a ~~justified~~ **substantiated** finding of abuse or neglect of a child.

(2) If the individual's name is or was entered on the state central registry, the individual who is the subject of the finding may file a written motion seeking correction to the division of administrative law for an administrative appeal of the ~~justified~~ **substantiated** determination, in accordance with Children's Code Article 616.1.1 and the procedures promulgated by the office.

* * *

Section 3. The introductory paragraph of R.S. 17:8.7(B) and 8.7(B)(1), 15(A)(1)(a), (b)(i)(bb) and (cc), and (b)(ii) and (2)(a)(ii) through (v), (D), and (E), 16(A), 24.8(A) and (B)(2), 407.33(5), 407.35(A), 407.42(A)(2) and (B)(1)(b), 407.46(A)(1), 407.71(A), 443(B)(1), 493(C)(1), and 3996(B)(28) are hereby amended and reenacted and R.S. 17:15(A)(1)(b)(i)(dd) and (2)(a)(vi), 407.41, and 3996(B)(82) are hereby enacted to read as follows:

§8.7. Prohibition against granting an educator credential or teaching authorization to certain persons; appeals

* * *

B. The board may, after a successful appeal, issue an educator credential or other teaching authorization to a person who has been convicted of or has pled nolo

contendere to a felony offense, ~~or~~ **except for** an offense listed in R.S. 15:587.1(C), who has been found to have submitted fraudulent documentation to the board or the state Department of Education as part of an application for a teaching certificate or other teaching authorization, or who has been found to have facilitated cheating on any state assessment as determined by the board, if all of the following conditions apply:

(1) Five years have passed from ~~the date of entry of the person's final conviction, the date of entry of a plea of nolo contendere, or~~ the date of receipt of notification from the board of its determination that the person submitted fraudulent documentation or facilitated cheating on a state assessment.

* * *

§15. Criminal history review

A.(1)(a) A person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) **or whose name is recorded on the Department of Children and Family Services' state central registry on or after August 1, 2018,** shall not be hired by a city, parish, or other local public school board or a nonpublic school or school system as a bus operator, substitute bus operator, or janitor, or as a temporary, part-time, or permanent school employee of any kind.

(b)(i) Except as otherwise provided in this Subparagraph, a city, parish, or other local public school board or a nonpublic school or school system shall not knowingly hire a person as an administrator, teacher, or substitute teacher if the person:

* * *

(bb) Is recorded on the Department of Children and Family Services' state central registry on or after August 1, 2018.

~~(bb)~~**(cc)** Has been found to have submitted fraudulent documentation to the State Board of Elementary and Secondary Education or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization.

~~(cc)~~**(dd)** Has been found to have facilitated cheating on any state assessment

as determined by the State Board of Elementary and Secondary Education.

(ii) A city, parish, or other local public school board or a nonpublic school or school system may hire a person as an administrator, teacher, or substitute teacher who is otherwise prohibited from being hired pursuant to ~~Item (i)~~ **Subitem (i)(cc) and (dd)** of this Subparagraph if the State Board of Elementary and Secondary Education approves a formal appeal request submitted by the person and issues a teaching certificate or authorization as provided in R.S. 17:8.7(B).

* * *

(2)(a) A city, parish, or other local public school board shall dismiss:

* * *

(ii) An administrator, teacher, or substitute teacher whose name is recorded on the Department of Children and Family Services' state central registry on or after August 1, 2025.

~~(ii)~~**(iii)** An administrator, teacher, or substitute teacher who is found to have submitted fraudulent documentation to the State Board of Elementary and Secondary Education or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization.

~~(iii)~~**(iv)** An administrator, teacher, or substitute teacher who is found to have facilitated cheating on any state assessment as determined by the State Board of Elementary and Secondary Education.

~~(iv)~~**(v)** Any other school employee if ~~such~~ **the** employee is convicted of or pleads nolo contendere to a crime listed in R.S. 15:587.1(C), except R.S. 14:74.

(vi) Any other school employee if the employee's name is recorded on the Department of Children and Family Services' state central registry on or after August 1, 2025.

* * *

D.(1)**(a)** An administrator, teacher, or other school employee upon his final conviction of or plea of guilty or nolo contendere to any criminal offense, excluding traffic offenses, shall report the fact of his conviction or plea to his employer and to the department within two business days, exclusive of weekends and holidays, of the

conviction or plea of guilty or nolo contendere. Upon receiving a report of a final conviction of or plea of guilty or nolo contendere to any criminal offense, excluding traffic offenses, by an employee holding a teaching certificate or teaching authorization issued by the state board, a school or school system shall report the fact of the conviction or plea to the Department of Education within two business days, exclusive of weekends and holidays, of receiving the report of the conviction or plea of guilty or nolo contendere.

(b) An administrator, teacher, or other school employee whose name is recorded on the Department of Children and Family Services' state central registry on or after August 1, 2025, shall report the recordation to his employer and to the department within two business days, exclusive of weekends and holidays.

(2) An administrator, teacher, or substitute teacher who fails to report a conviction or plea of guilty or nolo contendere of any felony offense **or fails to report recordation on the Department of Children and Family Services' state central registry** shall be fined not more than one thousand dollars or imprisoned for not more than one year, with or without hard labor, or both.

(3) A school employee other than an administrator, teacher, or substitute teacher who fails to report a conviction or plea of guilty or nolo contendere of any criminal offense listed in R.S. 15:587.1(C)(1) **or fails to report recordation on the Department of Children and Family Services' state central registry** shall be fined not more than five hundred dollars or imprisoned for not more than six months, with or without hard labor, or both.

E.(1) The State Board of Elementary and Secondary Education may assess a civil fine against a school governing authority, equal to the average state yearly compensation for a public school teacher, inclusive of salary and benefits, who knowingly employs a person without requesting the criminal records **or verifying whether the person's name is recorded on the Department of Children and Family Services' state central registry as** required by this Section or who knowingly hires a person who has been convicted of or pled nolo contendere to any

crime listed in R.S. 15:587.1(C) **or whose name is recorded on the state central registry.**~~, and who the State Board of Elementary and Secondary Education has not provided a teaching authorization pursuant to the provisions of R.S. 17:7(10) or who has not completed the formal appeal process required by the state board and been granted a new teaching certificate or other teaching authorization as provided in R.S. 17:8.7(B).~~

(2) ~~Such~~ **The** fine shall be levied only after a final judgment is rendered pursuant to an adjudication process conducted in accordance with the provisions of R.S. 49:975 et seq.

(3) The state board shall report any ~~such~~ instances of fine assessments to the House Committee on Education and the Senate Committee on Education within thirty days of such assessment. Civil fines collected pursuant to the provisions of this Section shall be deposited immediately into the state treasury. The State Board of Elementary and Secondary Education shall promulgate rules in accordance with the Administrative Procedure Act for implementation of this Subsection.

* * *

§16. Reporting of certain arrests; school employees; requirements; failure to report

A. Effective January 1, 2012, and thereafter, a school employee shall report his arrest for a violation of R.S. 14:42 through 43.5, 80 through 81.5, any other sexual offense affecting minors, any of the crimes provided in R.S. 15:587.1, or any ~~justified~~ **substantiated** complaint of child abuse or neglect on file in the central registry pursuant to Article 615 of the Children's Code.

* * *

§24.8. Prekindergarten programs

A.**(1)** Each city, parish, or other local public school board may develop and offer prekindergarten instruction. The youngest age at which a child may enter prekindergarten provided for by this Subsection shall be four years old by September thirtieth of the year in which the child enrolls in prekindergarten.

(2) All public prekindergarten programs shall comply with the child safety and welfare minimum standards provided for in R.S. 17:407.41.

B.

* * *

(2) ~~The State Board of Elementary and Secondary Education, in consultation with the Nonpublic School Commission, shall adopt rules and regulations to protect the health and safety of three-year-old children who attend prekindergarten at an approved nonpublic elementary school.~~ **All nonpublic prekindergarten programs shall be licensed as an early learning center pursuant to Part X-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950.**

* * *

§407.33. Definitions

As used in this Part, the following terms have the following meanings unless the context clearly indicates otherwise:

* * *

(5) "Early learning center" means any child day care center, Early Head Start Center, Head Start Center, or ~~stand-alone~~ **nonpublic** prekindergarten program ~~not attached to a school~~.

* * *

§407.35. Exemptions from licensure requirements

A. ~~Public and nonpublic day schools serving children in grades kindergarten and above, including any prekindergarten programs attached thereto, as well as camps, and care given without charge, shall be exempt from the provisions of this Part~~ **The provisions of this Part shall not apply to grades kindergarten and above, prekindergarten programs attached to a public day school, Louisiana Montessori accredited or provisionally accredited approved schools, camps, registered family child day care homes, and care given without charge. However, all prekindergarten programs shall comply with the child safety and welfare minimum standards provided for in R.S. 17:407.41**.

* * *

§407.41. Child safety and welfare minimum standards

A. In addition to regulations promulgated by the State Board of

Elementary and Secondary Education pursuant to R.S. 17:407.40, all early learning centers and prekindergarten programs shall meet the following minimum standards to ensure the safety and welfare of children:

(1) There shall be a minimum of two staff members present at any facility when more than four children are present, except under an extenuating circumstance that temporarily prevents compliance with this Paragraph.

(2) The child-to-staff ratios shall not exceed the following:

(a) Infants and under one year - 5 to 1

(b) One year - 7 to 1

(c) Two years - 10 to 1

(d) Three years - 13 to 1

(e) Four years - 15 to 1

(f) Five years - 19 to 1

(3) An average of the child-to-staff ratios may be applied to mixed age groups of children only for groups that include no children under the age of two.

(4) When a mixed age group includes children younger than age two, the age of the youngest child determines the child-to-staff ratio for the group.

(5) When the nature of a child with special healthcare needs or the number of children with special healthcare needs warrants added care, the center shall add sufficient staff as necessary.

(6) Only staff members directly providing care, supervision, or guidance to children shall be counted in the child-to-staff ratio. The same staff members shall not be used to meet the ratio requirements for two different groups of children at the same time.

(7) Sufficient staffing needed to satisfy child-to-staff ratios shall be present on the premises during rest time and available to assist as needed. Children ages one and older may be grouped together at rest time with one staff member in each room supervising the resting children.

(8) Information regarding required child-to-staff ratios and a phone

number to file complaints regarding supervision with the Department of Education shall be posted in each classroom in a location that is visible to parents.

(9) Children shall be supervised at all times including on the playground, on field trips, and on nonvehicular excursions.

(10)(a) Children shall not be left alone in any room, outdoors, or in vehicles, even momentarily, without staff present.

(b) The provisions of this Paragraph shall not apply to restroom use as provided in this Section, if a child is being provided services by therapeutic professionals, or if a child is in the custody of a parent or legal guardian.

(11) A staff person shall be assigned to supervise specific children whose names and whereabouts that the staff person shall know and with whom the staff person shall be physically present. Staff shall be able to state how many children are in their care at all times.

(12)(a) A child who is developmentally able may be permitted to use the restroom independently if a staff member is in proximity to and can see the child to ensure immediate intervention to safeguard a child from harm or to assist with an accident while in the restroom.

(b) An individual who is not a staff member may not enter the restroom area while in use by any child other than his own child.

(13) A child age five and older may be permitted to go to and return from the restroom without staff.

(14) If a prekindergarten program or early learning center is part of a school with children in kindergarten or older, staff shall ensure that the children enrolled in the prekindergarten program or early learning center are not unsupervised in the restroom at the same time as any older children who are using the restroom. For any facility constructed after January 1, 2026, there shall be designated separate restrooms for the children enrolled in the prekindergarten program or early learning center.

(15) Children shall be changed and cleaned immediately following a

toileting accident.

B.(1) The state Department of Education shall develop an informational document that contains all of the following:

(a) The child safety and welfare minimum standards provided for in this Section.

