

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. 49:953 (A), 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 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. Section 1103 is also being amended to allow DCFS to disclose information on the SCR for any current or prospective employee or volunteer of a service provider who contracts with DCFS to provide Human Trafficking Advocacy services and the current or prospective employees or volunteers' duties will require them to be alone with children.

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. - 13. ...

14. DCFS will 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.

15. DCFS will 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 contracts with DCFS to provide Human Trafficking Advocacy services. The SCR checks shall be limited to those current or prospective employees or volunteers whose duties will require them to be alone with children.

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:

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 through, April 25, 2023, to Mona Michelli, Deputy Assistant Secretary of Child Welfare, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, LA 70804.

Public Hearing

A virtual public hearing on the proposed Rule will be held at 9:00 a.m. on April 25, 2023, by the Department of Children and Family Services. All interested persons will be afforded an opportunity to submit data, views, or arguments via PC, Mac, Linux, iOS or Android at <https://stateofladcfs.zoom.us/j/81426680229?pwd=bDNHcmNQeW4zRkFnTkhiZ1BkL0w1Zz09>; via telephone by dialing (713) 353-0212 and entering conference code 430033. To find local AT&T numbers visit <https://stateofladcfs.zoom.us/j/81426680229?pwd=bDNHcmNQeW4zRkFnTkhiZ1BkL0w1Zz09>. 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).

 02/17/2023 | 4:12 PM CST

Terri Porche Ricks
Secretary

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

Person Preparing Statement: Lori Miller Department: Children and Family Services
 Phone: (225) 342-9928 Office: Child Welfare
 Return Address: 627 N. 4th Street, P.O. Box 94065 Baton Rouge, LA 70804 Rule Title: State Central Registry
 Date Rule Takes Effect: July 1, 2023

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 publication cost of \$1,065 SGF, the proposed rule change will have no fiscal impact on state or local governmental units. DCFS will utilize existing staff to perform State Central Registry checks.

The department proposes to amend LAC 67:V, Subpart3, Chapter 11, Section 1103 State Central Registry (SCR). The proposed rule is necessary to allow the department 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. The proposed rule is also necessary to allow the department to disclose information on the SCR for any current or prospective employee or volunteer of a service provider who contracts with the department to provide Human Trafficking Advocacy services and the current or prospective employees or volunteers' duties will require them to be alone with children.

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. The proposed rule creates a new group of individuals that must submit to a SCR check. However, the department will not charge this group a fee to perform the check.

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

There may be an economic cost to individuals included in the SCR given that it will limit their opportunity to find employment or volunteer. However, they have the right to appeal any investigative findings before it would impact their employability.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The implementation of this rule may reduce the number of available childcare workers or volunteers given that individuals included in the SCR will likely be unemployable.

Myrna Amanda Brunson
Signature of Agency Head or Designee

03/08/2023 | 6:54 PM CST
Date

Evan Brasel, *Antoin*
LEGISLATIVE FISCAL OFFICER
OR DESIGNEE

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

3/10/23
DATE OF SIGNATURE

*Antoin
Deputy
Fiscal
Office*

Eric Horvath
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 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.

- 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.

There will not be an 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) X 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?

| COSTS | FY 23 | FY 24 | FY 25 |
|------------------------|----------------------|--------------|--------------|
| Personal Services | \$0 | \$0 | \$0 |
| Operating Expenses | \$1,065 (rulemaking) | \$0 | \$0 |
| Professional Services | \$0 | \$0 | \$0 |
| Other Charges | \$0 | \$0 | \$0 |
| Equipment | \$0 | \$0 | \$0 |
| Major Repair & Constr. | \$0 | \$0 | \$0 |
| Total | \$1,065 | \$0 | \$0 |
| 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 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 rule.

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

| SOURCE | FY 23 | FY 24 | FY 25 |
|-----------------------|----------------|--------------|--------------|
| State General Fund | \$1,065 | \$0 | \$0 |
| Agency Self-Generated | \$0 | \$0 | \$0 |
| Dedicated | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 |
| Other (Specify) | \$0 | \$0 | \$0 |
| Total | \$1,065 | \$0 | \$0 |

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 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 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?

| Revenue Increase/Decrease | FY 23 | FY 24 | FY 25 |
|----------------------------------|--------------|--------------|--------------|
| State General Fund | \$0 | \$0 | \$0 |
| Agency Self-Generated | \$0 | \$0 | \$0 |
| Dedicated Funds * | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 |
| Local Funds | \$0 | \$0 | \$0 |
| Total | \$0 | \$0 | \$0 |

*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.

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 may be an economic cost to individuals included in the SCR given that it will limit their opportunity to find employment or volunteer. However, they have the right to appeal any investigative findings before it would impact their employability.

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.

The implementation of this rule may reduce the number of available childcare workers or volunteers given that individuals included in the SCR will likely be unemployable.