

WHAT IS ABUSE AND NEGLECT?

The Louisiana Children's Code provides the following definitions of abuse and neglect by a parent or caretaker:

"Abuse" means any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

- The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.
- The exploitation or overwork of a child by a parent or any other person, including but not limited to commercial sexual exploitation of the child.
- The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent, caretaker, or any other person of the child's involvement in any of the following:
 - Any sexual act with any other person.
 - Pornographic displays.
 - Any sexual activity constituting a crime under the laws of this state.
 - A coerced abortion conducted upon a child.
 - Female genital mutilation as defined by R.S. 14:43.4.

"Neglect" means the refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired. Neglect includes prenatal neglect. Consistent with Article 606(B), the inability of a parent or caretaker to provide for a child due to inadequate financial resources shall not, for that reason alone, be considered neglect. Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing which has a reasonable, proven record of success, the child **shall not, for that reason alone**, be considered to be neglected or maltreated. However, nothing herein shall prohibit a court from ordering medical services for the child when there is substantial risk of harm to the child's health or welfare.

"Prenatal neglect" means exposure to chronic or severe use of alcohol or the unlawful use of any controlled dangerous substance, as defined by R.S. 40:961 et seq., or in a manner not lawfully prescribed, which results in symptoms of withdrawal in the newborn or the presence of a controlled substance or a metabolic thereof in his body, blood, urine, or meconium that is not the result of medical treatment, or observable and harmful effects in his physical appearance or functioning.

"Caretaker" means any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private day care center, an operator or employee of a registered family child day care home, or other person providing a residence for the child.

WHEN TO REPORT ABUSE/NEGLECT?

The Louisiana Children's Code (Article 610) specifies that mandated reporters shall make reports immediately upon learning of incidents of child abuse or neglect. When you have reason to believe a child may have been abused or neglected by a parent or caretaker, contact the Department of Children and Family Services (DCFS).

If the child abuse or neglect is by someone other than a parent or caretaker, it shall be reported to the local law enforcement agency.

HOW TO REPORT ABUSE/NEGLECT?

- Call toll-free 1-855-4LA-KIDS (855-452-5437) to speak with a trained specialist 24 hours a day, 7 days a week; OR
- For reports of alleged abuse/neglect that do not require immediate assistance, submit a report online through the DCFS Mandatory Reporter Portal found at dcfs.la.gov; OR
- Make a report from any DCFS Child Welfare office.

Per Louisiana law, reports made orally must be followed by a written report to DCFS within five days. This may occur either by entering a follow-up report online through the Mandatory Reporter Portal or by mailing a CPI-2 form to the DCFS Centralized Intake Office, P.O. Box 3318, Baton Rouge, LA 70821. The online portal and the CPI-2 form are available on our website, dcfs.la.gov.

To report suspected child abuse or neglect, call toll-free 1-855-4LA-KIDS (855-452-5437) to speak with a trained specialist 24 hours a day, 7 days a week.

Mandated Reporters may make reports of non-emergent child abuse and/or neglect online through the DCFS website. Reports involving child fatalities, drug-exposed newborns, human trafficking, life-threatening injuries, sexual abuse, and/or when a child is in immediate risk of serious harm should not be made through the online portal.



www.dcfsl.la.gov/MandatedReporters

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Mandated Reporters of Child Abuse and Neglect





WHO ARE MANDATED REPORTERS?

Louisiana Children’s Code Article 603 defines “mandatory reporter.” They are any of the following individuals:

“Health Practitioner”:

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, paramedic, optometrist, medical examiner, or coroner who diagnoses, examines, or treats a child or his family.

“Mental Health/Social Service Practitioner”:

Any individual who provides mental health care or social services diagnosis, assessment, counseling, or treatment, including a psychiatrist, psychologist, marriage or family counselor, social worker, member of clergy, aide, or other individual who provides counseling services to a child or his family.

“Member of the Clergy”:

Any priest, rabbi, duly ordained clerical deacon or minister, Christian Science practitioner, or other similarly situated functionary of a religious organization unless not required to report a confidential communication as defined in the Code of Evidence Article 511.

“Teaching or Child Care Provider”:

Any person who provides or assists in the teaching, training and supervision of a child, including any public or private school teacher, teacher’s aide, instructional aide, school principal, school staff member, bus driver, coach, professor, technical or vocational instructor, technical or vocational school staff member, college or university administrator, college or university staff member, social worker, probation officer, foster home parent, group home or other child care institution staff member, personnel of a 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.

“Police Officers or Law Enforcement Officials”

“Commercial Film & Photographic Print Processor”:

Any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides for compensation.

“Mediators”:

Appointed pursuant to Children’s Code, Chapter 6 of Title IV.

“Parenting Coordinators”:

Appointed in a child custody case pursuant to R.S. 9:358.1.

“Court-Appointed Special Advocates(CASA)”:

CASA volunteer under the supervision of a CASA program appointed pursuant to Chapter 4 of Title IV.

“Organizational or Youth Activity Provider”:

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.

“Coaches”:

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.



RELATED CRIMINAL CODE PROVISIONS

La. R.S. 14:403 mandates any person who is eighteen years of age or older who witnesses the sexual abuse of a child to report the abuse to law enforcement or the Department of Children and Family Services as required by Children’s Code Article 610.

La. R.S. 14:131.1 mandates any person having knowledge of the commission of any homicide, rape, or sexual abuse of a child to report such information to a law enforcement agency or district attorney, except when the person having such knowledge is bound by any privilege of confidentiality recognized by law.

WHAT ARE POSSIBLE OUTCOMES FOR MANDATED REPORTERS?

Any person who is required to report the abuse or neglect of a child and knowingly and willfully fails to do so shall be fined not more than \$500, imprisoned for not more than six months, or both. If the abuse is sexual or results in serious bodily injury, neurological impairment, or death of the child, a mandated reporter who knowingly and willfully fails to report it shall be fined not more than \$3,000, imprisoned, with or without hard labor, for not more than three years, or both.

Any person who has knowledge of the commission of any homicide, rape, or sexual abuse of child and fails to report or disclose it to a law enforcement agency or district attorney, unless bound by privilege of confidentiality recognized by law, shall be fined not more than \$500, or imprisoned, with or without hard labor, for not more than one year or both.

Any person 18 or older who witnesses the sexual abuse of a child and knowingly and willfully fails to report to law enforcement or DCFS, as required by Children’s Code Article 610, shall be fined not more than \$10,000, imprisoned, with or without hard labor, for not more than five years or both.

You may be requested to testify regarding any incident of which you have direct knowledge if the case becomes the subject of legal or judicial action.

State law protects the identity of all mandated reporters, and you are given immunity from legal liability as a result of reports you make in good faith.