 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	4 – Child Protective Services
	Part No./Name	1 – Introduction
	Section No./Name	Introduction
	Document No./Name	4-105 Legal Basis for Report and Investigation or Assessment
	Effective Date	December 15, 2022

I. STATEMENT OF POLICY

The Department of Children and Family Services (DCFS) in compliance with The LA Children's Code, Title 6, [Article 612](#), has been mandated to investigate reports of child abuse and/or neglect.

The purpose of the investigation is to determine whether abuse or neglect has occurred. [Article 601](#) also authorizes protective and preventive intervention needed for the health, safety and well being of children.

II. PROCEDURES

A. RESPONSIBILITY FOR REPORTING AND IMMUNITY


The LA Children's Code provides for the reporting of child abuse and neglect by mandated and permitted reporters. [Article 609 A.](#) states, "any mandatory reporter who has cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect or that abuse or neglect was a contributing factor in a child's death shall report." [Article 609 B.](#) states, "any other person having cause to believe that a child's physical or mental health or welfare is endangered by abuse or neglect, including a judge of any court of this state, may report."

[Article 611](#), states that any person who in good faith makes a report, cooperates in an investigation, or participates in judicial proceedings authorized by the Code, or any caseworker who in good faith conducts an investigation, makes an investigative judgment or disposition, or releases or uses information contained in the central registry for the purpose of protecting a child, shall have immunity from civil or criminal liability. This immunity does not extend to any alleged principal, conspirator, or accessory to an offense involving the abuse or neglect of the child. It also does not extend to any person who makes a report known to be false or with reckless disregard for the truth of the report.

B. MANDATED REPORTERS OF CHILD ABUSE/NEGLECT AND INTERNAL REPORTING

1. Mandated Reporters of Child Abuse/Neglect

[Article 603 \(15\)](#) defines mandated reporters. They are any of the following individuals: health practitioners, mental health/social service practitioners, an outpatient abortion facility staff member, member of the clergy, teaching or child care providers, school coaches including but not limited to public, technical or vocational school, community college, college, or university coaches and coaches of intramural or interscholastic athletics, police officers or law enforcement officials, commercial film and photographic print processors, mediators appointed pursuant to Chapter 6 of Title IV, parenting coordinators and Court Appointed Special Advocates (CASA) volunteers, individuals

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with knowledge of the commission of any homicide, rape, or sexual abuse of a child to report to law enforcement or district attorney. Any person who is eighteen years of age or older who witnesses the sexual abuse of a child, pursuant to [R.S. 14:403](#).


A health practitioner is any individual who provides health care services including a physician, surgeon, physical therapist, dentist, resident, intern, hospital staff member, podiatrist, chiropractor, licensed nurse, nursing aide, dental hygienist, any emergency medical technician, a paramedic, optometrist, medical examiner, or coroner, who diagnoses, examines, or treats a child or his family.

A mental health/social service practitioner is any individual who provides mental health care or social service diagnosis, assessment, counseling, or treatment, including a psychiatrist, psychologist, marriage or family counselor, social worker, member of the clergy, aide, or other individual who provides counseling services to a child or his family.

An outpatient abortion facility staff member is an individual who is not an abortion facility professional but who is employed by or contracts with an outpatient abortion facility to provide services and who has any contact with patients at the facility, pursuant to [R.S. 40:2175.3](#).

A member of the clergy is any priest, rabbi, duly ordained clerical deacon or minister, Christian Science practitioner, or other similarly situated functionary of a religious organization. "A member of the clergy is not required to report a confidential communication, as defined in Code of Evidence Article 511(A)(2), from a person to a member of the clergy who in the course of the discipline or practice of that church, denomination, or organization is authorized and accustomed to hearing confidential communication and, under the discipline or tenets of that church, denomination, or organization, has a duty to keep such communication confidential. In that instance, the member of the clergy shall encourage that person to report the allegations to the department." Therefore, a member of the clergy is a mandated reporter of child abuse/neglect unless they learn of the abuse/neglect during a privileged communication.

