

NOTICE OF INTENT

Department of Children and Family Services

Office of Management and Finance

Employee Background Checks (LAC 67:I.Chapter 2)

The Department of Children and Family Services, Office of Management and Finance (the department) proposes to adopt LAC 67:I.Chapter 2 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 proposed rule change incorporates a rule reduction, consolidating the former three Sections of this Chapter into two by condensing related material and removing content that was not regulatory in nature. The former LAC 67:I.Chapter 2 is repealed in its entirety, and a new Chapter with updated language is adopted in its place.

These new revisions will provide a durable regulatory framework that safeguards children and families served by the department and ensures compliance with federal requirements governing FTI, the department's continued authority to receive and use Federal Tax Information (FTI) necessary for the administration of federally mandated programs. The department's access to FTI is conditioned on compliance with the safeguarding requirements of IRC §6103(p)(4), as detailed in IRS Publication 1075, which

includes periodic background-investigation requirements addressed by this Rule. Maintaining alignment with these federal standards is essential to avoid any interruption in access to FTI and to ensure ongoing programmatic compliance.

These proposed amendments are reinforced by Act 803 of the 2026 Regular Session, which requires DCFS to conduct criminal background checks and state central registry searches for all current and prospective employees, effective August 1, 2026, and eliminates prior exemptions for staff who do not provide direct care. Implementing these screenings ensures that individuals with past criminal offenses or substantiated abuse do not obtain or retain employment within the agency, thereby supporting consistent oversight and safety protections.

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 I. General Administration

Chapter 2. Criminal Background and

State Central Registry Checks

§201. Employment Requirement

A. Introduction and Purpose. To help protect children, Louisiana law requires all current and potential DCFS employees to pass state and federal criminal background checks, as well as a check of the state central registry for abuse or neglect. The department uses the state central registry to make sure certain applicants and employees are not listed as perpetrators of child abuse or neglect. Anyone whose name appears on the state central registry subsequent to January 1, 2010, and who has completed all administrative appeals, cannot be hired or considered for employment.

B. Conditions of Employment. Before anyone can be hired by DCFS, the following requirements must be met.

1. The person has submitted fingerprints and other identifying information to the Louisiana Bureau of Criminal Identification and Information for state and national criminal background checks. They cannot be hired if they have been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C).

2. The applicant's name must not appear on the state central registry for any entry recorded after January 1, 2010. If the applicant's name does appear, the individual may continue to be considered for employment until all administrative appeal rights under Children's Code Article 616.1.1 are fully used. If the registry finding is upheld after the appeal process, the individual cannot be considered for employment.

C. Current Employees. Any employee of the department whose name is recorded on the state central registry subsequent to January 1, 2010, shall be terminated by the department. A permanent classified employee shall not be terminated until the employee has exhausted the right to an administrative appeal pursuant to Children's Code Article 616.1.1. An employee whose administrative appeal results in the reversal, removal, or correction of the state central registry entry shall not be terminated under this Subsection.

D. Administrative Appeals. A person who is or was the subject of a substantiated finding listed in the state central registry may request an administrative appeal.

E. Confidentiality. The results of a national criminal history check may not be received or released unless allowed by federal law or regulation. All criminal history record information obtained under this Section is kept confidential in accordance with applicable state and federal requirements.

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Finance and Management, LR 53:

§203. Requirements for Accessing Federal Tax Information

A. Purpose. Federal law [26 USCS 6103(p)(4)] and IRS Publication 1075 require the department to conduct fingerprinting and national, state, and local criminal history checks for all individuals who handle or may handle Federal Tax Information (FTI). These checks determine whether a person is suitable to access FTI while performing their job duties.

B. Applicability. These requirements apply to all current and prospective employees, contractors, subcontractors, and employees of contractors or subcontractors of the department who need access to FTI.

C. Definitions

Criminal History Record Check—a review of an individual's criminal history using fingerprints and other identifying information sent to the Louisiana Bureau of Criminal Identification and Information for submission to the Federal Bureau of Investigation (FBI) and compilation of data from state and local law enforcement agencies.

Federal Tax Information (FTI)—consists of federal tax returns and return information (and information derived from it)

that is in the department's possession or control which is covered by the confidentiality protections of the Internal Revenue Code and subject to its safeguarding requirements, including IRS oversight.

FTI Suitable (no reports)—an employee, contractor or subcontractor whose criminal history records check results in a report containing no information and who is permitted to access FTI in the performance of his duties, function or service to the department.

FTI Suitable (with reports)—an employee, contractor or subcontractor whose criminal history records check results in a report containing criminal cases, convictions, or arrests and access to FTI for the performance of his duties, functions or service of the department is permitted after determination.

