

**NOTICE OF INTENT**

**Department of Children and Family Services  
Child Welfare**

**State Central Registry  
(LAC 67.V.1103)**

In accordance with the provisions of the Administrative Procedure Act R.S. 49:950 et seq., the Department of Children and Family Services (DCFS) proposes to amend LAC 67:V, Subpart 3, Chapter 11, Section 1103 State Central Registry.

Section 1103 is being amended to allow DCFS to disclose information regarding perpetrators of child abuse and/or neglect listed on the SCR involving any owner, operator, current or prospective employee or volunteer of a juvenile detention facility licensed by the Office of Juvenile Justice (OJJ) to OJJ consistent with Act 445 of the 2023 Louisiana Legislative session. Section 1103 is also being amended related to registered family child care providers and registered in-home child care providers to be consistent with BESE Bulletins 137 and 139.

**Title 67**

**SOCIAL SERVICES**

**Part V. Child Welfare**

**Subpart 3. Child Protective Services**

**Chapter 11. Administration and Authority**

**§1103. State Central Registry**

A. - F.2. ...

G. DCFS is authorized to release information maintained on the SCR in limited circumstances. This information will be released according to the following provisions.

1. - 8. ...

9. DCFS will disclose information on perpetrators of child abuse and/or neglect who are:

a. listed on the SCR involving any owner, operator, current or prospective employee or volunteer of a specialized provider ~~or juvenile detention facility~~ licensed by DCFS to DCFS Licensing;

b. ~~a day care center licensed by the Louisiana Department of Education (LDOE) to LDOE;~~ listed on the SCR involving any owner, operator, current or prospective employee or volunteer of an early learning center licensed by the Louisiana Department of Education (LDOE) to LDOE;

c. ~~a registered family child day care home registered by LDOE to LDOE;~~ and/or listed on the SCR involving any provider, current or prospective employee working in the residence or on the property where the care is provided, or resident on the property of a registered family child care provider or registered in-home child care provider registered by LDOE to LDOE;

d. LDOE employees and potential employees responsible for the performance of licensing inspections to LDOE-; and/or

e. listed on the SCR involving an owner, operator, current or prospective employee or volunteer of a juvenile detention facility licensed by Office of Juvenile Justice (OJJ) to OJJ.

10. LDOE is authorized to collect the \$25 fee for the clearance on behalf of DCFS for requests from any owner, operator, current or prospective employee or volunteer of an early learning center ~~a day care center~~ licensed by the LDOE or for any provider, current or prospective employee, or resident of a registered family child day care home provider or registered in-home child care provider registered by LDOE. An owner, operator, current or prospective employee or volunteer of a specialized provider licensed by DCFS or juvenile detention

facility licensed by ~~DCFS~~ Office of Juvenile Justice shall submit the \$25 fee to DCFS with the written request which shall include the express consent of the applicant to the departments. DCFS will not disclose such information until there is confirmation of receipt of the \$25 fee by LDOE or DCFS.

11. - 15. ...

**AUTHORITY NOTE:** Promulgated in accordance with the Children's Code, title VI, articles 615 and 616 and title XII, article 1173, R.S. 14:403(H), R.S. 46:51.2(A), R.S. 46:56, R.S. 46:1414.1, 42 USC 15601 et seq., 28 CFR 115.6., 42 USC 9858f and R.S. 40:2008.10.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), amended LR 20:198 (February 1994), LR 21:583 (June 1995), LR 23:590 (May 1997), LR 26:790 (April 2000), LR 31:1609 (July 2005), LR 36:838 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Child Welfare Section, LR 42:862 (June 2016), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:998 (June 2018), effective July 1, 2018, amended LR 45:217 (February 2019), amended LR 45:1053 (August 2019), LR 46:14 (January 2020), effective February 1, 2020, LR 49:1028 (June 2023), LR 50:

#### **Family Impact Statement**

The proposed rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

The proposed rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

**Small Business Statement**

The proposed rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

**Provider Impact Statement**

The proposed rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

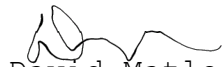
**Public Comments**

All interested persons may submit written comments to Myrna Brunson, Assistant Secretary of Child Welfare, Department of Children and Family Services, P.O. Box 3776, Baton Rouge, LA 70821 or by email to DCFSPublicHearings@la.gov. The deadline for submitting written comments is at 4:30 p.m. on May 28, 2024.

**Public Hearing**

A public hearing on the proposed Rule will be held on May 28, 2024, at DCFS, Iberville Building, 627 North Fourth Street, Room 1-127, Baton Rouge, LA beginning at 10:00 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (voice and TDD).

4/10/2024

  
David Matlock  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

Person Preparing Statement:	<u>Etrene Gerard</u>	Dept.:	<u>Children and Family Services</u>
Phone:	<u>(225) 342-9185</u>	Office:	<u>Child Welfare</u>
Return Address:	<u>P.O. Box 94065</u>	Rule Title:	<u>State Central Registry</u>
	<u>Baton Rouge, LA</u>	Date Rule Takes Effect:	<u>July 1, 2024</u>
	<u>70804</u>		

**SUMMARY**  
(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Other than the publication fees associated with the proposed rule change, the Department of Children and Family Services (DCFS) will not incur any other costs or savings as a result of this rule. It is anticipated that \$639 from the State General Fund will be expended in FY 24 for the state's administrative expenses for promulgation of this proposed rule and the final rule. This is a one-time cost that is included in the department's budget.

