

NOTICE OF INTENT

Department of Children and Family Services

Office of Management and Finance

Regulatory Remediation

(LAC 67:V.1101, 1501, 3701, 5901, and 5903)

The Department of Children and Family Services, Office of Management and Finance proposes to repeal LAC 67:V. 1101, 3701, 5901, and 5903 and amend LAC 67:V.1051 as authorized by R.S. 36:474 and R.S. 46:102. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

This rulemaking action is undertaken to remove provisions that are no longer applicable to current practice and to modify language that has become outdated. The revisions are intended to ensure that the regulatory framework remains relevant, accurate, and consistent with existing statutory and federal requirements. By eliminating obsolete sections and modernizing remaining provisions, DCFS seeks to maintain regulatory clarity and support effective program administration.

This Notice of Intent 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 V. Child Welfare

Subpart 2. Community Services

Chapter 10. Children's Trust Fund

§1001. Plan for Preventing Child Abuse and Neglect

~~A. Pursuant to R.S. 46:2406, the proposed plan has been submitted to the Joint Committee on Health and Welfare of the Louisiana Legislature for approval prior to adoption by the Louisiana Children's Trust Fund Board. The plan becomes effective subsequent to adoption by the Louisiana Children's Trust Fund Board and will form the basis for future activities of the Children's Trust Fund.~~
Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2406.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 20:898 (August 1994), amended LR 23:1326 (October 1997), LR 26:2632 (November 2000), repealed by the Department of Children and Family Services, Office of Management and Finance, LR 53:

Chapter 15. Conducting Investigations in Families

§1501. ~~Audio Tape~~ Recording of Interviews

A. All interviews of the child and his parents conducted in the course of a child protection investigation will be ~~tape~~ recorded, ~~if requested by the parent or parents.~~ without interruption; and without alteration.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Children's Code, Article 612.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 18:198 (February 1992), amended by the Department of Children and Family Services, Office of Management and Finance, LR 53:

Chapter 37. Case Planning

§3701. Permanency Plan

~~A. Effective April, 1991, a case permanency plan shall be filed with the court when a child enters into custody of the department or into foster care, pursuant to or pending a child in need of care proceeding. The case permanency plan shall be filed no later than 60 days after the child comes into care. Repealed.~~

AUTHORITY NOTE: Promulgated in accordance with Act 348 of the 1990 Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 17:387 (April 1991),

repealed by the Department of Children and Family Services, Office of Management and Finance, LR 53:

Subpart 7. Payment of Legal Fees in Child Protection Cases

Chapter 59. Legal Representation of Children and Indigent Parents Pursuant to R.S. 46:460.21

§5901. Implementation of New Statewide System of Legal Representation of Children and Indigent Parents

~~A. Full implementation of the new statewide system of legal representation of children and indigent parents in child protection cases is effective July 1, 2010.~~

~~B. Pursuant to implementation of the new statewide system consistent with the expedited implementation plan unanimously approved by the Task Force on Legal Representation in Child Protection Cases, the department will not pay for ad hoc legal representation of children or indigent parents for services provided after June 30, 2010 or services in new cases during the January 1 June 30, 2010 transition period. Repealed.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:460.21.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Child Welfare Section, LR 36:2523 (November 2010) repealed by the Department of Children and Family Services, Office of Management and Finance, LR 53:

§5903. DSS Final Payment to ad hoc Attorneys Appointed Prior to January 1, 2010

~~A. Subject to available funds pursuant to R.S. 46:460.21, the department will pay properly documented and authorized requests for payment of services of ad hoc attorneys who were appointed to represent children and/or indigent parents prior to January 1, 2010 and delivered services through June 30, 2010. The department will not pay for legal representation services delivered to children or indigent parents for ad hoc appointment made in new cases on or after January 1, 2010. Attorneys shall follow the former billing procedures when submitting requests for payment. To be considered for payment, attorneys must submit properly documented and authorized requests for payment to the department by July 16, 2010. Repealed.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:460.21.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Child Welfare Section, LR 36:2523 (November 2010), repealed by the Department of Children and Family Services, Office of Management and Finance, LR 53:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed

Rule will not have an impact on family functioning, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will not have an impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will not have a fiscal impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will not have a fiscal impact on providers.

Public Comments

Interested individuals may submit written comments to Catherine S. Brindley, DCFS Policy and Rulemaking Director, Department of Children and Family Services, P.O. Box 3776, Baton

Rouge, LA 70821. The deadline for submitting written comments is 4:30 p.m. on October 20, 2026.

Christopher Bahm
Undersecretary

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

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

There are no anticipated costs or savings to state or local governmental units as a result of the proposed rule change.

The Department of Children and Family Services (DCFS) proposes to repeal Section 1001 of Subpart 2 (Community Services), Section 3701 of Subpart 5 (Foster Care), and Sections 5901 and 5903 of Subpart 7 (Payment of Legal Fees in Child Protection Cases); and to amend Section 1501 of Subpart 3 (Child Protection Services), all within Part V (Child Welfare) of Title 67 (Social Services) of the Louisiana Administrative Code. The proposed rule makes several updates and clarifications to streamline processes which align with current practice. Specifically, this proposed rule:

- Removes the requirement that the proposed Louisiana Children's Trust Fund plan be submitted to the Joint Committee on Health and Welfare for approval prior to adoption by the Louisiana Children's Trust Fund Board, as well as the provision specifying that the adopted plan will serve as the basis for future Children's Trust Fund activities.
- Removes the requirement that a case permanency plan be filed with the court within sixty days after a child enters the custody of the department or foster care.
- Removes provisions related to the 7/1/2010, implementation of the statewide system of legal representation for children and indigent parents in child protection cases, including the department's authority to pay for ad hoc legal representation during the transition period.
- Removes the provisions governing payment for ad hoc legal representation services provided during the transition to the statewide system, including eligibility, billing procedures, and the 7/16/2010 deadline for submitting payment requests.
- Clarifies that interviews of children and parents conducted during child protection investigations must be recorded without interruption or alteration, rather than requiring recording only when requested by a parent.

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

There is no anticipated 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)

There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.