(b) A phone number to file complaints with the state Department of Education regarding violations of the standards.

(c) A statement notifying parents and legal guardians that the document is being distributed pursuant to "Charlie's Law".

(2) The state Department of Education shall provide the document to each early learning center and prekindergarten program no later than August first of each year.

(3) Each early learning center and public school with a prekindergarten program shall distribute the document to the parents and legal guardians of all children enrolled in an early learning center or prekindergarten program.

(4) The document shall be distributed at the beginning of each school year and may be distributed electronically.

C. The state Department of Education shall provide written notification to the superintendent of a school district for any complaint received by the department regarding a prekindergarten program in the district pursuant to this Section.

§407.42. Review of criminal history information and state central registry of child abuse and neglect

A.

* * *

(2) No individual whose name is recorded on the state central registry within the Department of Children and Family Services as a perpetrator for a ~~justified~~ **substantiated** finding of abuse or neglect of a child or in any other state's child abuse and neglect registry or repository shall own or operate a licensed early learning center or shall be hired by a licensed early learning center as an employee or

volunteer of any kind, including any therapeutic professionals, extracurricular personnel, and other independent contractors, or shall be hired by the department in a position whose duties include the performance of licensing inspections.

B.(1) The State Board of Elementary and Secondary Education shall establish by regulation, requirements and procedures under which the department shall, for any owner, volunteer, applicant, or employee of any kind, including contractors, of an early learning center or an applicant or employee of the department in a position whose duties include the performance of licensing inspections:

* * *

(b) Request information from the Department of Children and Family Services as to whether the person is listed on the state central registry as a perpetrator for a ~~justified~~ **substantiated** finding of abuse or neglect of a child.

* * *

§407.46. Operating in violation of regulations; penalties and fines

A.(1) For violations related to supervision, criminal history record checks, the state central registry disclosure form, ~~staff-to-child~~ **child-to-staff** ratios, motor vehicle checks, or failure to report critical incidents, the department may issue a written warning that includes a corrective action plan, in lieu of revocation, upon any person or entity violating these requirements if such condition or occurrence does not pose an imminent threat to the health, safety, rights, or welfare of a child. Failure to implement a corrective action plan issued pursuant to this Section may result in either the assessment of a civil fine or license revocation or may result in both actions being taken by the department. Such civil fine shall not exceed two hundred fifty dollars per day for each assessment; however, the aggregate fines assessed for violations determined in any consecutive twelve-month period shall not exceed two thousand dollars. **The department shall publish all violations of this Paragraph on its website.**

* * *

§407.71. Grounds for revocation or refusal to renew registration; criminal activities; lack of CPR or first aid training

A.(1) No person who has been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C), whose name is recorded on the state registry within the Department of Children and Family Services as a perpetrator for a ~~justified~~ **substantiated** finding of abuse or neglect of a child, whose name is on any other state's child abuse and neglect registry or repository, whose name is on the Louisiana Sex Offender and Child Predator Registry, whose name is on any other state's sex offender registry, or whose name is on the National Crime Information Center's National Sex Offender Registry may be a registered family child care provider, be employed in the residence or on the property of the residence where the care is provided by the registered family child care provider, or live in the residence where care is provided by the registered family child care provider. The cost of any criminal background check which may be required by the department as proof of compliance with this Subsection shall be the responsibility of the family child care provider.

(2) No person who has been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C), whose name is recorded on the state registry within the Department of Children and Family Services as a perpetrator for a ~~justified~~ **substantiated** finding of abuse or neglect of a child, whose name is on any other state's child abuse and neglect registry or repository, whose name is on the Louisiana Sex Offender and Child Predator Registry, whose name is on any other state's sex offender registry, or whose name is on the National Crime Information Center's National Sex Offender Registry may be a registered in-home child care provider, be an adult employed in the home or on the property of the home where care is provided by the registered in-home child care provider, or be any adult living in the home where care is provided by the registered in-home child care provider who is not a caregiver. For the purposes of this Paragraph, the term "caregiver" shall mean any person legally obligated to provide or secure care for a child, including a parent, legal custodian, foster home parent, or other person providing a residence for the child. The cost of any criminal background check which may be required by the department as proof of compliance with this Subsection shall be the responsibility

of the in-home provider.

* * *

§443. Discipline of teachers; procedure; right of review

* * *

B.(1) A teacher with tenure shall not be disciplined except upon written and signed charges by the superintendent or his designee of poor performance, willful neglect of duty, incompetency, dishonesty, immorality, or of being a member of or contributing to any group, organization, movement, or corporation that is by law or injunction prohibited from operating in the state of Louisiana, and then only if furnished with a copy of such written charges and given the opportunity to respond. The teacher shall have ten calendar days from written notice of the charges to respond, in person or in writing. Following review of the teacher's response, the superintendent may take interim disciplinary action, which may include placing the teacher on administrative leave. The teacher shall not be placed on administrative leave without pay unless the teacher has been arrested for a violation of any of the following: R.S. 14:42 through 43.5, 80 through 81.5, any other sexual offense affecting minors, any of the crimes provided in R.S. 15:587.1, or any ~~justified~~ **substantiated** complaint of child abuse or neglect on file in the central registry pursuant to Children's Code Article 615. Within ten calendar days after written notice of the interim disciplinary action or within ten calendar days after receipt of the teacher's response if no interim disciplinary action is taken, a teacher may request a hearing before a disciplinary hearing officer. If the teacher fails to timely request a hearing, the disciplinary action becomes final.

* * *

§493. Removal of bus operators; procedures; right to appeal

* * *

C.(1) The superintendent shall have ten calendar days to review the school bus operator's response and to provide written notice to the bus operator of the interim disciplinary action, if any. A superintendent may take interim disciplinary action, which may include placing the bus operator on administrative leave. A

permanent bus operator shall not be placed on administrative leave without pay unless the bus operator has been arrested for a violation of the following: R.S. 14:42 through 43.5, 80 through 81.5, any other sexual offense affecting minors, any of the crimes provided in R.S. 15:587.1, or any ~~justified~~ **substantiated** complaint of child abuse or neglect on file in the central registry pursuant to Children's Code Article 615.

* * *

§3996. Charter schools; exemptions; requirements

* * *

B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

* * *

(28) Reporting by a school employee employed by the governing authority of a public elementary or secondary school of his arrest for one or more of the specified offenses relative to sexual morality affecting minors, R.S. 17:16, any of the crimes provided in R.S. 15:587.1, or any ~~justified complaint~~ **substantiated allegation** of child abuse or neglect on file in the central registry pursuant to Article 615 of the Children's Code.

* * *

(82) Child health and safety minimum standards, R.S. 17:407.41.

* * *

Section 4. R.S. 24:525(D) is hereby amended and reenacted to read as follows:

§525. State child ombudsman; duties

* * *

D.**(1)** Any state agency having responsibility for the custody or care of

children shall provide monthly notice to the state child ombudsman of the death of a child in its custody or care.

(2) The Department of Children and Family Services shall notify the state child ombudsman within three business days of receiving information on the death of any child that had been reported to the department for alleged child abuse or neglect.

* * *

Section 5. R.S. 40:2008.10(A)(3) and 2019(F)(3)(b) are hereby amended and reenacted to read as follows:

§2008.10. Therapeutic group homes licensed by the Louisiana Department of Health; state central registry of child abuse and neglect; criminal background checks

A.

* * *

(3) The therapeutic group home shall request information from the Department of Children and Family Services as to whether the individual's name is recorded on the state central registry as a perpetrator for a ~~justified~~ **substantiated** finding of abuse or neglect of a child.

* * *

§2019. Child death investigation

* * *

F. Records; confidentiality; prohibited disclosure and discovery.

* * *

(3)

* * *

(b) No information, document, or record obtained by the state panel or any local or regional panel or its agent from the Department of Children and Family Services involving a report which results in an inconclusive~~, not justified, or invalid~~ **or unsubstantiated** finding pursuant to Children's Code Article 615 shall be included or referenced in any manner in any report or other document issued or

published by or on behalf of the panel.

* * *

Section 6. R.S. 46:51.2(A)(1)(b), 56(F)(1), (4)(c), (10)(b)(i), and (11), and 1414.1(A) are hereby amended and reenacted to read as follows:

§51.2. Criminal history and central registry information

A.(1) No person shall be hired by the department whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, until both the following conditions are met:

* * *

(b) The department has conducted a search of the state central registry of ~~justified~~ **substantiated** abuse or neglect, hereafter referred to as "central registry", reports and has determined that the individual's name is not recorded therein. The search shall be limited to those names recorded on the state central registry subsequent to January 1, 2010. If the individual's name is or was entered on the state central registry that individual may make a formal written request to the division of administrative law for an administrative appeal of the ~~justified~~ **substantiated** determination, in accordance with Children's Code Article 616.1.1 and the procedures promulgated by the department.

* * *

§56. Applications and client case records; definitions; confidentiality; waiver; penalty

* * *

F. The following information shall not be subject to waiver and shall not be released to applicants, recipients, or outside sources, except those outside sources engaged in the administration of the programs of the department or when specifically authorized by law:

(1) Records pertaining to foster care of children, investigations of abuse and neglect of children, and other child welfare services. For the purposes of this Paragraph, case records of children in abuse and neglect and foster care cases may

be reviewed by attorneys who are appointed by a court of juvenile jurisdiction to represent the sole interest of the children, and pursuant to court order, such case records may be reviewed by court-appointed special advocates appointed pursuant to Children's Code Article ~~424(D)~~ **424.1**. Prior to a court hearing, the department may provide to such attorneys and court-appointed special advocates copies of the most recent case plan for the child and his family, the most recent court order and court report, and the child's most recent medical report. Additionally, pursuant to Children's Code Article 616, a judge of a court exercising juvenile jurisdiction may request, in writing to the department, central registry record checks. However, in no instance shall the name or identifying information regarding a complainant in neglect and abuse cases or the case records of the foster parents be subject to such review. The department may, however, provide foster parents all information from the department's records and from other records to which the department has access concerning a child in the foster home, and concerning the child's family, where such information is necessary for the foster parents to properly care for the child. The department may also provide surrogate parents representing the special education interests of children in the department's custody with all information from the department's records and from other records to which the department has access where such information is necessary for the surrogate parents to properly advocate for the children. In any child custody proceeding, after the issue has been raised of the potential existence of a relevant departmental record concerning the abuse or neglect of a child who is the subject of that proceeding, the judge may contact the local child protection unit to determine if such a record exists. If ~~a determination has been made that such report appears justified~~ **the department has a substantiated report** pursuant to Children's Code Article 615(B)(1) through (3), the local child protection unit shall verbally advise the judge that such report is in the possession of the unit. If the court finds that information which may be contained in the report is necessary for an issue before the court, the court may order the release of such information. If ~~a determination was made that such~~ **the** report was **unsubstantiated** ~~unjustified or inherently improbable~~, such records shall be sealed and accessible only

pursuant to Children's Code Article ~~616(A)(2)~~ **615**.

* * *

(4)

* * *

(c) Following any investigation by the department of a public or private day care center, registered family child day care home, or residential provider, the department may inform the parent or guardian of any child being cared for at the center, home, or residence or the parent or guardian of any child who has applied for placement in the center, home, or residence of a ~~valid~~ **substantiated** finding of child abuse, neglect, or exploitation occurring at the center, home, or residence upon the request of the parent or legal guardian. The department may also advise such parent or legal guardian of a ~~valid~~ **substantiated** finding when it becomes necessary for the department to take adverse action against a center, home, or facility in the interest of the safety and welfare of the children. The department may release to the Department of Education limited information concerning a ~~valid~~ **substantiated** finding of child abuse, neglect, or exploitation occurring at a family child day care home that is registered by that department. These circumstances shall constitute authorized disclosures under the provisions of R.S. 14:403(A)(2).

