

Pursuant to RS 49:983 the Office of the State Register may make technical changes to proposed rule submissions in preparing the Louisiana Register and Louisiana Administrative Code.

NOTICE OF INTENT

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

**Safe Haven Relinquishment
(LAC 67:V.1505)**

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 15, Safe Haven Relinquishment, Section 1505.

Pursuant to Louisiana Children's Code Articles 1060 and 1161, the amendment is necessary to promulgate the official Safe Haven symbol for use in identifying designated emergency care facilities to the public and that DCFS will transmit the symbol electronically to any designated emergency care facility upon their request. Prevent Child Abuse Louisiana and DCFS will provide toll-free lines for the public to inquire about Safe Haven Relinquishment. Parents who have relinquished a child may contact DCFS to inquire about their parental rights or provide medical information. The amendment also updates department titles.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 3. Child Protective Services

Chapter 15. Conducting Investigations in Families

§1505. Safe Haven Relinquishment

A. The DCFS ~~Department of Social Services, Office of Community Services~~ establishes procedures for implementation of Title XI, Safe Haven Relinquishment, Chapter 13, Safe Haven

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Relinquishment, of the Louisiana Children's Code, as a collaborative effort with community agencies.

1. ~~Prevent Child Abuse Louisiana and DCFS~~ will provide a toll-free lines available for parents who have relinquished a child and want to contact the Office of Community Services as well as for the public to inquire about Safe Haven Relinquishment information, procedures and designated emergency care facilities. Parents who have relinquished an infant may contact the DCFS through the toll free hotline at 1-855-452-5437 or Prevent Child Abuse Louisiana at 1-800-244-5373 to inquire about their parental rights or anonymously provide medical information.

2. ~~The Office of Community Services DCFS, the Louisiana Department of Health and Hospitals,~~ and community agencies will collaborate to identify facilities meeting the legal definition of a designated emergency care facility, develop and distribute the written notification to such facilities regarding the provisions of the statute, develop and distribute written information and training materials for facilities to use for the instruction of their staff designated to receive relinquished ~~children~~ infants and interview parents, develop and distribute information materials to use to increase public awareness regarding Safe Haven Relinquishment, and develop and distribute the notification to hospitals of the requirements of the medical evaluation and testing of a relinquished infant.

3. ~~Office of Community Services DCFS~~ will work with community agencies to develop and distribute the card for designated emergency care facilities to give to relinquishing parents as required by Article 1152.

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4. The following image shall constitute the official Safe Haven symbol for use in identifying designated emergency care facilities to the public:



The text and image shall be black and the background either white or a shade of yellow typically used for traffic warning signs indicating the necessity of caution. The Department of Children and Family Services will transmit the symbol electronically to any designated emergency care facility upon their request.

B. The initial agency response to notification of a safe haven relinquishment will be within the ~~Child Protection Investigation~~ DCFS Child Protective Services Program.

1. A report that ~~a newborn~~ an infant has been relinquished at a designated emergency care facility will be accepted as a report of ~~child abuse/neglect~~ a safe haven relinquishment and immediately assigned to a ~~Child Protection Investigation~~ Welfare worker. The worker will respond to secure the safety of the ~~child~~ infant and obtain immediate medical care if the ~~child~~ infant is at a location other than a medical facility able to provide the ~~child~~ infant with immediate medical care, unless medical care has already been secured by the emergency care facility.

2. The worker will contact the appropriate court with juvenile jurisdiction and request an instanter order placing the ~~child~~ infant in the custody of ~~the Department of Social Services~~ DCFS as a child in need of care.

3. The worker will contact local law enforcement agencies to request their assistance to determine if the

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relinquished ~~child~~ infant may have been reported missing. The agency will also contact the national registry for missing and exploited children to determine if the ~~child~~ infant has been reported missing to that registry.

C. Any relinquishing or non-relinquishing parent of a Safe Haven infant contacting the ~~Office of Community Services~~ DCFS will be asked to voluntarily provide information as well as be informed of their rights as per Article 1152.

D. Once the infant has received the required medical examination and testing and any other necessary medical care, and has been discharged from the medical facility providing emergency and/or other medical care, the ~~Office of Community Services~~ DCFS will place the ~~child~~ infant in the foster/adoptive home that can best provide for his needs. Efforts for the continuance of custody as a child in need of care and the procedure for a termination of parental rights will begin immediately and proceed in accordance with the provisions of Titles VI, Child in Need of Care, and XI, Safe Haven Relinquishment. The ~~child~~ infant will receive services through the ~~Office of Community Services~~ DCFS Foster Care and Adoption Programs until the parental rights are terminated and an adoption is finalized or the mother and/or father establish parental rights.

AUTHORITY NOTE: Promulgated in accordance with Article ~~1705~~ 1149 et seq., of the Louisiana Children's Code, Title ~~XVII~~, ~~Relinquishment of Newborns~~ XI, ~~Safe Haven Relinquishments~~ Surrender of Parental Rights.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 26:2196 (September 2000), amended LR 26:2826 (December 2000), LR 30:1703 (August

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2004), amended by the Department of Children and Family Services, LR 43:

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 Analysis

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 July 25, 2017 to Rhenda Hodnett, Assistant Secretary of Child Welfare, Department of Children and Family Services, P. O. Box 3118, Baton Rouge, LA 70821.

Public Hearing

A public hearing on the proposed Rule will be held on July 25, 2017 at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA beginning at 10:00 am. 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 or Division of Administrative Law at least

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seven working days in advance of the hearing. For assistance, call (225) 342-4120 (voice and TDD).

Marketa Garner Walters

Secretary

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FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement: Rhenda Hodnett Department: Children and Family Services
Phone: (225) 342-4045 Office: Child Welfare
Return Address: 627 N. 4th St., P.O. Box 94065 Rule Title: Safe Haven Relinquishment
Baton Rouge, LA 70804 Date Rule Takes Effect: October 1, 2017

SUMMARY

In accordance with Section 953 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)

This rule proposes to amend LAC 67: Part V, Subpart 3, Chapter 15, Safe Haven Relinquishment, Section 1505. In accordance with Act 84 of 2016, the proposed rule is necessary to promulgate the official Safe Haven symbol. The symbol will be used in identifying designated emergency care facilities to the public. DCFS will transmit the official symbol electronically to any designated emergency care facility upon their request. DCFS and Prevent Child Abuse Louisiana, a non-profit organization, will provide toll-free lines for the public to inquire about the Safe Haven relinquishment process. Parents who have relinquished a child may contact DCFS to inquire about their parental rights or provide medical information. Also the rule makes technical corrections to update titles within the department.

The only cost associated with the proposed rule is the cost of publishing rulemaking. It is anticipated that \$1,917 (\$1,917 State General Funds and \$0 Federal Funds) will be expended in FY 16-17 for the state’s administrative expenses for promulgation of this proposed rule and the final rule. This is a one-time cost that is routinely included in the department’s annual operating budget.

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 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 Impact on Competition and Employment (Summary)

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

Signature of Agency Head
or Designee

Date

LEGISLATIVE FISCAL OFFICER
OR DESIGNEE

Rhenda Hodnett, Assistant Secretary of Child Welfare
Typed Name and Title of Agency Head

DATE OF SIGNATURE

DCFS Undersecretary