DCFS proposes to amend LAC 67:V, Subpart 3, Chapter 11, Section 1103 State Central Registry. The proposed rule allows DCFS to disclose information regarding perpetrators of child abuse and/or neglect listed on the State Central Registry (SCR) involving any owner, operator, current or prospective employee or volunteer of a specialized provider or juvenile detention facility licensed by the Office of Juvenile Justice (OJJ) to OJJ, consistent with Act 445 of the 2023 Regular Session.

Also, Section 1103 is being amended related to registered family child care providers and registered in-home child care providers to be consistent with BESE Bulletins 137 and 139.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of this proposed rule will have no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)**

Implementation of this proposed rule will have no cost or economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will not have an impact on competition and employment for low-income families.

Myrna Amanda Brunson  
Signature of Head or Designee

Myrna Brunson, Assistant Secretary of Child Welfare  
Typed Name & Title of Agency Head or Designee

3/8/2024

Date of Signature

*Patricia Thomas*, Deputy  
Legislative Fiscal Officer or Designee  
Fiscal officer

3/08/2024

Date of Signature

Toby Comeaux  
DCFS Undersecretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule is necessary to clarify to the public that the department is allowed to disclose information regarding perpetrators of child abuse and/or neglect listed on the SCR for any current or prospective employee or volunteer of a service provider who is obligated by contract with DCFS to conduct SCR checks prior to performing contracted duties in the Child Protective Services, Family Services or Foster Care programs within the Department.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The proposed rule allows DCFS to disclose information regarding perpetrators of child abuse and/or neglect listed on the SCR involving any owner, operator, current or prospective employee or volunteer of a juvenile detention facility to OJJ to be consistent with Act 445 of the 2023 Regular Session.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed rule includes no increase in the expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) \_\_\_\_\_ YES. If yes, attach documentation.

(b)  NO. If no, provide justification as to why this rule change should be published at this time.

The administrative cost of publishing rulemaking is routinely included in the department's annual operating budget appropriated by the Legislature.

**FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET**

**I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED**

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

<b>COSTS</b>	<b>FY 24</b>	<b>FY 25</b>	<b>FY 26</b>
PERSONAL SERVICES	\$0	\$0	\$0
OPERATING EXPENSES	\$639 (rulemaking)	\$0	\$0
PROFESSIONAL SERVICES	\$0	\$0	\$0
OTHER CHARGES	\$0	\$0	\$0
EQUIPMENT	\$0	\$0	\$0
MAJOR REPAIR & CONSTR.	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$639</b>	<b>\$0</b>	<b>\$0</b>

**POSITIONS (#)**

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The only cost associated with the proposed rule is for DCFS is the publication of rulemaking. There is no savings, increase or reduction in the workload or additional paperwork anticipated as a result of the implementation of the proposed rule.

3. Sources of funding for implementing the proposed rule or rule change.

<b>SOURCE</b>	<b>FY 24</b>	<b>FY 25</b>	<b>FY 26</b>
STATE GENERAL FUND	\$639	\$0	\$0
AGENCY SELF-GENERATED	\$0	\$0	\$0
DEDICATED	\$0	\$0	\$0
FEDERAL FUNDS	\$0	\$0	\$0
OTHER (Specify)	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$639</b>	<b>\$0</b>	<b>\$0</b>

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The department currently has sufficient funds to cover the cost of publishing rulemaking.

**B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.**

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There are no estimated costs or savings to local governmental units resulting from this proposed rule.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

The proposed rule will have no fiscal impact on local governmental units.



**FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET**

**II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS**

A. What increase (decrease) in revenues can be anticipated from the proposed action?

<b>REVENUE INCREASE/DECREASE</b>	<b>FY 24</b>	<b>FY 25</b>	<b>FY 26</b>
STATE GENERAL FUND	\$0	\$0	\$0
AGENCY SELF-GENERATED	\$0	\$0	\$0
DEDICATED	\$0	\$0	\$0
FEDERAL FUNDS	\$0	\$0	\$0
LOCAL FUNDS	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

There will be no increase or decrease in revenues.

On average, DCFS has collected \$42,000 SGR in annual licensing fees in the past 3 years. DCFS will incur a loss of that \$42,000 SGR due to the transfer of annual licensing fees to OJJ. DCFS has a Licensing Section staff of five (5) Licensing Specialists with annual salary ranges between \$60,000 - \$65,000. The specialists previously inspected 80 providers across the state, but they are now only responsible for 67 because OJJ will now license the 13 juvenile detention facilities in Louisiana.

According to this information, OJJ anticipates to collect the \$42,000 SGR increase in annual licensing fees from juvenile detention facilities, and the fees shall be used by OJJ for expenses related to the licensing program. For a detention facility authorized to care for six (6) or fewer juveniles, the license fee will be \$400; for seven (7) but no more than fifteen (15) juveniles, the license fee will be \$500; and for sixteen (16) or more juveniles, the license fee will be \$600. If juvenile detention facilities operate without a valid license issued by the OJJ, there will be an issued fine of \$1,000 for each day of operation without the valid license. The office may collect civil fines, but these amounts must be deposited immediately into the state treasury.

**III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS**

A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

There are no anticipated costs to any persons or non-governmental groups as a result of this proposed rule.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

This proposed rule will not have a significant impact on receipts and/or income.

**IV. EFFECTS ON COMPETITION AND EMPLOYMENT**

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There is no anticipated impact on competition and employment in the public or private sectors.