* * *

(10)

* * *

(b) The information disclosed pursuant to this Paragraph shall be limited to the following:

(i) Whether or not the department has a **substantiated** report, ~~which has been determined to be justified~~ pursuant to Children's Code Article 615, in its possession concerning the child or person who is the subject of the information request.

* * *

(11) Upon written request of a caregiver, the department shall disclose limited information contained in child abuse or neglect records or reports to an employer or prospective employer of a person who will be exercising supervisory

authority over that employer's minor children or other dependent person as part of that person's employment as a caregiver. The information disclosed pursuant to this Paragraph shall be limited to cases in which the department has determined that the allegations from which such information has been developed are ~~justified~~ **substantiated** pursuant to Children's Code Article 615. The provisions of this Paragraph shall not be interpreted to authorize the release of or access to any information protected under federal law.

* * *

§1414.1. State central registry

A. Any owner, operator, current or prospective employee, or volunteer of a specialized provider requesting licensure or licensed by the Department of Children and Family Services is prohibited from being employed by the specialized provider if that individual's name is recorded on the state central registry as a perpetrator for a ~~justified~~ **substantiated** finding of abuse or neglect of a child.

* * *

Section 7. Children's Code Art. 116(2.1) and (2.2), 603(4)(a) and (17)(d), 603.1(B), 610(A), (E)(1) and (2), and (H), 612(A)(3), 615(B)(2), (3), and (5), the introductory paragraph of 615(E) and 615(E)(1) and (4)(a) and (F), 616(B), the introductory paragraph of 616(D), 616(E) and (H), and 616.1.1(A) are hereby amended and reenacted and Children's Code Art. 603(17)(l) through (o) and 610(I) are hereby enacted to read as follows:

Art. 116. Definitions

Except where the context clearly indicates otherwise, these definitions apply for the following terms used throughout this Code.

* * *

(2.1) "CASA program" means a court-appointed special advocate program established in compliance with ~~National~~ **Louisiana** CASA Association standards.

(2.2) "CASA volunteer" means a court-appointed special advocate who has been trained in accordance with ~~National~~ **Louisiana** CASA Association standards and is under the supervision of a CASA program.

* * *

Art. 603. Definitions

As used in this Title:

* * *

(4)(a) "Caretaker" means any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster ~~home~~ parent, ~~an employee or an operator of an early learning center as defined in R.S. 17:407.33, an operator or employee of a registered family child day care home,~~ an operator or employee of a **residential or treatment facility licensed by the Department of Children and Family Services or the Louisiana Department of Health** ~~restrictive care facility~~, or other person providing a residence for the child. ~~"Caretaker" also means an adult who occupies a residence of a child and has a consistent and continuing responsibility for the care of a child.~~ "Caretaker" shall not include an operator or employee of a correctional facility, detention facility, ~~or~~ nonresidential school**, or unlicensed residential or child care provider**.

* * *

(17) "Mandatory reporter" is any of the following individuals:

* * *

(d) "Teaching or child care provider" is any person who provides or assists in the teaching, training, and supervision of a child, including any public or private teacher, teacher's aide, instructional aide, school principal, school staff member, ~~school resource officer,~~ bus driver, coach, professor, technical or vocational instructor, technical or vocational school staff member, college or university administrator, college or university staff member, social worker, ~~probation officer, foster home parent, group home or other child care institutional staff member, personnel of residential home facilities,~~ **an employee or an operator of an early learning center as defined in R.S. 17:407.33, an operator or employee of a registered family child day care home,** a licensed or unlicensed day care provider, or any individual who provides these services to a child in a voluntary or professional capacity.

* * *

(l) A foster parent.

(m) A group home or other institutional child care staff member or personnel of residential home facilities.

(n) A probation officer.

(o) Any employee of the office of juvenile justice or the Department of Children and Family Services, whose duties include supervisory or disciplinary authority over children.

* * *

Art. 603.1. Required education; reporting child abuse

* * *

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.~~ **No later than September thirtieth of each year and in a manner prescribed by the state Department of Education each entity at which a teaching or child care provider is employed shall submit a list to the state Department of Education of all teaching and child care providers employed by the entity and identify the employees that have complied with the training requirements and those employees that have not complied. The state Department of Education shall publish the completion rates for each entity on its website.**

* * *

Art. 610. Reporting procedure; reports to the legislature and the United States Department of Defense Family Advocacy Program

A.~~(1)~~ A reporter shall immediately report suspected child abuse or neglect or that child abuse or neglect was a contributing factor in a child's death in the

following ways:

~~(a)~~**(1)** To the Department of Children and Family Services if the reporter has reason to believe that the perpetrator is ~~a~~ **any of the following:**

(a) A parent or caretaker **as defined in Article 603.**~~, a~~

(b) A person who maintains an interpersonal dating or engagement relationship with the parent or caretaker**.**~~, or a~~

(c) A person living in the same residence ~~with~~ **as** the parent or caretaker**.** ~~as a spouse whether married or not.~~

(d) A person living in the same residence as the child, or any residence of the child, if the child has more than one residence.

(e) An employee or an operator of an early learning center as defined in R.S. 17:407.33.

(f) An operator or employee of a registered family child day care home.

(g) Another child residing in the same residence for cases of suspected sexual abuse.

(h) Indeterminable by the mandatory reporter, but the reporter suspects that the abuse occurred at the child's residence.

~~(b)~~**(2)** To a local or state law enforcement agency if the reporter has reason to believe that the **perpetrator is any of the following:** ~~abuse or neglect is being perpetrated by someone other than the individuals provided for in Subsubparagraph (a) of this Subparagraph. Abuse or neglect perpetrated on a student by a teaching or child care provider, as defined by Article 603, shall be immediately reported to local or state law enforcement,~~

(a) A person other than a person provided for in Subparagraph (1) of this Paragraph.

(b) A teacher, instructor, administrator, staff person, school bus driver, teacher aide, paraprofessional, food service worker, or employee of any public or private elementary, secondary, vocational-technical training, special, or postsecondary school, city, parish, or other local public school board, if the abuse or neglect is perpetrated on a student.

(c) Another child who does not reside in the same residence for cases of suspected sexual abuse.

~~(c)~~**(3)** Dual reporting to both the department and the local or state law enforcement agency is permitted. **However, the agency who receives a report pursuant to Subparagraph (1) or (2) of this Paragraph shall be the agency responsible for accepting and acting on the report and shall ensure referral to other agencies as necessary.**

~~(2)~~**(4)** Reports to the department shall be made as follows:

(a) A mandatory reporter shall make a report of suspected abuse or neglect requiring immediate assistance via the designated state child protection reporting hotline telephone number. A report of suspected abuse or neglect which is of a nonemergency nature may be reported via the Louisiana Department of Children and Family Services Mandated Reporter Portal online. Reports may also be made in person at any child welfare office.

(b) If a report involves alleged sex trafficking, all mandatory reporters shall report via the hotline telephone number to the department regardless of whether there is alleged parental or caretaker culpability.

(c) A permitted reporter shall make a report through the designated state child protection reporting hotline telephone number or in person at any child welfare office.

~~(3)~~**(5)** If a mandatory reporter is prohibited from immediately making the report required by this Chapter to the department or local or state law enforcement because of an employer's policies or employee manual, the mandatory reporter shall file a complaint with local or state law enforcement. Local or state law enforcement shall investigate the complaint, and an employer violating this Chapter shall be subject to the penalties provided for in R.S. 14:131.1 and 403. An employer shall not discriminate or retaliate against an employee who is a mandatory reporter for complying with this Article. If an employer is found discriminating or retaliating against an employee for complying with this Article, the employer shall be subject to double the fines provided for in R.S. 14:131.1 and 403.

~~(4)~~**(6)** In an investigation of a report of abuse or neglect allegedly committed by a parent or caretaker, the department shall determine whether the person is an active duty member of the United States Armed Forces or the spouse of a member on active duty. If the department determines that the person is an active duty member of the United States Armed Forces or the spouse of a member on active duty, the department shall notify the United States Department of Defense Family Advocacy Program at the closest active duty military installation of the investigation.

* * *

E.(1) All reports made to any local or state law enforcement agency involving abuse or neglect in which ~~the child's parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not,~~ **an individual provided for in Subparagraph (A)(1) of this Article** is believed responsible shall be ~~promptly communicated~~ **reported** to the department **within twenty-four hours in accordance with Paragraph A of this Article.** ~~through the designated state child protection reporting hotline telephone number in accordance with a written working agreement developed between the local law enforcement agency and the department.~~

(2) ~~The department shall promptly communicate~~ **All reports made to the department involving** abuse or neglect ~~cases not involving a parent, caretaker, or occupant of the household~~ **in which someone other than an individual provided for in Subparagraph (A)(1) of this Article is believed to be responsible shall be reported** to the appropriate law enforcement agency **within twenty-four hours by telephone** ~~in accordance with a written working agreement developed between the department and law enforcement agency~~. The department also shall report all cases of child death which involve a suspicion of abuse or neglect as a contributing factor in the child's death to the local and state law enforcement agencies, the office of the district attorney, and the coroner.

* * *

H.(1) All instances of alleged child abuse that occur in a school setting

shall be immediately reported to the child's parent or legal guardian and to local or state law enforcement, regardless of the alleged perpetrator.

(2) If more than one child is involved in the allegations, the school shall immediately report to the parent or legal guardian of all involved children.

(3) Law enforcement shall begin an investigation of the allegations within forty-eight hours of receiving the report.

(4) If more than one child is involved in the allegations, law enforcement shall interview the parent or legal guardian of all children involved.

(5) Any sexual abuse cases in which the alleged perpetrator is a child shall be referred to the Department of Children and Family Services. The department shall assess the family of the child victim and the alleged child perpetrator to ensure child safety and well-being in accordance with Children's Code Article 612(A)(3).

(6) For purposes of this Article, the following definitions shall apply:

(a) "School setting" means in a school building, on school grounds, in school vehicles, or at any activities sponsored by a school.

(b) "Sexual abuse" means the perpetration or attempted perpetration of R.S. 14:41, 42, 42.1, 43, 43.1, 43.2, 43.3, 43.4, 80, 81, 81.1, 81.2, 86, 89, or 89.1.

~~H.~~**I.**(1) The provisions of this Paragraph shall be known and may be cited as The Alfred C. Williams Child Protection Act.

(2) Beginning May 1, 2017, and annually thereafter, the department shall provide to the legislature the following child-specific information regarding reports of child abuse or neglect reported to the department pursuant to the provisions of this Article:

(a) The actual or estimated age, the sex, and the race of each child at the time the latest report was received.

(b) The parish location of primary case name of the latest report accepted for investigation received.

(c) The categories, levels, and final findings assigned to each allegation contained in reports received for each child.

(d) The number of cases accepted for investigation in which the child was an alleged ~~or valid~~ victim during the report year.

(e) The number of cases accepted for investigation in which the child was a ~~valid~~ **substantiated** victim during the report year.

(f) The number of reports accepted for investigation prior to report year in which the child was an alleged or ~~valid~~ **substantiated** victim.

(g) The number of other alleged victims in reports accepted for investigation in each child's cases prior to report year.

(h) The number of reports accepted for investigation prior to the report year in which the child was a ~~valid~~ **substantiated** victim.

(i) The number of other ~~validated~~ **substantiated** victims in reports accepted for investigation in each child's cases prior to report year.

(j) The number of distinct reporter names for all investigations in which the child is an alleged or ~~valid~~ **substantiated** victim.

(3) For purposes of this Paragraph, the following words shall have the following meanings:

(a) "Alleged victim" includes a child who is the subject of an investigation and for whom there is an allegation of abuse or neglect.

