### Regular Session, 2011

# ACT NO. 189

HOUSE BILL NO. 465

## BY REPRESENTATIVES NORTON, ARMES, AUSTIN BADON, BOBBY BADON, BALDONE, BARROW, BISHOP, HENRY BURNS, BURRELL, CARMODY, DIXON, GISCLAIR, HONORE, MORENO, RICHARD, GARY SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, AND THIERRY

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

1	AN ACT
2	To amend and reenact Children's Code Article 612(A)(2), relative to child abuse; to provide
3	that a preliminary investigation shall include an immediate assessment of certain
4	visitation or custody orders; to require the Department of Children and Family
5	Services to request a temporary restraining order if it determines that any previous
6	ordered visitation or custody would put the child's health and safety at risk; and to
7	provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. Children's Code Article 612(A)(2) is hereby amended and reenacted to
10	read as follows:
11	Art. 612. Assignment of reports for investigation and assessment
12	А.
13	* * *
14	(2) Reports of high and intermediate levels of risk shall be investigated
15	promptly. This investigation shall include a preliminary investigation as to the
16	nature, extent, and cause of the abuse or neglect and the identity of the person
17	actually responsible for the child's condition. This preliminary investigation shall
18	include an interview with the child and his parent or parents or other caretaker. Such
19	preliminary investigation shall also include an immediate assessment of any existing
20	visitation or custody order or agreement involving the alleged perpetrator and the
21	child. The department shall request a temporary restraining order pursuant to Article

## Page 1 of 2

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

#### 1 617 or a protective order pursuant to Article 618 if the department determines that 2 any such previously ordered visitation or custody would put the child's health and 3 safety at risk. Admission of the investigator on school premises or access to the 4 child in school shall not be denied by school personnel. However, the request for a 5 temporary restraining order or a protective order in accordance with this Article shall not independently confer exclusive jurisdiction on the juvenile court in accordance 6 7 with Article 303. 8 \*

# SPEAKER OF THE HOUSE OF REPRESENTATIVES

# PRESIDENT OF THE SENATE

# GOVERNOR OF THE STATE OF LOUISIANA

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