

DECLARATION OF EMERGENCY

Department of Children and Family Services

Licensing Section

Sanctions and Child Placing Supervisory Visits - Residential Homes (Type IV), and Child Placing Agencies (LAC 67:V.7109, 7111, 7311, 7313, and 7321)

The Department of Children and Family Services (DCFS), Licensing Section, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:V, Subpart 8, Sections 7109, 7111, 7311, 7313, and 7321. This declaration is necessary to extend the original Emergency Rule since it is effective for a maximum of 120 days and will expire before the Final Rule takes effect. This Emergency Rule extension is effective on November 28, 2021, and shall remain in effect for a period of 120 days or until adoption of a Final Rule, whichever occurs first.

The implementation of this rule to Sections 7109, 7111, and 7311 grants the Department the authority to institute intermediate sanctions and levy fines to licensed providers that fail to comply with the requirement of a state central registry clearance for individuals owning, working in, and having access to children/youth in DCFS licensed facilities and agencies. In accordance with Act 31 of the 2021 Regular Legislative Session, it is necessary to promulgate an Emergency Rule to implement R.S. 46:1430 effective August 1, 2021.

Pursuant to Children's Code Article 1213, as amended by Act 6 of the 2021 Regular Legislative Session, the department is adopting rules to Sections 7313 and 7321 in accordance with the amended law effective August 1, 2021. The department considers emergency action necessary to meet the requirements of Children's Code Article 1213, as amended by Act 6 of the 2021 Regular Legislative Session.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 71. Residential Homes - Type IV

Subchapter B. Conditions of Eligibility

§7109. Critical Violations/Fines

A. - A.5. ...

6. §7107.A.8, §7107.A.9, §7107.D.4.f.iv, §7107.E.2.g, §7111.A.2.c.iii, §7111.A.5.c, §7111.B.2.a.x, §7112.A-D, and/or §7117.A.14.k state central registry clearance effective August 1, 2021.

B. - E.1.k. ...

1. When the cited critical violation was for a state central registry clearance not being completed prior to hire as required, but obtained before the individual was on the premises and/or had access to a resident or child of a resident, the fine shall be decreased by \$25.

m. When the cited critical violation was for state central registry clearance not being completed prior to the individual being on the premises and/or having access to a resident or child of a resident, the fine shall be increased by \$25.

F. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 43:258 (February 2017), amended LR 43:1725 (September 2017), LR 44:1991 (November 2018), effective December 1, 2018, amended by the Department of Children and Family Services, Licensing Section, LR 45:521

(April 2019), effective May 1, 2019, LR 46:674 (May 2020),
effective June 1, 2020, LR 47:

§7111. Provider Requirements

A. - A.2.c.ii. ...

iii. have a state central registry
notification clearance form from Child Welfare as required in
§7112;

iv. - J.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477
and R.S. 46:1401 et seq. HISTORICAL NOTE: Promulgated by the
Department of Social Services, Office of Community Service, LR
36:811 (April 2010), amended by the Department of Children and
Family Services, Division of Programs, Licensing Section, LR
38:979, 984 (April 2012), LR 42:221 (February 2016), amended by
the Department of Children and Family Services, Licensing
Section, LR 43:261 (February 2017), LR 43:1725 (September 2017),
LR 44:1992 (November 2018), effective December 1, 2018, amended
by the Department of Children and Family Services, Licensing
Section, LR 45:521 (April 2019), effective May 1, 2019, LR
46:674 (May 2020), effective June 1, 2020, LR 47:

Chapter 73. Child Placing Agencies—General Provisions

**§7311. Licensing Requirements—Foster Care, Adoption,
Transitional Placing**

A. - M.1.c. ...

d. §7309.B., §7311.B.5.d.viii., §7311.B.5.g.v.
- vi., §7311.B.5.h.iv., §7311.C.2.h., §7313.I.10., §7313.L.6.,
§7313.M.2., §7315.C., and/or §7321.J. 1-2. - state central
registry clearance effective August 1, 2021.

2. - M.7.i. ...

j. When the cited critical violation was for a
state central registry clearance not being completed prior to
hire as required, but obtained before the individual was on the

premises and/or had access to a child/youth, the fine shall be decreased by \$25.

k. When the cited critical violation was for state central registry clearance not being completed prior to the individual being on the premises and/or having access to a child/youth, the fine shall be increased by \$25.

M.8. - N.4. . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:359 (March 2019), effective April 1, 2019, LR 46:681 (May 2020), effective June 1, 2020, amended LR 47:350 (March 2021), effective April 1, 2021, repromulgated LR 47:441 (April 2021), LR 47:

§7313. Administration and Operation

A. - H.6.d. . . .

7. Effective April 1, 2019, staff conducting supervisory visits with foster/~~adoptive~~ parents, ~~and/or~~ children/youth in certified foster home placements, and/or youth in transitional placing placements shall possess, at a minimum, a bachelor's degree in social work or a human service related bachelor's degree.

8. Effective August 1, 2021, in accordance with ACT 6 of the 2021 regular legislative session, all supervisory visits noted in Section 7321.H. shall be conducted by a social worker in the employ of the licensed adoption agency, licensed social worker, licensed professional counselor, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and family therapist.

I. - U.5. . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D). HISTORICAL NOTE: Promulgated by the Department of

Children and Family Services, Licensing Section, LR 45:368
(March 2019), effective April 1, 2019, LR 46:683 (May 2020),
effective June 1, 2020, LR 47:351 (March 2021), effective April
1, 2021, repromulgated LR 47:441 (April 2021), LR 47:

§7321. Adoption Services

A. - H.1. ...

2. Provider shall conduct an initial in home in-person ~~face-to-face~~ supervisory visit with the child and one adoptive parent within seven calendar days of the child's placement. Effective August 1, 2021 in accordance with Act 6 of the 2021 Regular Legislative Session, the next in home in-person face-to-face supervisory visit shall occur within 30 calendar days of the initial in home in-person supervisory visit ~~the following month~~.

3. ...

4. Provider shall conduct a private supervisory visit without the presence of the adoptive parents with each child age one year and above; every other month with at least a segment of the visit occurring in the adoptive home.

5. - 10. ...

11. Effective August 1, 2021 and in accordance with Act 6 of the 2021 legislative session, provider shall submit a confidential report to DCFS, Child Welfare concerning requirements noted in §7321.H.2-10 upon completion and to the court prior to the hearing on the final decree of the adoption. If DCFS requests additional information, the provider shall submit the requested information to the department by the date specified in the notification correspondence.

I. - L. ...

1. In domestic adoptions, DCFS may request information or documents from the provider ~~necessary to complete~~ required to be submitted to the court. ~~the confidential report~~

~~after the petition has been filed with the court.~~ The provider shall submit the requested information and documents to the department by the date specified in the notification correspondence.

2. - M.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:388 (March 2019), effective April 1, 2019, LR 47:353 (March 2021), effective April 1, 2021, repromulgated LR 47:443 (April 2021), LR 47:

 11/3/21
Marketa Garner Walters
Secretary