(b) "~~Valid~~ **Substantiated** victim" ~~or "validated victim"~~ includes an alleged victim for whom one or more allegations of abuse or neglect have been ~~determined to be justified~~ **substantiated** pursuant to Article 615.

* * *

Art. 612. Assignment of reports for investigation and assessment

A.

* * *

(3) In lieu of an investigation, reports of low levels of risk **and reports from law enforcement of child sexual abuse as provided for in Children's Code Article 610,** may be assessed promptly through interviews with the family to identify needs and available match to community resources. If during this assessment, it is determined that a child is at immediate substantial risk of harm, the local child

protection unit shall promptly conduct or participate in an intensive investigation.

* * *

Art. 615. Disposition of reports

* * *

B. After investigation, the local child protection unit shall make one of the following determinations:

* * *

(2) The report ~~appears to be justified~~ **is substantiated**, in that there is evidence of child abuse, or neglect, and a protective order or instanter safety plan order would eliminate the need for removal of the child in order to protect him from further abuse, in which case it may apply for a temporary restraining order or protective order authorized by Article 617 and Article 618, or an instanter safety plan order authorized by Article 619 or Article 620.

(3) The report ~~appears to be justified~~ **is substantiated**, in that there is evidence of child abuse or neglect, in which case it shall report all pertinent information to the district attorney, as soon as possible but in no case more than thirty days after such determination, for evaluation of whether a child in need of care petition should be filed in the court with juvenile jurisdiction.

* * *

(5) The report ~~does not appear justified~~ **is unsubstantiated** as the evidence does not support a finding of child abuse or neglect.

* * *

E. When after the investigation of a report, the determination is made that the report is inconclusive or ~~not justified~~ **unsubstantiated**, as provided in Subparagraphs (B)(4) and (5) of this Article, the files, records, and pertinent information regarding the report and investigation shall be strictly confidential, shall not become part of the central registry except as otherwise provided in Subparagraph (1) of this Paragraph or in Article 616(F), shall not be disclosed or ordered to be produced in conjunction with any legal proceeding or other matter except as provided in Subparagraph (4) of this Paragraph, and shall be maintained only for the following purposes:

(1) The files, records, and information shall remain unsealed and shall be maintained for the exclusive use of child protective services, to assist in future risk and safety assessments. The Department of Children and Family Services shall maintain all files and records for seven years from the date of the determination, unless a subsequent inconclusive or ~~not justified~~ **unsubstantiated** report is received during that period. In that case, information from all such reports will be maintained until the youngest child in the alleged victim's family attains the age of eighteen years or seven years from the date of the latest determination, whichever is longer. If information from an inconclusive or ~~not justified~~ **unsubstantiated** report is used as a part of the basis for a later, related, and ~~justified~~ **substantiated** report, the earlier report shall become part of the file of the ~~justified~~ **substantiated** report and shall cease to be a separate report.

* * *

(4)(a) All files, records, and information regarding a report that has been determined to be inconclusive or ~~not justified~~ **unsubstantiated** shall be released to local, state, and federal law enforcement agencies, military authorities, prosecuting authorities, and coroners upon request when such entity is in the course of investigations or legal proceedings and the requesting entity has good cause to believe that the files, records, or information contain information which may be constitutionally required to be disclosed pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and its progeny. The requesting agency shall request the information in writing and state the purpose for which the information is being requested.

* * *

F. The department shall promulgate rules to provide for the disposition, handling, maintenance, and storage of inconclusive and ~~not justified~~ **unsubstantiated** reports in keeping with this Article. **Nothing in this Section shall be construed to modify or abrogate the provisions of R.S. 44:411.**

* * *

Art. 616. Registry; screening of CASA volunteers, staff, and board members; confidentiality

* * *

B. Within the state repository, the department shall maintain a state central registry of certain ~~justified~~ **substantiated** reports of abuse and neglect as set forth in rules promulgated by the department. The name of an individual who was placed on the state central registry as a perpetrator of abuse or neglect prior to the effective date of Children's Code Article 616.1.1 shall not be released outside of the department until that individual's administrative appeals are exhausted. After the effective date of Children's Code Article 616.1.1, the name of an individual who is determined to be a perpetrator of abuse or neglect shall not be placed on the state central registry until that individual's administrative appeals are exhausted. All decisions rendered by an administrative law judge are final, and the decisions shall exhaust the individual's administrative remedy. However, notwithstanding any other provision of law, the department shall provide information involving an investigation from either the repository or the state central registry immediately to the local district attorney's office, or its designee, or to the court, when taking court action is necessary to protect the child from abuse or neglect. The department shall provide information involving an open investigation or a completed investigation determined to be ~~justified~~ **substantiated** from either the repository or the state central registry to another state's child welfare agency upon written request when the request is made pursuant to an ongoing child protective services investigation in the other state.

* * *

D. Upon the written request of the court during its evaluation of any of the following individuals who will have contact with children served by the court-appointed special advocate program, and with the consent of the individual, the department shall search the central registry and report to the court any ~~justified~~ **substantiated** report of abuse or neglect alleging that the individual is a perpetrator:

* * *

E. When, after an investigation, the determination is made by the department that the report does appear to be ~~justified~~ **substantiated**, any subsequent adjudication by a court exercising juvenile jurisdiction which dismisses the child in need of care

petition involving this report shall be added to the central registry.

* * *

H. The department may charge a fee, that shall not exceed twenty-five dollars, to conduct a search of the state central registry of ~~justified~~ **substantiated** abuse or neglect reports to determine whether an individual's name is recorded therein. A search shall be allowed only when specifically authorized. **The fee shall not apply to searches for school employees conducted pursuant to R.S. 17:15.**

* * *

Art. 616.1.1. Appeal and review; correction of central registry entries; procedure

A. When a report alleging abuse or neglect is ~~determined to be justified~~ **substantiated** by the department, the individual who is or was the subject of the determination may make a formal written request to the division of administrative law for an administrative appeal of the ~~justified~~ **substantiated** determination, in accordance with the procedures set forth in Title 67 of the Louisiana Administrative Code.

* * *

Section 8. Civil Code Art. 2315.12 is hereby enacted to read as follows:

Art. 2315.12. Liability for damages caused by child sexual abuse in a school setting

Any parent or guardian of a child who is the victim of sexual abuse in a school setting as defined in Children's Code Article 610 may be awarded damages including but not limited to medical expenses incurred as a result of the sexual abuse, behavioral health expenses incurred as a result of the sexual abuse, reimbursement of any tuition paid for attendance at the school if the child is removed from the school, and any other damages allowed by law.

Section 9.(A) The state central registry checks for all school employee applicants required by this Act shall apply to any person hired on or after August 1, 2025.

(B) All early learning centers and prekindergarten programs shall be in compliance with the child safety and welfare minimum standards provided for in R.S. 17:407.41 no later than October 1, 2025.

(C) All prekindergarten programs requiring licensure as an early learning center pursuant to this Act shall apply for licensure no later than January 1, 2026.

(D) The mandatory reporter training report provided for in Children's Code Article 603.1 shall be submitted to the Department of Education beginning with the 2026-2027 school year.

Section 10. This Act shall be known and may be cited as "Charlie's Law".

_____
PRESIDENT OF THE SENATE

_____
SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ENROLLED

2025 Regular Session

ACT No. 477

HOUSE BILL NO. 617

BY REPRESENTATIVES CARVER, AMEDEE, BACALA, BAMBURG, BERAULT, BILLINGS, BOYER, BRAUD, BRYANT, CHENEVERT, COATES, COX, CREWS, DICKERSON, DOMANGUE, EDMONSTON, FIRMENT, FISHER, FREIBERG, GLORIOSO, HEBERT, HENRY, HILFERTY, JACKSON, MIKE JOHNSON, KERNER, LACOMBE, MACK, MCMAKIN, MELERINE, MOORE, NEWELL, OWEN, SCHLEGEL, SPELL, STAGNI, TAYLOR, THOMPSON, WALTERS, WILDER, WRIGHT, AND WYBLE AND SENATORS BASS, BOUDREAUX, CATHEY, CLOUD, CONNICK, HENRY, MCMATH, MILLER, MIZELL, MYERS, REESE, SELDERS, AND WHEAT

AN ACT

To amend and reenact Children's Code Articles 509(B)(1), 512(B)(1), 522(A)(2), 1269.3(F), 1270(B), (E), and (F), 1271(A), 1273, 1283.2(H), 1285.2(H), and 1519, Code of Evidence Article 902(10), R.S. 6:333(F)(14), R.S. 9:315.16(A), 315.40(1) and (3), 399.1(A) and (F)(3) and (4), and 406(B)(2) and (C)(2), R.S. 11:441.1(F), R.S. 13:998 (B) and (E)(1) and (3), 1141(B) and (E)(1) and (3), 1414(B) and (E)(1) and (3), 4291(B)(1), and 5108.2, R.S. 15:587(A)(2)(a) and (b), 587.1(I), and 587.5(A)(4), R.S. 17:192.1(A)(1)(a) and (3), R.S. 23:1605(A)(4), R.S. 36:3(7), 8(E)(2)(d), 9(C), 471(B) and (C)(1), 472(A), 475.1(B) and (C), 476, and 477, R.S. 40:34.5(E), 46.12(D) and (F), and 1061.14(B)(3)(b)(i), R.S. 43:111(A)(8), R.S. 44:38, R.S. 46:51(introductory paragraph), 51.3, 233.1(C)(introductory paragraph) and (D)(introductory paragraph), 236.1.1(3), 236.1.4(E), 236.1.8(D), 236.3(A)(2), 236.10(A), 236.11(C), 236.12(B)(1), 236.14(D)(1)(introductory paragraph), 236.15(A)(1), 236.16, 238(B), (C), (D), (E)(introductory paragraph) and (7), and (F), 281, 1002(A), (B)(introductory paragraph), and (C), and 2136.2(F), R.S. 47:299.11(1), 299.41(B), 463.112(C), and 9027(C)(10)(introductory paragraph) and (c), and R.S. 51:1442(4) and to repeal R.S. 36:474(A)(11) and (G) and 477(B)(2) and

R.S. 46:51(2) and (14) and 233.1(A) and (B), relative to the organization of the Department of Children and Family Services; to create the office of child support and the office of child welfare; to eliminate the office of children and family services; to transfer the duties of certain offices within the Department of Children and Family Services; to remove outdated provisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 509(B)(1), 512(B)(1), 522(A)(2), 1269.3(F), 1270(B), (E), and (F), 1271(A), 1273, 1283.2(H), 1285.2(H), and 1519 are hereby amended and reenacted to read as follows:

Art. 509. Development of interagency protocols; drafting committee membership; meetings; compliance deadline

* * *

B. At a minimum, each committee shall include the following members:

(1) A representative of the office of ~~children and family services,~~ child welfare, Department of Children and Family Services.

* * *

Art. 512. Composition of the multidisciplinary investigative team

* * *

B. Governmental entities that have responsibilities imposed by law for the investigation of child abuse include:

(1) The office of ~~children and family services,~~ child welfare, Department of Children and Family Services.

* * *

Art. 522. Applicability

A. A child advocacy center is established and becomes subject to the provisions of this Chapter when all of the following have been accomplished:

* * *

(2) An agreement to use the services of a child advocacy center has been executed by representatives of the district attorney, the office of ~~children and family~~

~~services,~~ child welfare, Department of Children and Family Services, the coroner, the sheriff, and any other law enforcement agency having responsibility in the district for the investigation of child abuse.

