
DIGEST

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HB 486 Engrossed

2017 Regular Session

Johnson

Abstract: Establishes an administrative appeal process of a justified determination of child abuse or neglect for an individual whose name is placed on the state central registry for child abuse or neglect.

Present law requires the Dept. of Children and Family Services (DCFS) to maintain a central registry of all reports of abuse and neglect to provide information of past reports of child abuse or neglect of children to assist in the proper evaluation of current reports of abuse or neglect which may include a pattern of incidents.

Proposed law requires DCFS to maintain all reports of abuse and neglect in a state repository in which there is a state central registry containing only certain justified reports of abuse and neglect.

Proposed law authorizes DCFS to charge a fee, not to exceed \$25, to conduct a search of the central registry of justified abuse or neglect reports to determine whether an individual's name is recorded.

Present law authorizes an individual who is the subject of a justified determination in a case where no petition is subsequently filed alleging that the child is in need of care to file a written motion seeking correction of that entry and all related department records in the court exercising juvenile jurisdiction in the parish in which the finding was made.

Proposed law limits the applicability to those reports determined to be justified prior to the effective date of proposed law.

Proposed law authorizes an individual who is the subject of justified report alleging abuse or neglect to make a formal written request to the division of administrative law for an administrative appeal of the justified determination.

Present law requires any owner, operator, current or prospective employee, or volunteer of a juvenile detention facility or specialized provider licensed by DCFS to report annually, and at any time upon the request of the department, whether or not his name is currently recorded on the state central registry for a justified finding of abuse or neglect and that he is the named perpetrator.

Proposed law repeals present law and prohibits any owner, operator, current or prospective employee, or volunteer of a juvenile detention facility or specialized provider applying for licensure or licensed by DCFS from being employed by the facility or provider if that individual's name is recorded on the state central registry as a perpetrator for a justified finding of abuse or neglect of a

child, unless a risk evaluation panel has previously determined in writing that the individual does not pose a risk to children. Further provides the applicant or licensee a right to appeal the justified determination.

Present law prohibits DCFS from hiring a person 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 DCFS has conducted a search of the central registry of justified abuse or neglect reports and determined that the individual's name is not recorded therein, or if an individual's name is recorded on the central registry, a risk evaluation panel has determined in writing that the individual does not pose a risk to children.

Proposed law limits the applicability to those names recorded on the central registry subsequent to Jan. 1, 2010, and provides the applicant a right to appeal the justified determination. Further provides that a permanent classified employee shall not be terminated until he has exhausted his administrative appeal rights.

Present law requires all administrative adjudications to be resolved exclusively through the division of administrative law except for adjudications involving DCFS and criminal history and central registry information.

Proposed law limits the exception to adjudications involving a risk evaluation panel decision.

Effective upon DCFS promulgating rules and regulations necessary to fully carry out its mandate pursuant to proposed law.

(Amends Ch. C. Arts. 611(A)(1)(b), 616(A) through (D), 616.1(A), R.S. 15:1110.2(A) through (C), R.S.46:51.2(A)(1)(b), (2), (3), (E)(2), (F)(1), and (H), and 1414.1(A) through (C), and R.S. 49:992(D)(9); Adds Ch. C. Arts. 616(E), (H), and (I), 616.1(F), and 616.1.1; Repeals R.S. 15:1110.2(D) and (E) and R.S. 46:51.2(A)(4) through (11) and (13) and (E)(1)(d) and 1414.1(D) and (E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make technical changes.
2. Require an appeal request be sent to the division of administration in lieu of DCFS.