

SENATE BILL NO. 109

BY SENATOR MORRISH

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

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AN ACT

To amend and reenact Children's Code Article 612(A)(2) and to enact Children's Code Articles 612(A)(4) and 614(E), relative to evaluation and examination orders for children; to provide relative to certain medical and other examinations and evaluations; to provide for independent review of medical information; to provide for certain evaluation orders; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 612(A)(2) is hereby amended and reenacted and Children's Code Articles 612(A)(4) and 614(E) are hereby enacted to read as follows:

Article 612. Assignment of reports for investigation and assessment

A.

\* \* \*

(2) Reports of high and intermediate levels of risk shall be investigated promptly. This investigation shall include a preliminary investigation as to the nature, extent, and cause of the abuse or neglect and the identity of the person actually responsible for the child's condition. This preliminary investigation shall include an interview with the child and his parent or parents or other caretaker **and shall include consideration of all available medical information provided to the department pertaining to the child's condition.** Such preliminary investigation shall also include an immediate assessment of any existing visitation or custody

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

10 \* \* \*

11 **(4) During the investigation of a report from a treating health care**  
 12 **practitioner of physical abuse of a child who is not in custody of the state, at the**  
 13 **request and expense of the child's parent or caregiver the department shall**  
 14 **provide copies of all medical information pertaining to the child's condition or**  
 15 **treatment obtained during the investigation to a board certified child abuse**  
 16 **pediatrician for purposes of conducting an independent review of the**  
 17 **information. Any resulting report shall be provided to the department and to**  
 18 **the child's parent or caretaker and shall be utilized in the department's on-**  
 19 **going assessment of risk and to determine what action may be necessary to**  
 20 **protect the health and safety of the child. Nothing in this Subparagraph shall**  
 21 **be construed to prohibit granting an instanter removal order pursuant to**  
 22 **Children's Code Article 615(B).**

23 \* \* \*

24 Art. 614. Evaluation orders

25 \* \* \*

26 **E. When a medical examination of a child has been conducted pursuant**  
 27 **to Article 612(A)(4), upon a showing of good cause in an affidavit executed by**  
 28 **the applicant and after a contradictory hearing, the court may order an**  
 29 **additional physical examination of the child or other children in the household**  
 30 **by any physician. For the purposes of this Paragraph, an applicant may be the**

1 investigator or the child's parent or caretaker.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

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