* * *

Art. 1269.3. Continuing contact agreement; parties; required declarations

* * *

F. The continuing contact agreement shall contain the requirements in substantially the following form:

STATE OF LOUISIANA

PARISH OF (NAME OF PARISH)

AGREEMENT FOR POST-ADOPTION CONTINUING CONTACT

We (NAME OF ADOPTIVE PARENT(S)) and (NAME OF ADULT PERSON PERMITTED CONTACT BY ARTICLE 1269.2) agree to post-adoption continuing contact between (NAME OF ADOPTED CHILD) and (NAME OF PERSON PERMITTED CONTACT) in accordance with the provisions of this Agreement. This Agreement reflects our commitment to an on-going, cooperative relationship focused upon meeting (NAME OF CHILD)'s needs now and in the future, fully recognizing that those needs may change as (HE/SHE) matures.

OR

We (NAME OF ADOPTIVE PARENT(S)) and (NAME OF ADULT PARENT, GUARDIAN OR LEGAL CUSTODIAN OF MINOR SIBLING) agree to post-adoption continuing contact between (NAME OF ADOPTED CHILD) and (NAME OF MINOR SIBLING) in accordance with the provisions of this Agreement. This Agreement reflects our recognition of the significance and enduring nature of sibling relationships and our commitment to supporting and preserving the on-going relationship between (NAME OF CHILD) and (MINOR SIBLING).

We have each freely and voluntarily entered into this Agreement and intend to be bound by its terms. We have been counseled and advised by the Department, our attorney, or other appropriate professional of the meaning of these declarations,

the effects of a continuing contact agreement, and the opportunity to have our own respective counsel review this Agreement.

We recognize that any dispute or litigation regarding the terms of this Agreement shall not affect the validity of any surrender or termination of parental rights, adoption, or custody of (NAME OF CHILD).

We also recognize that upon approval of the court, this Agreement becomes legally binding and any party to it may seek enforcement of its terms.

We also agree that (NAME OF DEPARTMENT REPRESENTATIVE or NAME OF COUNSEL FOR ADOPTIVE PARENT) shall file this Agreement with the proper court of jurisdiction by (DATE NO LATER THAN 10 DAYS FROM EXECUTION OF THE AGREEMENT) requesting the court's approval of this Agreement in accordance with Louisiana Children's Code Article 1269.5.

We agree to the following enforceable post-adoption continuing contact: (INSERT PROVISIONS NEGOTIATED BY PARTIES.)

This Agreement reflects our minimum expectations regarding continuing contact for the duration of the minority of (NAME OF CHILD). We understand that we can agree upon other continuing contact arrangements in the future through informal or formal means. However, we recognize that these minimum expectations must be preserved until such time as we modify them by mutual written agreement or the court modifies or terminates this Agreement in accordance with Louisiana Children's Code Article 1269.8.

We certify that we enter this Agreement in good faith and intend that it always be interpreted to serve (NAME OF CHILD)'s best interest. We agree that we will always attempt to resolve any disagreement that may arise in (HIS/HER) best interest and acknowledge that court modification or enforcement is to be used only as a last resort when all informal means of resolution have been exhausted. We acknowledge that Louisiana Children's Code Article 1269.8 authorizes the court to hear a motion to enforce, modify, or terminate this Agreement only after we have attempted in good faith to mediate the issues underlying our disagreement. Should mediation fail to resolve our differences, the court may modify or terminate this

Agreement upon finding a change of circumstances and the Agreement no longer serves the best interest of (NAME OF CHILD).

This instrument reflects the entire agreement between us regarding post-adoption continuing contact. There are no promises, terms, conditions, or obligations other than those stated in this written Agreement.

We acknowledge that unless it is the legal custodian of a minor sibling named in this Agreement, the Department of Children and Family Services, office of ~~children and family services,~~ child welfare is not a party to this Agreement and has no responsibility for enforcement of it.

This Agreement becomes effective upon approval of the court in accordance with Louisiana Children's Code Article 1269.5.

THIS DONE, READ, AND SIGNED this day of _____,

20 , Parish of (NAME OF PARISH), State of Louisiana.

_____

ADOPTING PARENT

_____

OTHER ADOPTING PARENT, IF ANY

_____

ADULT PERSON PERMITTED CONTACT

_____

ADULT PARENT, GUARDIAN OR LEGAL CUSTODIAN OF MINOR SIBLING

_____

WITNESS

_____

WITNESS

_____

NOTARY

* * *

Art. 1270. Legislative findings; purpose; release of information

* * *

B. There is hereby created within the office of ~~children and family services~~ child welfare, ~~of the~~ Department of Children and Family Services a voluntary registry for the matching of adopted persons, or an adoptive parent of a minor or deceased adopted person, or a descendant of a deceased adopted person, or his parent if a minor, and biological parents or siblings, or both, or a parent, sibling, or descendant, or his parent if a minor, of a deceased biological parent. The purpose of this registry shall be to facilitate voluntary contact between the adopted person, or an adoptive parent of a minor or deceased adopted person, or the descendant of a deceased adopted person, or his parent if a minor, and a biological parent or biological sibling, or both, or a parent, sibling, or descendant, or his parent if a minor, of a deceased biological parent.

* * *

E. The office of ~~children and family services~~ child welfare shall not release any registry information in violation of this Chapter.

F. The office of ~~children and family services~~ child welfare shall confirm for an adopted person the fact of his adoption and identify the court in which the adoption was finalized and the agency, firm, or lawyer facilitating the adoption when that information is known. To receive this information, the adopted person shall be eighteen years of age or older, provide proof of identity, and submit a written request.

Art. 1271. Registration

A. Registration shall be by affidavit filed with the office of ~~children and family services.~~ child welfare. That office shall develop and furnish standardized affidavit forms appropriate for effecting the purpose of this Chapter.

* * *

Art. 1273. Confidentiality

Documents filed with the office of ~~children and family services,~~ child welfare, pursuant to this Chapter, shall be confidential and shall not be available for inspection, except under the procedures set forth in this Chapter.

* * *

Art. 1283.2. Permissible reimbursement of expenses

* * *

H. A copy of the Adoption Disclosure Affidavit and all orders of the court pursuant to this Article shall be mailed to the office of ~~children and family services,~~ child welfare, Department of Children and Family Services.

* * *

Art. 1285.2. Permissible reimbursement of expenses

* * *

H. A copy of the Adoption Disclosure Affidavit and all orders of the court pursuant to this Article shall be mailed to the office of ~~children and family services,~~ child welfare, Department of Children and Family Services.

* * *

Art. 1519. Hearing

The petition shall be set for hearing on the record unless specifically waived by the court. If the Department of Children and Family Services, office of ~~children and family services,~~ child welfare, has recommended that the petition for voluntary transfer of custody be filed, a representative for the department shall testify at the hearing with particularity the reasons for the recommendation. Further, the department representative shall specify why a child in need of care petition should not be filed and shall testify regarding the preventative services offered by the department to the petitioner to prevent the transfer of custody.

Section 2. Code of Evidence Article 902(10) is hereby amended and reenacted to read as follows:

Art. 902. Self-authentication

Extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the following:

* * *

(10) Labor reports. A copy of a report from the Louisiana Workforce Commission, or from any state or federal reporting agency, which is in the possession of a field officer of the ~~support enforcement services program, office of~~

~~children and family,~~ office of child support, Department of Children and Family Services, introduced as evidence in any child or spousal support proceeding. "Field officer" means any person designated or authorized as a field officer pursuant to the provisions of R.S. 46:236.1.8.

Section 3. R.S. 6:333(F)(14) is hereby amended and reenacted to read as follows:

§333. Disclosure of financial records; reimbursement of costs

* * *

F. The following disclosures by a bank or any affiliate are hereby specifically authorized and, except as otherwise provided in this Subsection, nothing in this Section shall prohibit, restrict, or otherwise apply to:

* * *

(14) The disclosure by a bank or any affiliate of data match information on an individual to the secretary of the Department of Children and Family Services~~,~~ or his designee in the office of ~~children and family services,~~ child support ~~enforcement section,~~ for use in attempting to establish, modify, or enforce a child support obligation of such individual. Such disclosure to the department shall be limited to the name, record address, social security or taxpayer identification number, and an average daily account balance for the most recent thirty-day period, of a noncustodial parent who maintains an account at such institution and who owes past-due support as identified by the state by name and social security or taxpayer identification number. The disclosure authorization provided for in this Paragraph shall apply to all co-owners listed on the applicable account.

* * *

Section 4. R.S. 9:315.16(A), 315.40(1) and (3), 399.1(A) and (F)(3) and (4), and 406(B)(2) and (C)(2) are hereby amended and reenacted to read as follows:

§315.16. Review of guidelines

A. The guidelines set forth in this Part shall be reviewed by the legislature not less than once every four years. A review of the guidelines shall take place in 2012 and every four years thereafter, and it shall be the responsibility of the office of ~~children and family services,~~ child support~~, enforcement section of the~~

Department of Children and Family Services, and the Louisiana District Attorneys Association, in consultation with the child support review committee provided in Subsection B of this Section, to obtain all information required to comply with the provisions of 42 U.S.C. 667(a) and present the same to the legislature sixty days prior to the beginning of the 2008 Regular Session of the Legislature and every four years thereafter.

* * *

§315.40. Definitions

As used in this Subpart:

(1) "Administrator" means the ~~administrator~~ assistant secretary of the ~~child support enforcement section, office of children and family services,~~ office of child support, Department of Children and Family Services.

* * *

(3) "Department" means the Department of Children and Family Services, office of ~~children and family services~~ child support.

* * *

§399.1. Dismissal of final order following judgment of paternity; time periods; procedure; effects

A. Notwithstanding any other provision of law, a judgment establishing paternity may be set aside or vacated by the adjudicated father of a child, the child, the mother of the child, or the legal representative of any of these persons. The proceeding shall be instituted by ordinary process in a court of competent jurisdiction and service shall be made upon the office of ~~children and family services,~~ child support, ~~enforcement section of the~~ Department of Children and Family Services, if services are being provided by the department. The burden of proof shall be upon the party seeking to set aside or vacate the judgment of paternity. The proceeding shall be brought within a two-year period commencing with the date on which the adjudicated father knew or should have known of a judgment that established him as the father of the child or commencing with the date the

adjudicated father knew or should have known of the existence of an action to adjudicate the issue of paternity, whichever is first.

* * *

F.

* * *

(3) The judgment dismissing an established order of support shall be served upon the office of ~~children and family services,~~ child support, ~~enforcement section of the~~ Department of Children and Family Services, if services are being provided by the department.

(4) Neither the state of Louisiana, its officers, employees, agents, contractors, nor the office of ~~children and family services,~~ child support, ~~enforcement section of the~~ Department of Children and Family Services shall be liable in any case to compensate any person for child support paid or for any other costs as a result of the judgment setting aside or vacating the judgment of paternity or support entered in accordance with this Section.

* * *

§406. Revocation of authentic act; with and without cause; procedure

* * *

B.

* * *

(2) The petitioner shall institute the annulment proceeding by ordinary process in a court of competent jurisdiction upon notice to the other party who executed the notarial act of acknowledgment and other necessary parties including the office of ~~children and family services,~~ child support, ~~enforcement section of the~~ Department of Children and Family Services.

* * *

C.

* * *

(2) Neither the state of Louisiana, its officers, employees, agents, contractors, nor the office of ~~children and family services,~~ child support,

~~enforcement section of the~~ Department of Children and Family Services shall be liable to compensate any person for child support paid or any other costs as a result of the revocation of any authentic act of acknowledgment or the annulment of any judgment of paternity or support in accordance with this Section.

* * *

Section 5. R.S. 11:441.1(F) is hereby amended and reenacted to read as follows:

§441.1. Early Retirement and Payroll Reduction Act of 2006

* * *

F. Notwithstanding any other provision of law or of this Section to the contrary, the provisions of this Section which eliminate vacated positions shall not be applicable to any positions of the Department of Children and Family Services, office of ~~children and family services,~~ child support ~~enforcement section~~; or to Department of Public Safety and Corrections security officers or probation and parole officers; or to any positions of the LSU health care services division.

