
The original instrument was prepared by Cheryl Horne. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

DIGEST

Morrish (SB 109)

Present law in Children's Code provides that upon receiving a report of abuse or neglect of a child who is not in the custody of the state, the Department of Children and Family Services shall assign a level of risk to the child based on information provided by the reporter. Provides for investigatory procedures for reports of high, intermediate and low levels of risk.

Proposed law retains present law and adds that when the department receives a mandatory report from a health care practitioner of abuse or neglect of a child who is not in the custody of the state, upon request of the child's parent or caretaker, the department shall schedule at its cost an additional and independent medical examination of the child to be conducted promptly by a health care practitioner selected by the child's parent or caretaker. The reports of both examinations shall be made available to the department and to the child's parent or caretaker, and shall be considered by the department in assigning a level of risk to the child and any appropriate action concerning the child. This shall not preclude the obtaining pursuant to present law of any further examination or evaluation of the child.

Present law provides that if necessary, the investigator may apply to the court for certain medical examinations and evaluations of the child or other children in the household. Provides that upon a showing of good cause in an affidavit executed by the applicant, the court may order a physical examination and evaluation of the child or other children in the household by any physician. Such an order may be granted ex parte. Also provides that upon a showing of good cause in an affidavit executed by the applicant and after a contradictory hearing, the court may order a psychological or psychiatric examination and evaluation of the child or other children in the household by a psychologist or psychiatrist. Further provides that upon a showing of good cause in an affidavit executed by the applicant and after a contradictory hearing, the court may order a physical, psychological, or psychiatric examination of the parent or caretaker.

Proposed law retains present law and adds that when a medical examination of the child has been conducted in accordance with the proposed law, upon a showing of good cause in an affidavit executed by the applicant and after a court hearing, the court may order an additional physical examination of the child or other children in the household by any physician. For the purposes of the proposed law, an applicant to the court may be the investigator or the child's parent or caretaker.

Effective August 1, 2013.

(Adds CHC Arts. 612(A)(4) and 614(E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Adds language providing for additional medical examination of child upon request of the child's parent or caretaker.
2. Revises language relative to obtaining court-ordered additional examinations of the child or other children in the household by either the investigator or child's parent or caretaker as applicant to the court.