

EMERGENCY RULE

Department of Children and Family Services

Office of Management and Finance

Criminal Background and State Central Registry Checks

(LAC 67:I.Chapter 2)

In accordance with the provisions of R.S. 36:474, R.S. 46:102, and through the emergency rulemaking provisions of the Administrative Procedure Act, R.S. 49:962, the Department of Children and Family Service (DCFS), Office of Management and Finance has amended LAC 67:I.Chapter 2.

This Emergency Rule is being issued to provide immediate, strengthened measures to protect the safety and well-being of children in the department's custody and to preserve the department's authority to receive and use Federal Tax Information (FTI) needed to administer its federally mandated programs. The department's continued authority to receive and use FTI is conditioned on compliance with the safeguarding requirements of IRC §6103(p)(4), as detailed in IRS Publication 1075, which includes the periodic background-investigation requirement addressed by this Rule. IRS Publication 1075 requires that a standard background investigation be reissued within a five-year period with an immediate effective date. A lapse in compliance would jeopardize the department's access to FTI and its ability to administer these programs, exposing the department to federal sanctions.

These amendments are consistent with and reinforced by Act 803 of the 2026 Regular Session which requires the department to conduct criminal background checks and state central registry searches for all current and prospective employees, effective August 1, 2026, and which removes prior exemptions for staff who do not provide direct care. Delaying these screenings creates a serious gap in oversight where individuals with past criminal offenses or substantiated abuse could obtain or retain employment within the agency.

This Emergency Rule places immediate procedures in place so that department-wide criminal background and state central registry screening and rescreening can begin without delay, ensuring continuous protection for the children and families the department serves and ensuring that the department maintains continual access to FTI as needed for programmatic compliance. This Emergency Rule becomes effective on August 1, 2026, and shall remain in effect for a period of 180 days, or until adoption of the corresponding permanent rule, whichever occurs first.

This Emergency Rule has been drafted utilizing plain language principles to ensure clarity and accessibility for all users. It has also been reviewed and tested for compliance with web accessibility standards.

Title 67

SOCIAL SERVICES

Part I. General Administration

Chapter 2. Criminal Background and State Central Registry Checks

§201. Introduction and Purpose

A. ~~Repealed.~~~~The Department of Children and Family Services (DCFS) has a fervent commitment to protect children by preventing the employment by the department of an individual who has specific past criminal convictions, in positions whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys and/or has been determined to be a perpetrator of abuse or neglect of a child and listed on the state central registry.~~

B. In order to enhance the state's ability to protect children, the Louisiana Legislature enacted laws which provide for state and federal criminal background checks and a state central registry check for certain DCFS employees and potential employees.

C. The department will utilize the state central registry of justified (valid) reports of abuse or neglect for clearances of certain current and potential department employees, and will prohibit these individuals from being employed or considered for employment ~~in those positions whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys~~ when their name is recorded on the state central registry subsequent to January 1, 2010 and when their administrative appeal rights have been exhausted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.2.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 36:851 (April 2010), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:997 (June 2018), effective July 1, 2018, amended by the Department of Children and Family Services, Office of Management and Finance, LR 53:

§203. Conditions of Employment

A. No individual shall be hired by the department ~~whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys,~~ until the following conditions are met.

1. – 4. ...

B. Any current employee of the department ~~whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys and~~ whose name is recorded subsequent to January 1, 2010 and prior to August 1, 2018, shall not be terminated from their position in the department until the employee has exhausted their right to an administrative appeal and thereafter the employee's name is confirmed to be listed on the state central registry. If the employee's name is recorded on the state central registry subsequent to August 1, 2018, they shall be terminated from their current position ~~whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys by the department.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.2.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 36:851 (April 2010), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:997 (June 2018), effective July 1, 2018, amended LR 45:217 (February 2019), amended by the Department of Children and Family Services, Office of Management and Finance, LR 53:

§205. Criminal History Records Checks for Access to Federal Tax Information

A. – D.3. ...

4. Criminal history records checks shall be used by the department to determine the suitability of current or prospective employees, contractors, or subcontractors within the ~~office of child support enforcement and family support~~Office of Family Support sections to access FTI and records.

a.

b. Current employees, contractors and subcontractors shall be subject to fingerprinting and national, state, and local criminal history records checks, at a minimum of every ~~10~~five years.

D.4.c. – G.3. ...

AUTHORITY NOTE: Promulgated in accordance with Act 147 of the 2017 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Child Support Enforcement Section, LR 45:651 (May 2019), LR 46:1543 (November 2020), LR 49:240 (February 2023), amended by the Department of Children and Family Services, Office of Management and Finance, LR 53:

Christopher Balum