FTI Unsuitable—an employee, contractor or subcontractor whose criminal history records check results in a report containing criminal cases, convictions or arrests who is deemed not suitable to access federal tax information in the performance of his duties, function or service of the department after determination.

D. General Requirements

1. Anyone needing access to FTI must submit fingerprints and identifying information for a criminal history record check to the department.

2. DCFS may request local criminal history information from any area where the person has lived, worked, or attended school.

3. Criminal history record checks are used to decide whether a current or prospective employee, contractor, or subcontractor can access FTI.

a. Applicants must complete the background check after receiving a conditional job offer.

b. Current employees, contractors, and subcontractors must be rechecked within five years of the date of the previous background investigation.

c. Contractors and subcontractors must complete checks before receiving access to FTI.

4. The Louisiana Bureau of Criminal Identification and Information may charge DCFS for the cost of these checks.

D. Impact of Suitability Determination

1. Individuals deemed suitable may continue accessing FTI, may access it with restrictions, or may be considered for jobs that require FTI access.

2. Individuals deemed unsuitable may lose access immediately, have a job offer withdrawn, have a contract terminated, be removed from contract work, or be terminated from employment.

3. Individuals may appeal an unsuitable determination. Only a successful appeal can change the outcome.

E. Appeal Process. If a person is found unsuitable, they will be notified by the department. They have 30 days to submit documentation challenging the accuracy of the criminal history report or providing mitigation. The department will review the documentation and may request an updated criminal history check if allowed by law.

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Finance and Management, LR 53:

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

Repealed.

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), repealed by the Department of Children and Family Services, Management and Finance Section, 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 November 9, 2026.

Christopher Bahm

Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT

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

The proposed rule change is anticipated to increase the Department of Children and Family Services (DCFS) expenditures by \$108,891 (1,998 employees x \$54.50) in FY 27 and \$32,155 (590 average new hires x \$54.50) in future fiscal years.

This expense is associated with an increase in criminal background checks conducted on all current and prospective employees. The cost of a criminal background check ranges from \$43 to \$54.50. IdentoGo will be used to perform the checks, which includes an additional \$11.50 vendor fee and increases the total cost to \$54.50. However, the expenditure impact may be lower than

the estimate to the extent that the checks are performed by local sheriff's offices or LSP at the lower \$43 cost.

In compliance with Act 803 of the 2026 RS, DCFS proposes to amend Sections 201 and 203 and repeal Section 205 of Title 67 (Social Services), Part I (General Administration), Chapter 1 (Substance Abuse Testing) of the Louisiana Administrative Code. The proposed rule updates the employment requirements for DCFS employees. Specifically, this proposed rule:

- Expands the background-check requirement for state and federal criminal background checks and state central registry checks from certain positions to all current and prospective employees.
- Updates the condition of employment by prohibiting employment based on specified criminal convictions or central registry findings recorded after 1/01/2010, unless the finding is overturned through the administrative appeals process.
- Establishes requirements for current employees and administrative appeals by requiring the termination of employees whose names appear on the central registry after 1/01/2010, following exhaustion of applicable appeals, while providing that an employee will not be terminated if the registry finding is reversed, removed, or corrected through the appeals process.

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

The proposed amendments are anticipated to increase LSP revenue as a result of additional criminal background checks required for all current employees whose job duties do not involve the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, as well as for prospective employees. Currently, LSP charges \$26 for state background checks plus an additional \$12 for federal background checks, of which LSP retains \$2 and remits the remaining \$10 to the FBI. Therefore, LSP revenue is anticipated to increase by \$55,944 ($\$28 \times 1,998$) in FY 27 and \$16,520 ($\$28 \times 590$) in future fiscal years. To the extent that an employee has already undergone a background check due to their position, the revenue impact will be reduced by \$28 for each employee with an existing background check.

Additionally, the proposed amendments are anticipated to increase revenue for the Louisiana Sheriff's Association (LSA) as a result of a \$5 technology fee assessed on background checks required for all current employees whose job duties do not involve the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, as well as for prospective employees. The \$5 technology fee is assessed on each background

check and distributed to the LSA for the enhancement of criminal history data collection. Therefore, LSA revenue is anticipated to increase by \$9,990 (1,998 employees x \$5) in FY 27 and \$2,950 (590 average new hires x \$5) in future fiscal years. To the extent that an employee has already undergone a background check due to their position, the impact will be reduced by \$5 for each employee with an existing background check.

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)

To the extent that any current employees are terminated as a result of failing to pass the required background checks or having a disqualifying finding in the state central registry, staffing at DCFS may experience a sudden, temporary reduction.

Christopher Bahm
Undersecretary