* * *

Section 6. R.S. 13:998(B) and(E)(1) and (3), 1141(B) and (E)(1) and (3), 1414(B) and (E)(1) and (3), 4291(B)(1), and 5108.2 are hereby amended and reenacted to read as follows:

§998. Nonrefundable fee; assessment and disposition

* * *

B. The clerks of the respective district courts, within thirty days of the close of each fiscal year, shall remit all funds collected pursuant to this Section to be deposited in the state treasurer's account for credit to a special statutorily dedicated fund account after meeting the requirements of Article VII, Section 9 of the Constitution of Louisiana. The monies in this account shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the account following compliance with the requirement of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund. Disbursement of funds shall be made by the ~~office of children and family services in the~~ Department

of Children and Family Services, or its successor, in accordance with Paragraph (E)(2) of this Section and only in amounts appropriated by the legislature. Monies deposited into this account shall be categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive budget, supporting documents, and general appropriations bills and shall be available for annual appropriations by the legislature.

* * *

E.(1) Within thirty days of receipt of such funds, ~~the office of children and family services~~ the Department of Children and Family Services shall distribute the funds among those qualifying organizations. A qualifying organization ~~must~~ shall be recognized as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code and be located and operated within Caddo, Calcasieu, Caldwell, East Carroll, West Carroll, Franklin, Jackson, St. Landry, Lincoln, Madison, Morehouse, St. Bernard, Ouachita, Union, Richland, Tensas, Sabine, DeSoto, Vermilion, or Lafayette Parish and shall provide:

* * *

(3) Organizations seeking to be qualified shall apply on an annual basis to the ~~office of children and family services~~ Department of Children and Family Services within the time and in the manner designated by the ~~office of children and family services~~ department and afford such reasonable proof as is required to establish its entitlement to funds.

* * *

§1141. Domestic Relations Section; nonrefundable fee; assessment and disposition

* * *

B. The clerk of the civil district court, within thirty days of the close of each fiscal year, shall remit all costs collected pursuant to this Section to be deposited in the state treasurer's account for credit to a special statutorily dedicated fund account after meeting the requirements of Article VII, Section 9 of the Constitution of Louisiana. The monies in this account shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the

investment of these monies shall be credited to the account following compliance with the requirement of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund. Disbursement of funds shall be made by ~~the office of children an family services in~~ the Department of Children and Family Services, or its successor, in accordance with Paragraph (E)(2) of this Section and only in amounts appropriated by the legislature. Monies deposited into this account shall be categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive budget, supporting documents, and general appropriations bills and shall be available for annual appropriation by the legislature.

* * *

E.(1) Within thirty days of the receipt of such funds, the ~~office of children and family services~~ department shall distribute the funds among those qualifying organizations. A qualifying organization ~~must~~ shall be recognized as a non-profit organization under Section 501(c)(3) of the Internal Revenue Code and be located within the parish of Orleans, and shall provide:

* * *

(3) Organizations seeking to be qualified shall apply on an annual basis to the ~~office of community services~~ department within the time and in the manner designated by the ~~office of community services~~ department and afford such reasonable proof as is required to establish its entitlement to funds.

* * *

§1414. Nonrefundable fee; assessment and disposition

* * *

B. The clerk of the 19th Judicial District Court, within thirty days of the close of each fiscal year, shall remit all costs collected pursuant to this Section to be deposited in the state treasurer's account for credit to a special statutorily dedicated fund account after meeting the requirements of Article VII, Section 9 of the Constitution of Louisiana. The monies in this account shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the account following

compliance with the requirement of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund. Disbursement of funds shall be made by ~~the office of children and family services in~~ the Department of Children and Family Services, or its successor, in accordance with Paragraph (E)(2) of this Section and only in amounts appropriated by the legislature. Monies deposited into this account shall be categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive budget, supporting documents, and general appropriations bills and shall be available for annual appropriations by the legislature.

* * *

E.(1) Within thirty days of the receipt of such funds, the ~~office of children and family services~~ Department of Children and Family Services shall distribute the funds among those qualifying organizations. A qualifying organization ~~must~~ shall be recognized as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code and be located within the parish of East Baton Rouge, and shall provide:

* * *

(3) Organizations seeking to be qualified shall apply on an annual basis to the ~~office of children and family services~~ Department of Children and Family Services within the time and in the manner designated by the ~~office of children and family services~~ Department of Children and Family Services and afford such reasonable proof as is required to establish its entitlement to funds.

* * *

§4291. Effect of child support payments; judicial mortgage and privilege; affidavit of support owed; prescription

* * *

B.(1) In all cases where the Department of Children and Family Services is enforcing child support services, a judgment created by operation of law pursuant to Subsection A of this Section shall be executory in all respects, without the necessity of a judicial proceeding to determine the amount actually owed. The director of the

office of child support, ~~child support enforcement section, office of children and family services,~~ Department of Children and Family Services, or his designee shall certify the actual amount in an affidavit entitled "Child Support Mortgage and Privilege by Affidavit of DCFS". Such affidavit shall have the effect of a judgment. Notwithstanding any other law to the contrary, prescription shall not begin to run against any such judgment until the child reaches the age of majority or the obligation to provide child support ceases.

* * *

§5108.2. Child protective services workers; legal defense

The Department of Justice shall provide any worker of the ~~child protection services division of the office of children and family services~~ office of child welfare, ~~of the~~ Department of Children and Family Services with a legal defense in any civil action arising from any activity within the course and scope of the worker's employment.

* * *

Section 7. R.S. 15:587(A)(2)(a) and (b), 587.1(I), and 587.5(A)(4) are hereby amended and reenacted to read as follows:

§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal Identification and Information

A.

* * *

(2)(a) The bureau, in accordance with its powers to regulate and to enforce provisions herein, may further restrict those agencies eligible to receive information. However, the bureau shall make available to the Department of Children and Family Services all criminal history record information as defined in R.S. 15:576 related to foster and adoptive parent applicants and adult members of foster and adoptive parent households; parents whose children have been removed from their custody; parents or caretakers involved in investigations of abuse or neglect; potential caretakers of a child who is either in the custody of the department, is the subject of an investigation of abuse or neglect, or is or has been receiving services through the

office of ~~children and family services~~ child welfare; potential employees of the department whose duties include the investigation of child abuse or neglect, the supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys; and individuals employed directly or indirectly by institutions or facilities providing, or with the potential of providing, daily care or supervision to any child or youth in the custody of or under the supervision of any Louisiana state government agency. For the purposes of this Section, the bureau shall employ such methods and procedures and shall observe such duty hours as to provide information upon request within forty-eight hours from its receipt.

(b) The bureau shall facilitate national criminal history record checks of prospective foster and adoptive parent applicants and adult members of foster and adoptive parent households; parents whose children have been removed from their custody; parents or caretakers involved in investigations of abuse or neglect; potential caretakers of a child who is either in the custody of the department, is the subject of an investigation of abuse or neglect, or is or has been receiving services through the office of ~~children and family services~~ child welfare; potential employees of the department whose duties include the investigation of child abuse or neglect, the supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys; and individuals employed directly or indirectly by institutions or facilities providing, or with the potential of providing, daily care or supervision to any child or youth in the custody of or under the supervision of any Louisiana state government agency by receiving and forwarding fingerprint cards to the Federal Bureau of Investigation. The Department of Children and Family Services is authorized to receive and screen the results of the state and national criminal history record checks in order to determine foster or adoptive parent applicants' eligibility for certification or recertification as a placement resource for children; to assist in the determination of the appropriateness of a parent or potential caregiver as a placement resource for a child; to assess the situation for safety issues and risks to the child and worker; to assess the qualifications of a potential department employee; and to assess the qualifications of individuals employed,

directly or indirectly, by institutions or facilities providing, or with the potential of providing, daily care or supervision to any child or youth in the custody of or under the supervision of any Louisiana state government agency. The department shall maintain the confidentiality of criminal history information received in accordance with applicable federal or state law.

* * *

§587.1. Provision of information to protect children

* * *

I. Notwithstanding any other provision of law to the contrary, the Department of Children and Family Services ~~Services, office of children and family services,~~ may utilize the National Crime Information Center to conduct background checks authorized in R.S. 15:587 when investigating or responding to reports of abuse or neglect as provided for in Section 151 of Public Law 109-248.

* * *

§587.5. Agencies with access to federal tax information; criminal history information

A. For purposes of this Section, "agency" means any agency that has an agreement with the Internal Revenue Service to access federal tax information or is authorized by law to audit the records of an agency that has access to federal tax information. "Agency" shall include all of the following:

* * *

(4) Department of Children and Family ~~Services, child support enforcement and family support~~ Services, office of child support.

* * *

Section 8. R.S. 17:192.1(A)(1)(a) and (3) are hereby amended and reenacted to read as follows:

§192.1. Meals; denial to students; procedures

A. If the governing authority of a public elementary school, for any reason, adopts a policy of denying a scheduled meal to a child who is an elementary school

student, it shall implement the following procedures to provide for safeguards to the child's health and the child's ability to learn:

(1) Prior to withholding a meal from the child, the school shall do each of the following:

(a) Provide actual notification to the child's parent or legal guardian as to the date and time after which meals may be denied, the reason for such denial, any action that may be taken by the parent or legal guardian to prevent further denial of meals, and the consequences of the failure to take appropriate actions to prevent such denial, including that the school governing authority shall contact the office of ~~children and family services~~ child welfare, ~~within the~~ Department of Children and Family Services upon the third instance of such denial during a single school year as provided in Paragraph (3) of this Subsection.

* * *

(3) Upon the third instance during a single school year of the same elementary school child being denied a meal during school hours, the school governing authority shall contact the office of ~~children and family services~~ child welfare, ~~within the~~ Department of Children and Family Services to report the failure of the parent or guardian to pay for meals which has resulted in repeated denials of meals during school hours.

Section 9. R.S. 23:1605(A)(4) is hereby amended and reenacted to read as follows:

§1605. Unemployment insurance integrity program

A. For the purposes of this Section, the following terms have the meanings ascribed to them:

* * *

(4) "New hire records" means the directory of newly hired and re-hired employees reported under state and federal law and managed by the ~~child support enforcement section, division of family support, office of children and family services,~~ office of child support, Department of Children and Family Services.

* * *

Section 10. R.S. 36:477(B)(1) is hereby amended and reenacted to read as follows:

§477. Office; purposes and functions

* * *

B.(1) The office of children and family services shall perform the services of the state relating to public assistance programs to provide aid to dependent children and to adults, who due to age, disability, or infirmity, are unable to adequately meet their basic needs. It shall also administer ~~the food stamp program or its successor,~~ child support programs, establishment of paternity programs, disaster relief grant programs for individuals and families, and such other programs as assigned by the secretary. ~~It shall also conduct disability and other client eligibility determinations, and may conduct medical assistance client eligibility determinations.~~ The office is authorized to enter into interagency agreements with other state agencies to conduct eligibility determinations. The office shall provide for the public child welfare functions of the state including but not limited to prevention services that promote, facilitate, and support activities to prevent child abuse and neglect; child protective services; voluntary family strengthening and support services; making permanent plans for foster children and meeting their daily maintenance needs of food, shelter, clothing, necessary physical medical services, school supplies, and incidental personal needs; and adoption placement services for foster children freed for adoption. It shall also perform the functions of the state relating to the licensing of facilities regulated under Chapter 14 of Title 46 of the Louisiana Revised Statutes of 1950. The office shall issue and monitor domestic violence services contracts.