A 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, bus driver, coach, professor, technical or vocational school instructor, 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 such services to a child in a voluntary or professional capacity.

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Organizational or youth activity provider is any person who provides organized activities for children, including administrators, employees, or volunteers of any day camp, summer camp, youth center, or youth recreation programs or any other organization that provides organized activities for children.

A commercial film and photographic print processor is any person who develops exposed photographic film into negative, slides, or print, or who makes prints from negatives or slides for compensation.

A parenting coordinator is one appointed in a child custody case pursuant to [R.S. 9:358.1](#).

A CASA volunteer is a court appointed special advocate (CASA) volunteer under the supervision of a CASA program appointed pursuant to The Louisiana Children's Code, Title IV, Article 424.

2. Written Report of Suspected Child Abuse/Neglect

[Article 610](#) specifies that the reporter shall report immediately upon learning of the abuse and/or neglect. A mandated reporter is required to follow-up an oral report with a written report within five days. It is sent to DCFS or the local law enforcement agency. DCFS provides the [CPI-2](#), Reporting Concerns for Child Victims, to assist reporters with their written report. It is available on the internet at www.dcfs.la.gov/.


3. Reporting to Law Enforcement or District Attorney

In accordance with R.S. 14:131.1, *** any person **** with knowledge of the commission of any homicide, rape, or sexual abuse of a child are required to report to law enforcement or district attorney.

4. Internal Reporting of Child Abuse/Neglect by DCFS Staff

All DCFS staff are mandated reporters. They shall immediately report to the DCFS Centralized Intake Child Abuse Reporting Hotline any suspected child abuse/neglect of which they become aware, whether working for the department or while off duty. Refer to DSS Policy Manual, part 5, Legal, Section 6-04, Reporting Suspected Abuse, neglect or Exploitation of Children.

Whenever child abuse/neglect is observed or suspected within their assigned job responsibilities, it shall be immediately reported to the Centralized Intake Child Abuse Reporting Hotline. The worker shall not screen the information prior to making the report nor conduct a preliminary investigation unless assigned to do so as a result of the intake process.

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The reporting worker shall document the report information in any case record within his own caseload when the alleged victim is in his caseload. The specifics of what he witnessed or learned from the client or the outside party about the alleged abuse/neglect is documented. The worker shall advise his supervisor of the report.

5. Mandated Reporting by DCFS and Law Enforcement

[Article 610.E](#) requires local and state law enforcement agencies to refer all reports received by them to DCFS. The department is mandated to report cases of abuse and neglect not involving a parent or caretaker and cases of child death that 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.

C. MANANDATED REPORTERS OF ANIMAL ABUSE/NEGLECT

The LA Criminal Code in [R.S. 14:403.6](#) mandates that any employee of government who in their professional capacity investigates child abuse/neglect who becomes aware of abuse or neglect of an animal, report the incident to either the local law enforcement agency or animal welfare authority.

Therefore, staff shall report reported/suspected animal abuse/neglect in accordance with local working agreements or procedures. In the absence of an agreement, the report shall be made to the local animal welfare agency. When information about animal abuse/neglect is included in a child abuse/neglect report, refer to the notification procedure in [4-420](#), Intake Actions and Notifications.

III. FORMS AND INSTRUCTIONS

[CPI-2](#) Reporting Concerns for Child Victims

IV. REFERENCES

The Louisiana Children's Code Title VI, Articles 424, 601, 603 (15), 609 A&B, 610, 610E, 611 and 612

Revised Statutes 9:358.1

Revised Statutes 14:403.6

Revised Statutes 14:403

Revised Statutes 14:131.1

Revised Statutes 40:2175.3

DCFS Policy Manual, Part 6, Legal, Section 6-04, Reporting Suspected Abuse, Neglect or Exploitation of Children

Code of Evidence Articles 511 (A) (2)