

LSA-Ch.C. Art. 609



West's Louisiana Statutes Annotated [Currentness](#)

Louisiana Children's Code [\(Refs & Annos\)](#)

Title VI. Child in Need of Care [\(Refs & Annos\)](#)

[Chapter 5](#). Child Abuse Reporting and Investigation

→ **Art. 609. Mandatory and permitted reporting**

A. With respect to mandatory reporters:

(1) Notwithstanding any claim of privileged communication, 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 in accordance with Article 610.

(2) Violation of the duties imposed upon a mandatory reporter subjects the offender to criminal prosecution authorized by [R.S. 14:403\(A\)\(1\)](#).

B. With respect to permitted reporters, any other person having cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect, including a judge of any court of this state, may report in accordance with Article 610.

C. The filing of a report, known to be false, may subject the offender to criminal prosecution authorized by [R.S. 14:403\(A\)\(3\)](#).

CREDIT(S)

Added by [Acts 1991, No. 235, § 6, eff. Jan. 1, 1992](#). Amended by [Acts 1993, No. 637, § 1, eff. June 15, 1993](#).

<<LOUISIANA CHILDREN'S CODE>>

<Generally Effective January 1, 1992>

COMMENTS--1991

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a. The sources of this article are [R.S. 14:403\(C\) and \(F\)](#). Mention of the suspension of privileges in Subparagraph A(1) is made to alert any mandatory reporter that such claims do not affect the duty to report (or later, as set out in Article 663, the duty to give testimony in any juvenile court hearing).

b. The purpose of Subparagraph B(1) is to reinforce explicitly the authority of courts to utilize the investigative services of the Department of Social Services when appropriate. By custom and practice, both district and juvenile courts do make referrals for abuse investigation by the Department.

c. All of the current provisions of [R.S. 14:403](#) are incorporated into Title VI, child in need of care, except its criminal provisions, which are retained in [R.S. 14:403](#).

HISTORICAL AND STATUTORY NOTES

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The 1993 amendment replaced references to [R.S. 14:403\(D\)\(1\)](#) with references to [R.S. 14:403\(A\)\(1\)](#), merged the subparagraph formerly designated (B)(1) with the introductory paragraph of par. B, and redesignated former subpar. (B)(2) as par. C.

Changes were made in Comment c in 1993 pursuant to approval by the Council of the Louisiana State Law Institute.

#### CROSS REFERENCES

Fines and penalties for failure to report, obstruction of reporting, and false reporting, see [R.S. 14:403](#).

#### LIBRARY REFERENCES

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Infants  13.5(1).  
Westlaw Topic No. 211.

#### RESEARCH REFERENCES

2004 Electronic Pocket Part Update

#### ALR Library

[73 ALR 4th 782](#), Validity, Construction, and Application of State Statute Requiring Doctor or Other Person to Report Child Abuse.


#### NOTES OF DECISIONS

**Church officials** [2](#)  
**Social workers** [1](#)

[1](#). Social workers

Since a social worker is considered a mandatory reporter, if a child is assaulted by a teacher or other official, and social worker feels this assault rises to level of abuse, social worker must report assault to local or state enforcement agency, or possibly liability. Op.Atty.Gen. No. 97-65, November 6, 1997.

[2](#). Church officials

Under Louisiana law, officials of diocese were not among persons who were statutorily required to report child abuse. [Society of Roman Catholic Church of Diocese of Lafayette, Inc. v. Interstate Fire & Cas. Co., C.A.5 \(La.\) 1997, 126 F.3d 727](#). Infants  13

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