* * *

Section 11. R.S. 36:3(7), 8(E)(2)(d), 9(C), 471(B) and (C)(1), 472(A), 475.1(B) and (C), 476, and 477 are hereby amended and reenacted to read as follows:

§3. Definitions

As used in this Title, the following terms have the following meanings unless the context clearly indicates otherwise:

* * *

(7) "Undersecretary" means the officer designated to direct and be responsible for the functions of the office of management and finance of certain departments. ~~For the Department of Children and Family Services, "undersecretary" means the officer designated to direct and be responsible for the functions of the division of management and finance within the office of children and family services.~~

* * *

§8. Fiscal oversight and program evaluation

* * *

E. As used in this Section, the following words shall have the following meanings unless the context clearly indicates otherwise:

* * *

(2) "Undersecretary" means the undersecretary of each department in the executive branch of state government, except "undersecretary" means the following in the case of the listed departments:

* * *

(d) For the Department of Children and Family Services, the secretary; however, for the purposes of Paragraph (A)(2) and Subsection D of this Section, "undersecretary" shall mean the undersecretary for the ~~division~~ office of management and finance for the department. In addition, for purposes of Paragraph (A)(5) of this Section, reports of problems related to budget, finances, or administration shall be the responsibility of the undersecretary as provided in Paragraph (A)(5) of this Section, and reports of problems related to programs and policy shall be the direct responsibility of the secretary. Any provision of this Section that requires the undersecretary to report to or inform the secretary shall not be applicable to the Department of Children and Family Services for any function or responsibility exercised by the secretary pursuant to this Subparagraph.

* * *

§9. Designation of certain organizational units; uniform terminology

* * *

C.~~(1)~~ Each organizational unit which reports to the secretary, which is not an agency and is not within an office, shall be in the executive office of the secretary and shall be designated as follows:

~~(a)~~ (1) A unit which reports directly to the secretary shall be designated as a bureau.

~~(b)~~ (2) A subunit of a bureau shall be designated as a section.

~~(c)~~ (3) A subunit of a section shall be designated as a unit.

~~(2) For the Department of Children and Family Services, each organizational unit which reports to the secretary, which is not an agency and is not within the division of management and finance, the division of child welfare, or the division of family support, shall be in the executive division, and shall be designated as follows:~~

~~(a) A unit which reports directly to the secretary shall be designated as a bureau.~~

~~(b) A subunit of a bureau shall be designated as a section.~~

~~(c) A subunit of a section shall be designated as a unit.~~

* * *

§471. Department of Children and Family Services; creation; domicile; composition; purpose and functions

B.(1) ~~The Department of Children and Family Services, through its office and officers, shall be responsible for the development and providing of social services and the improvement of social conditions for the citizens of Louisiana.~~ The department declares that every child deserves to be safe, stability is the foundation for success, and strong families create strong communities.

(2) It is the mission of the department to protect children, empower families, and strengthen communities so every child grows up safe, stable, and strong. The department envisions a future where every child thrives in a safe, stable, and loving environment, supported by empowered families and resilient communities.

(3) To accomplish the mission and vision set forth, the department declares the following:

(a) It will take accountability and be committed to transparency, action and results.

(b) It will prioritize connections to bridge gaps between services, agencies, and in communities to bring the right people together for real solutions.

(c) It will develop every employee by ensuring they have the tools and support required to reach their highest potential.

C.(1) The Department of Children and Family Services shall be composed of the executive office of ~~children and family services,~~ the secretary, office of management and finance, office of child welfare, office of child support, and such other offices as shall be created by law.

* * *

§472. Officers of the department; compensation for one office only

A. The officers of the department shall be the secretary, the deputy secretary, the undersecretary, ~~the assistant secretary of child welfare,~~ and the assistant ~~secretary of family support,~~ secretaries, each of whom shall be selected and shall perform functions as provided in this Title.

* * *

§475.1. Undersecretary; functions; ~~division~~ office of management and finance

* * *

B. The undersecretary shall direct and be responsible for the functions of the ~~division~~ office of management and ~~finance, within the office of children and family services~~ finance, ~~within the~~ Department of Children and Family Services. In such capacity, he shall be responsible for accounting and budget control, procurement and contract management, data processing, personnel management, grants management, and facility construction and consulting services for the department and all of its offices, including all agencies transferred to the Department of Children and Family Services, except as otherwise specifically provided in this Title. The undersecretary shall exercise all powers and authority granted to him in this Title subject to the overall direction and control of the secretary.

C. The duties and functions of the ~~division~~ office of management and finance ~~finance, within the office of children and family services~~ and of the undersecretary shall be as provided in this Section and these duties and functions shall not be subject to change by the secretary, except that the undersecretary shall perform such additional duties and functions as are assigned by the secretary.

* * *

§476. Assistant secretaries

A. ~~There shall be an assistant secretary of child welfare and an assistant secretary of family support, who shall be appointed by the governor with consent of the Senate and who shall serve at the pleasure of the governor at a salary fixed by the governor, which salary shall not exceed the amount approved for such position by the legislature while in session.~~ Each office within the Department of Children and Family Services, except the executive office of the secretary and the office of management and finance, shall be under the immediate supervision and direction of an assistant secretary who shall be appointed by the governor with the consent of the Senate. Each shall serve at the pleasure of the governor and shall be paid a salary which shall be fixed by the governor, which salary shall not exceed the amount approved for such a position by the legislature while in session.

B. ~~The assistant secretary of child welfare shall manage the division of child welfare and perform the duties and functions of the division related to program development and administration, program service delivery, and development of rules and policy to govern the various programs of the division.~~ Except as otherwise expressly provided in this Title, the duties and functions of each office and its assistant secretary shall be determined by the secretary, and all such duties and functions shall be exercised under the direct supervision and control of the secretary.

C. ~~The assistant secretary of family support shall manage the division of family support and perform the duties and functions of the division related to program development and administration, program service delivery, and development of rules and policy to govern the various programs of the division.~~ Except as otherwise provided in R.S. 36:801, each assistant secretary shall employ,

appoint, remove, assign, and promote such personnel as is necessary for the efficient administration of his office and its programs and the performance of its powers, duties, functions, and responsibilities in accordance with applicable civil service laws, rules, and regulations and with regard to policies and rules of the department, all subject to budgetary control and applicable laws.

§477. ~~Office~~ Offices; purposes and functions

A. The purposes for which the ~~office of children and family services~~ offices of the Department of Children and Family Services is created shall be set forth in this Section.

B.~~(1) The office of children and family services shall perform the services of the state relating to public assistance programs to provide aid to dependent children and to adults, who due to age, disability, or infirmity, are unable to adequately meet their basic needs. It shall also administer the food stamp program or its successor, child support programs, establishment of paternity programs, disaster relief grant programs for individuals and families, and such other programs as assigned by the secretary. It shall also conduct disability and other client eligibility determinations, and may conduct medical assistance client eligibility determinations. The office is authorized to enter into interagency agreements with other state agencies to conduct eligibility determinations. The office shall provide for the public child welfare functions of the state including but not limited to prevention services that promote, facilitate, and support activities to prevent child abuse and neglect; child protective services; voluntary family strengthening and support services; making permanent plans for foster children and meeting their daily maintenance needs of food, shelter, clothing, necessary physical medical services, school supplies, and incidental personal needs; and adoption placement services for foster children freed for adoption. It shall also perform the functions of the state relating to the licensing of facilities regulated under Chapter 14 of Title 46 of the Louisiana Revised Statutes of 1950. The office shall issue and monitor domestic violence services contracts.~~ The executive office of the secretary shall provide for the general oversight and supervision of the department. The executive office of the

secretary includes a bureau of audit, bureau of general counsel, and a bureau of communications and governmental affairs.

C. The office of child welfare shall provide for the public child welfare functions of the state including but not limited to centralized intake; child protective services; human trafficking programs; making permanent plans for foster children and meeting their daily maintenance needs for food, shelter, clothing, necessary physical medical services, school supplies, and incidental personal needs; adoption placement services for foster children freed for adoption; prevention services that promote, facilitate, and support activities to prevent child abuse and neglect, including but not limited to voluntary family strengthening and support services; and such other programs as assigned by the secretary. The office shall also issue and monitor domestic violence services contracts.

D. The office of child support shall provide for the administration of child support programs pursuant to Title IV-D of the Social Security Act, including but not limited to enforcing, collecting, and distributing support obligations; establishing paternity; obtaining and modifying child and medical support orders; and such other programs as assigned by the secretary.

Section 12. R.S. 40:34.5(E), 46.12(D) and (F), and 1061.14(B)(3)(b)(i) are hereby amended and reenacted to read as follows:

§34.5. Original birth certificate; required contents; name of father

* * *

E. Nothing in this Section shall preclude the Department of Children and Family Services, office of ~~children and family services,~~ child support ~~enforcement section~~ from obtaining an admission of paternity from the biological father for submission in a judicial proceeding, or prohibit the issuance of an order in a judicial proceeding which bases a legal finding of paternity on an admission of paternity by the biological father and on any other additional showing required by state law.

* * *

§46.12. Hospital-based paternity program

* * *

D. Hospital personnel shall forward an acknowledgment of paternity to the state registrar who shall forward copies of same to the Department of Children and Family Services, office of ~~children and family services,~~ child support ~~enforcement section~~. A statewide database shall be maintained by the Department of Children and Family Services in accordance with federal regulations.

* * *

F. The Department of Children and Family Services, office of ~~children and family services,~~ child support ~~enforcement section~~ shall provide to all birthing hospitals in the state:

* * *

§1061.14. Minors

* * *

B. The following provisions shall apply to all applications for court orders by minors seeking abortions and appeals from denials of applications:

* * *

(3)

* * *

(b)(i) Prior to such ex parte hearing, the court may require the minor to participate in an evaluation and counseling session with a mental health professional from the Louisiana Department of Health, office of behavioral health, or a staff member from the Department of Children and Family Services, office of ~~children and family services,~~ <u>child welfare,</u> or both. The court may refer the petitioner, if necessary, to the appropriate Louisiana Department of Health, office of behavioral health regional office to arrange the evaluation and counseling session within the four-day period prior to the ex parte hearing, as provided in this Paragraph. This referral may be made by the clerk upon the minor's filing the application when the

court has issued a standing order authorizing same and the circumstances fit the criteria of the standing order therefor.

* * *

Section 13. R.S. 43:111(A)(8) is hereby amended and reenacted to read as follows:

§111. Advertising; when prohibited and when authorized

A. The state, or any department, officer, board, or commission shall not expend any public funds for advertising in any newspaper, book, pamphlet, periodical, or radio and television stations except as follows:

* * *

(8) Advertising by the ~~office of children and family services in the~~ Department of Children and Family Services for the recruitment of foster or adoptive parents.

* * *

Section 14. R.S. 44:38 is hereby amended and reenacted to read as follows:

§38. Access to records involved in legislative studies

Notwithstanding any other law to the contrary, the custodian of records of the Department of Children and Family Services ~~Services, office of children and family services,~~ and the custodian of records of each juvenile court or any court which hears and decides juvenile matters shall grant access to a percentage, as specified by the legislative committee, of the total records of defined classes of children in state custody or in foster care to any committee of the legislature acting pursuant to an appropriate legislative instrument directing the committee to study procedures or outcomes of cases involving children in state custody or in foster care. The size of the specific group to be studied shall be large enough to preserve the anonymity of individual children. Such access shall be limited to that purpose, and all information regarding names or other identifiers shall be removed. Information pertaining to children who have been adopted shall be strictly confidential and shall be released only in accordance with existing laws.

