

Regular Session, 2010

# ACT No. 462

HOUSE BILL NO. 215

BY REPRESENTATIVE GREENE

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AN ACT

To amend and reenact Children's Code Articles 631(A) and 652(C), (D), and (E) and to enact Children's Code Article 652(F) and (G), relative to child in need of care proceedings; to provide relative to filing petitions; to provide relative to discovery; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 631(A) and 652(C), (D), and (E) are hereby amended and reenacted and Children's Code Article 652(F) and (G) are hereby enacted to read as follows:

Art. 631. Authority to file petition; custody

A. A child in need of care proceeding shall be commenced by petition filed by the district attorney. ~~Any other person~~ The Department of Social Services, when authorized by the court, may file a petition if there are reasonable grounds to believe that the child is a child in need of care.

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Art. 652. Discovery

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C. At any stage of the proceeding, upon written motion of counsel for the child or his parent, the district attorney, or the department, and after a contradictory hearing and a showing of good cause, unless all parties agree, the court shall order the other party to permit counsel to obtain discovery not provided for in Paragraphs A and B of this Article regarding any matter, not privileged, including but not limited to attorney-client privilege or information not otherwise protected under R.S. 46:56 and 2124.1 or by restrictive order pursuant to Article 653, which is relevant to the

1 subject matter involved in the adjudication hearing including the existence,  
 2 description, nature, custody, condition, and location of any books, documents, or  
 3 other tangible things, and the identity and location of a person having knowledge of  
 4 any discoverable matter. It is not grounds for objection that the information sought  
 5 will be inadmissible at the trial if the information sought appears reasonably  
 6 calculated to lead to the discovery of admissible evidence.

7 €: D. If counsel for the child or the parent is provided discovery, the court  
 8 may condition that order upon reciprocal discovery by the state.

9 Ð: E.(1) The court shall not order the production or inspection of any part  
 10 of a writing that reflects the mental impressions, conclusions, or theories of an  
 11 attorney, nor any other type of discovery except that expressly authorized by this  
 12 Article.

13 (2) The court shall not order the production or inspection of any document  
 14 or information which contains identifying information regarding a victim of  
 15 domestic abuse or victim of dating violence as defined in R.S. 46:2132 or 2151,  
 16 including physical or e-mail address, place of employment, telephone number, safety  
 17 plan, or other protective measure or resource considered, implemented, planned, or  
 18 accessed by the victim. The court shall not order the production or inspection of any  
 19 document or information which discloses the location of a shelter or other facility  
 20 which provides services to victims of domestic abuse or dating violence.

21 E: F. The duties imposed by a discovery order are continuing in nature as  
 22 long as the child is subject to the jurisdiction of the court, unless the order provides  
 23 to the contrary.

24 G. The party requesting discovery shall be responsible for reasonable copy  
 25 costs associated with such discovery. Fees for copying shall be charged according  
 26 to the uniform fee schedule adopted by the division of administration, as provided  
 27 by R.S. 39:241, unless the child or parent is indigent, in which case no charge shall  
 28 be made for such copies.

29 Section 2. This Act shall become effective upon signature by the governor or, if not  
 30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
3 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_