

RÉSUMÉ DIGEST

ACT 348 (HB 486)

2017 Regular Session

Johnson

Prior law required 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.

New 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.

New 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.

Prior law authorized 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.

New law limits the applicability to those reports determined to be justified prior to the effective date of new law.

New law authorizes an individual who is the subject of a 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.

Prior law required 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 DCFS, whether or not the individual's name was currently recorded on the state central registry for a justified finding of abuse or neglect and that the individual was the named perpetrator.

New law 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. Further provides the applicant or licensee a right to appeal the justified determination.

Prior law prohibited DCFS from hiring or employing a person whose duties included 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 conducted a search of the central registry of justified abuse or neglect reports and determined that the individual's name is not recorded therein.

New 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 prohibits a permanent classified employee from being terminated until the employee has exhausted all administrative appeal rights.

Prior law required 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.

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

Effective upon promulgation and publication by DCFS of the final rules to implement the provisions of new law.

(Amends Ch. C. Arts. 611(A)(1)(b), 616(A)-(D), and 616.1(A), R.S. 15:1110.2(A)-(C), R.S. 46:51.2(A)(1)(b), (2), and (3), (E)(2), (F)(1), and (H) and 1414.1(A)-(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)-(11) and (13) and (E)(1)(d) and 1414.1(D) and (E)