Section 15. R.S. 46:51(introductory paragraph), 51.3, 236.1.1(3), 233.1(C)(introductory paragraph) and (D)(introductory paragraph), 236.1.4(E), 236.1.8(D),

236.3(A)(2), 236.10(A), 236.11(C), 236.12(B)(1), 236.14(D)(1)(introductory paragraph), 236.15(A)(1), 236.16, 238(B), (C), (D), (E)(introductory paragraph) and (7), and (F), 281, 1002(A), (B)(introductory paragraph), and (C), and 2136.2(F) are hereby amended and reenacted to read as follows:

§51. Duties of the department

The Department of Children and Family Services, through its secretary, shall administer ~~the public assistance and~~ welfare laws of the state as follows:

* * *

§51.3. Criminal history information; access to federal tax information

The Department of Children and Family Services ~~Services, office of child support enforcement and family support,~~ is authorized to perform criminal history records checks of current and prospective employees, contractors, and subcontractors in accordance with the procedures provided in R.S. 15:587.5. Pursuant to this authorization and to implement the requirements of R.S. 15:587.5, the secretary shall promulgate rules and regulations with regard to this matter.

* * *

§233.1. Recovery of overpayments

* * *

C. The ~~department~~ Department of Children and Family Services shall promptly take all necessary steps to correct any overpayment, including collection, or underpayment of child support to individuals to whom the department is providing services pursuant to R.S. 46:236.1.1 et seq., and, in the case of:

* * *

D. The ~~department~~ Department of Education will promptly take all necessary steps to correct any overpayment, including collection, or underpayment of child care assistance provided under the Child Care and Development Block Grant and in the case of:

* * *

§236.1.1. Family and child support programs; definitions

For the purposes of this Subpart, the following items shall mean:

* * *

(3) "CSE administrator" means the ~~program executive director~~ assistant secretary of the office of child support, ~~support enforcement section, division of family support, office of children and family services,~~ Department of Children and Family Services.

* * *

§236.1.4. Family and child support programs; financial institution duties; responsibilities

* * *

E. The office of ~~children and family services,~~ child support ~~enforcement section,~~ which obtains data match information on an individual from a financial institution pursuant to this Subpart may disclose such data match information only for the purpose of, and to the extent necessary in, establishing, modifying, or enforcing a child support obligation of such individual.

* * *

§236.1.8. Family and child support programs; additional authorized employee actions

* * *

D. The support services authorized by this Subpart shall be provided by the office of ~~children and family services, child support enforcement section.~~ child support. Field officers responsible for supplying these services shall be designated by the secretary. Such officers shall have the power and authority to make arrests, supervise the probation of offenders, serve notices, orders, subpoenas, summonses, citations, motions, and writs, and to execute all warrants and orders and to perform any other duties incident to their office. All such officers are hereby authorized to carry weapons and arms, concealed or openly, while in the actual performance of any duty or while under assignment to any duty, but under no circumstances shall

officers be authorized to carry weapons unless they have been trained in the proper carrying and use of firearms by a recognized firearm training program.

* * *

§236.3. Enforcement of support by income assignment

A. For purposes of this Section, the following words have the meaning ascribed to them by this Section unless the context clearly indicates a different meaning:

* * *

(2) "Department" means the Department of Children and Family Services, office of ~~children and family services, child support enforcement section.~~ child support.

* * *

§236.10. State case registry of child support orders

A. The secretary of the Department of Children and Family Services shall create an automated state case registry of child support orders within the office of ~~children and family services, child support enforcement section.~~ child support.

* * *

§236.11. Louisiana disbursement unit for child support payments

* * *

C. The Department of Children and Family ~~Services support enforcement program,~~ Services, office of ~~children and family services,~~ child support shall administer the state disbursement unit. The support enforcement program may contract for the provision of these services in accordance with the applicable provisions of Chapter 17 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950 and the Louisiana Procurement Code.

* * *

§236.12. Plan for parental participation of support; required work activities

* * *

B. For purposes of this Section:

(1) "Department" means the office of child support, ~~child support enforcement section, office of children and family services,~~ Department of Children and Family Services.

* * *

§236.14. Employer reporting program

* * *

D.(1) An employer shall report to the Department of Children and Family Services, office of ~~children and family services,~~ child support ~~enforcement section~~ any of the following:

* * *

§236.15. Limited administrative authority for certain paternity and child support actions

A.

* * *

(1) In cases in which the Department of Children and Family Services, office of ~~children and family services, child support enforcement section,~~ child support, referred to in this Section as "agency", is providing services, the agency may, in cases in which paternity is at issue, order all parties to submit to genetic testing.

* * *

§236.16. Child support mortgage and privilege by affidavit; effect of filing

A. The program executive director of the office of child support, ~~child support enforcement section, office of children and family services,~~ Department of Children and Family Services may cause a "Child Support Mortgage and Privilege by Affidavit of DCFS", as provided in R.S. 13:4291(B), to be recorded in the mortgage records of any parish in which the support obligor owns movable or immovable property, and with the office of the secretary of state for inclusion in the master index authorized under R.S. 10:9-519. Such affidavit when filed shall operate as a first lien, privilege, and legal mortgage on all of the movable and immovable property of the support obligor only from the date of such filing, and shall not affect

liens, privileges, chattel mortgages, or security interests as provided in R.S. 10:9-101 et seq. or mortgages already affecting or burdening such property at the date of such filing. Such filing shall apply to all unpaid support obligations that may accrue after such filing, and the property of the support obligor shall be subject to seizure and sale for the payment of such support obligation and arrearages according to the preference and rank of the lien, privilege, security interest, and mortgage securing their payment. Notwithstanding any provision of this Subsection, such affidavit shall not operate as a lien, privilege, or legal mortgage on any licensed or titled motor vehicle.

B. The ~~director~~ assistant secretary of the office of child support ~~child support enforcement section, office of children and family services,~~ Department of Children and Family Services, or his designee, may release all or any portion of the property subject to any lien or judgment obtained pursuant to this Section from such lien or judgment, or may subordinate such lien or judgment to other liens and encumbrances if he determines that the support obligation and arrearages are sufficiently secured by a lien or judgment on other property or through other security, or that the release, partial release, or subordination of such lien or judgment will not endanger or jeopardize the collection of support obligations or arrearages.

* * *

§238. Unpaid child support, release of information

* * *

B. The Department of Children and Family Services, office of ~~children and family services,~~ child support, may participate in cooperative endeavors with private attorneys to release information authorized by this Section for the purpose of collecting unpaid child support in accordance with the provisions of this Section.

C. When a private attorney retained by the obligee receives a certification from the office of ~~children and family services~~ child support that an obligor is in arrears in the payment of child support for more than six months or whose whereabouts have been unknown for more than six months, the private attorney retained by the obligee may apply to the district court for the parish where the order

is being enforced for an ex parte order on a motion to determine that the obligor is in arrears or is an absentee.

D. If the court finds that the obligor is in arrears for more than six months or whose whereabouts have been unknown for more than six months, the court may authorize the office of ~~children and family services~~ child support to enter into cooperative endeavors with a private attorney who has been retained by the obligee for the purpose of collecting the unpaid child support in the obligee's case.

E. Pursuant to a cooperative endeavor authorized by the provisions of this Section and to the extent allowed by state and federal laws and regulations, the office of ~~children and family services~~ child support shall provide to a private attorney who has been retained by the obligee for the purpose of collecting unpaid child support all of the following information that it may have regarding the obligor:

* * *

(7) Any other information which the office of ~~children and family services~~ child support reasonably believes will assist in the collection of child support.

* * *

F. Nothing in this Section shall authorize the Department of Children and Family Services or the office of child support ~~enforcement section~~ to contract for hire with any private attorney or entity for the collection of child support or the provision of IV-D services.

* * *

§281. Applicability

The provisions of this Subpart shall apply to persons who contract with ~~the office of children and family services of~~ the Department of Children and Family Services to provide temporary or long-term foster care for not more than six children.

* * *

§1002. Vocational testing and counseling; purpose; duties of ~~the office of children~~ Louisiana Works ~~and family services~~

A. ~~The Department of Children and Family Services, office of children and family services,~~ Louisiana Works, shall provide, in each of its regional offices, vocational testing and counseling on the subjects of higher education and employment for those individuals in long-term foster care at the youngest age deemed appropriate to process the information.

B. Through vocational testing, ~~the office of children and family services~~ Louisiana Works shall seek to identify areas of potential interest and potential employment that are specific to an individual in foster care and, to this end, the office shall:

* * *

C. ~~The office of children and family services~~ Louisiana Works shall adopt all necessary rules and regulations to carry out the provisions of this Chapter.

* * *

§2136.2. Louisiana Protective Order Registry

* * *

F. The judicial administrator's office shall make the Louisiana Protective Order Registry available to state and local law enforcement agencies~~,~~; district attorney offices~~,~~; the Department of Children and Family Services, office of ~~children and family services, child support enforcement section,~~ child support; the Louisiana Department of Health~~,~~; bureau of protective services~~,~~; the office of elderly affairs~~,~~; elderly protective services~~,~~; the office of the attorney general~~,~~; and the courts.

* * *

Section 16. R.S. 47:299.11(1), 299.41(B), 463.112(C), and 9027(C)(10)(introductory paragraph) and (c) are hereby amended and reenacted to read as follows:

§299.11. Ranking and priority of claims

If two or more agencies file offset claims with the secretary against an individual's refund, the secretary shall remit the refund to the claimants if sufficient

funds exist in the following order with the first offset claim to be paid being completely satisfied before a second or subsequent offset claim is paid:

(1) Claims of ~~the division of support enforcement of~~ the office of ~~children and family services~~ child support, ~~of the~~ Department of Children and Family Services.

* * *

§299.41. Ranking and priority of claims

* * *

B. If additional offset claims are filed with the secretary against an individual's refund, the secretary shall rank the claims for child support in the same priority as claims filed by the ~~division of support enforcement of the office of children and family services~~ office of child support, ~~of the~~ Department of Children and Family Services pursuant to R.S. 47:299.11(1).

* * *

§463.112. Special prestige license plates; foster and adoptive parenting

* * *

C. The department shall collect an annual fee of twenty-five dollars for this special prestige license plate, which shall be dedicated to the Department of Children and Family Services ~~Services, office of children and family services,~~ to be used solely for foster and adoptive parent recruitment activities. This fee shall be in addition to the regular motor vehicle license fee provided in R.S. 47:463, and a handling fee of three dollars and fifty cents to be retained by the department to offset a portion of administrative costs.

* * *

§9027. Assignment of deferred lottery annuity prizes

* * *

C. On the filing by the assignor or the assignee in the Nineteenth Judicial District Court of East Baton Rouge Parish of a petition seeking approval of a voluntary assignment, the court shall issue an order approving a voluntary

assignment and directing the corporation to make prize payments as a whole or in part to the assignee if the court finds all of the following:

* * *

(10) The petition required by this Subsection, shall be accompanied by a certification from a representative of the Department of Children and Family Services, office of ~~children and family services,~~ child support, stating any of the following:

* * *

(c) That the assignor or assignee does currently have a child support arrearage, or the assignor or assignee does owe an obligation to repay any public assistance benefits or an overpayment of child support benefits to the Department of Children and Family Services. The certification from the Department of Children and Family Services, office of children and family services, shall be provided to the assignor and the assignee promptly upon the request of the assignor or the assignee, and in no event more than ten business days after said request is received by the Department of Children and Family Services, office of ~~children and family services.~~ child support.

* * *

Section 17. R.S. 51:1442(4) is hereby amended and reenacted to read as follows:

§1442. Definitions

As used in this Chapter, the following words and phrases shall have the following meanings:

* * *

(4) "Department" means the Department of Children and Family Services, office of ~~children and family services, child support enforcement section.~~ child support.

* * *

Section 18. R.S. 36:474(A)(11) and (G) and 477(B)(2) and R.S. 46:51(2) and (14) and 233.1(A) and (B) are hereby repealed in their entirety.

Section 19. This Act shall become effective only if the Act which originated as House Bill No. 624 of this 2025 Regular Session of the Legislature is enacted. If House Bill No. 624 is enacted then:

(A) Sections 1 through 9 and 11 through 18 of this Act shall become effective on October 1, 2027.

(B) Section 10 of this Act shall become effective on October 1, 2025.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____