HLS 19RS-902 ORIGINAL

2019 Regular Session

HOUSE BILL NO. 548

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BY REPRESENTATIVE COX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/BUREAU CRIML ID: Requires the Bureau of Criminal Identification and Information to release certain criminal history record information to the Department of Children and Family Services

AN ACT

2	To amend and reenact R.S. 15:587(A)(2)(a) and (b) relative to the Louisiana Bureau of
3	Criminal Identification and Information's duty to provide information; to authorize
4	the release of certain criminal history information to the Department of Children and
5	Family Services; to grant the department the authority to receive such information;
6	and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 15:587(A)(2)(a) and (b) are hereby amended and reenacted to read
9	as follows:
10	§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal
11	Identification and Information
12	A.
13	* * *
14	(2)(a) The bureau, in accordance with its powers to regulate and to enforce
15	provisions herein, may further restrict those agencies eligible to receive information.
16	However, the bureau shall make available to the Department of Children and Family
17	Services all criminal history record information as defined in R.S. 15:576 related to
18	foster and adoptive parent applicants and adult members of foster and adoptive
19	parent households; parents whose children have been removed from their custody;

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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parents or caretakers involved in investigations of abuse or neglect; potential caretakers of a child who is either in the custody of the department, is the subject of an investigation of abuse or neglect, or is or has been receiving services through the office of children and family services; and potential employees of the department whose duties include the investigation of child abuse or neglect, the supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys; and individuals employed directly or indirectly by institutions or facilities providing or with the potential of providing daily care or supervision to any child or youth in the custody of or under the supervision of any Louisiana state government agency. For the purposes of this Section, the bureau shall employ such methods and procedures and shall observe such duty hours as to provide information upon request within forty-eight hours from its receipt.

(b) The bureau shall facilitate national criminal history record checks of prospective foster and adoptive parent applicants and adult members of foster and adoptive parent households; parents whose children have been removed from their custody; parents or caretakers involved in investigations of abuse or neglect; potential caretakers of a child who is either in the custody of the department, is the subject of an investigation of abuse or neglect, or is or has been receiving services through the office of children and family services; and potential employees of the department whose duties include the investigation of child abuse or neglect, the supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys; and individuals employed directly or indirectly by institutions or facilities providing or with the potential of providing daily care or supervision to any child or youth in the custody of or under the supervision of any Louisiana state government agency by receiving and forwarding fingerprint cards to the Federal Bureau of Investigation. The Department of Children and Family Services is authorized to receive and screen the results of the state and national criminal history record checks in order to determine foster or adoptive parent applicants' eligibility for certification or recertification as a placement resource for

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children; to assist in the determination of the appropriateness of a parent or potential caregiver as a placement resource for a child; to assess the situation for safety issues and risks to the child and worker; and to assess the qualifications of a potential department employee; and to assess the qualifications of individuals employed, directly or indirectly, by institutions or facilities providing or with the potential of providing daily care or supervision to any child or youth in the custody of or under the supervision of any Louisiana state government agency. The department shall maintain the confidentiality of criminal history information received in accordance with applicable federal or state law.

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 548 Original

2019 Regular Session

Cox

Abstract: Adds to the list of individuals that the La. Bureau of Criminal Identification and Information shall make available to the Department of Children and Family Services.

<u>Present law</u> provides that the La. Bureau of Criminal Identification and Information (the bureau) shall make available to the Department of Children and Family Services (DCFS) all criminal history record information as defined in <u>present law</u>, R.S. 15:576, related to foster and adoptive parent applicants. <u>Proposed law</u> adds to the applicants listed in <u>present law</u>, by including individuals employed directly or indirectly by institutions or facilities providing or with the potential of providing daily care or supervision to any child or youth in the custody of or under the supervision of any La. state government agency.

<u>Present law</u> provides that the bureau shall facilitate national criminal history record checks on certain individuals as it relates to the fostering and adopting of certain children subject to DCFS investigation or custody. <u>Proposed law</u> adds to the applicants listed in <u>present law</u>, by including individuals employed directly or indirectly by institutions or facilities providing or with the potential of providing daily care or supervision to any child or youth in the custody of or under the supervision of any La. state government agency.

<u>Present law</u> provides that DCFS is authorized to receive and screen the results of the state and national criminal history record checks as it relates to the fostering and adopting of certain children subject to DCFS investigation or custody. <u>Proposed law</u> gives DCFS authority to assess the qualifications of individuals employed, directly or indirectly, by institutions or facilities providing or with the potential of providing daily care or supervision to any child or youth in the custody of or under the supervision of any La. state government agency as it relates to fostering and adopting children.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:587(A)(2)(a) and (b))