

BY REPRESENTATIVES CARVER, AMEDEE, BACALA, BAMBURG, BERAULT, BILLINGS, BOYER, BRAUD, BRYANT, CHENEVERT, COATES, COX, CREWS, DICKERSON, DOMANGUE, EDMONSTON, FIRMENT, FISHER, FREIBERG, GLORIOSO, HEBERT, HENRY, HILFERTY, JACKSON, MIKE JOHNSON, KERNER, LACOMBE, MACK, MCMAKIN, MELERINE, MOORE, NEWELL, OWEN, SCHLEGEL, SPELL, STAGNI, TAYLOR, THOMPSON, WALTERS, WILDER, WRIGHT, AND WYBLE AND SENATORS BASS, BOUDREAUX, CATHEY, CLOUD, CONNICK, HENRY, MCMATH, MILLER, MIZELL, MYERS, REESE, SELDERS, AND WHEAT

1 AN ACT  
2 To amend and reenact Children's Code Articles 509(B)(1), 512(B)(1), 522(A)(2), 1269.3(F),  
3 1270(B), (E), and (F), 1271(A), 1273, 1283.2(H), 1285.2(H), and 1519, Code of  
4 Evidence Article 902(10), R.S. 6:333(F)(14), R.S. 9:315.16(A), 315.40(1) and (3),  
5 399.1(A) and (F)(3) and (4), and 406(B)(2) and (C)(2), R.S. 11:441.1(F), R.S. 13:998  
6 (B) and (E)(1) and (3), 1141(B) and (E)(1) and (3), 1414(B) and (E)(1) and (3),  
7 4291(B)(1), and 5108.2, R.S. 15:587(A)(2)(a) and (b), 587.1(I), and 587.5(A)(4),  
8 R.S. 17:192.1(A)(1)(a) and (3), R.S. 23:1605(A)(4), R.S. 36:3(7), 8(E)(2)(d), 9(C),  
9 471(B) and (C)(1), 472(A), 475.1(B) and (C), 476, and 477, R.S. 40:34.5(E),  
10 46.12(D) and (F), and 1061.14(B)(3)(b)(i), R.S. 43:111(A)(8), R.S. 44:38, R.S.  
11 46:51(introductory paragraph), 51.3, 233.1(C)(introductory paragraph) and  
12 (D)(introductory paragraph), 236.1.1(3), 236.1.4(E), 236.1.8(D), 236.3(A)(2),  
13 236.10(A), 236.11(C), 236.12(B)(1), 236.14(D)(1)(introductory paragraph),  
14 236.15(A)(1), 236.16, 238(B), (C), (D), (E)(introductory paragraph) and (7), and (F),  
15 281, 1002(A), (B)(introductory paragraph), and (C), and 2136.2(F), R.S.  
16 47:299.11(1), 299.41(B), 463.112(C), and 9027(C)(10)(introductory paragraph) and  
17 (c), and R.S. 51:1442(4) and to repeal R.S. 36:474(A)(11) and (G) and 477(B)(2) and

1 R.S. 46:51(2) and (14) and 233.1(A) and (B), relative to the organization of the  
 2 Department of Children and Family Services; to create the office of child support  
 3 and the office of child welfare; to eliminate the office of children and family  
 4 services; to transfer the duties of certain offices within the Department of Children  
 5 and Family Services; to remove outdated provisions; and to provide for related  
 6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Articles 509(B)(1), 512(B)(1), 522(A)(2), 1269.3(F),  
 9 1270(B), (E), and (F), 1271(A), 1273, 1283.2(H), 1285.2(H), and 1519 are hereby amended  
 10 and reenacted to read as follows:

11 Art. 509. Development of interagency protocols; drafting committee membership;  
 12 meetings; compliance deadline

13 \* \* \*

14 B. At a minimum, each committee shall include the following members:

15 (1) A representative of the office of ~~children and family services~~, child  
 16 welfare, Department of Children and Family Services.

17 \* \* \*

18 Art. 512. Composition of the multidisciplinary investigative team

19 \* \* \*

20 B. Governmental entities that have responsibilities imposed by law for the  
 21 investigation of child abuse include:

22 (1) The office of ~~children and family services~~, child welfare, Department of  
 23 Children and Family Services.

24 \* \* \*

25 Art. 522. Applicability

26 A. A child advocacy center is established and becomes subject to the  
 27 provisions of this Chapter when all of the following have been accomplished:

28 \* \* \*

29 (2) An agreement to use the services of a child advocacy center has been  
 30 executed by representatives of the district attorney, the office of ~~children and family~~

~~services;~~ child welfare, Department of Children and Family Services, the coroner, the sheriff, and any other law enforcement agency having responsibility in the district for the investigation of child abuse.

\* \* \*

Art. 1269.3. Continuing contact agreement; parties; required declarations

\* \* \*

F. The continuing contact agreement shall contain the requirements in substantially the following form:

STATE OF LOUISIANA

PARISH OF (NAME OF PARISH)

AGREEMENT FOR POST-ADOPTION CONTINUING CONTACT

We (NAME OF ADOPTIVE PARENT(S)) and (NAME OF ADULT PERSON PERMITTED CONTACT BY ARTICLE 1269.2) agree to post-adoption continuing contact between (NAME OF ADOPTED CHILD) and (NAME OF PERSON PERMITTED CONTACT) in accordance with the provisions of this Agreement. This Agreement reflects our commitment to an on-going, cooperative relationship focused upon meeting (NAME OF CHILD)'s needs now and in the future, fully recognizing that those needs may change as (HE/SHE) matures.

OR

We (NAME OF ADOPTIVE PARENT(S)) and (NAME OF ADULT PARENT, GUARDIAN OR LEGAL CUSTODIAN OF MINOR SIBLING) agree to post-adoption continuing contact between (NAME OF ADOPTED CHILD) and (NAME OF MINOR SIBLING) in accordance with the provisions of this Agreement. This Agreement reflects our recognition of the significance and enduring nature of sibling relationships and our commitment to supporting and preserving the on-going relationship between (NAME OF CHILD) and (MINOR SIBLING).

We have each freely and voluntarily entered into this Agreement and intend to be bound by its terms. We have been counseled and advised by the Department, our attorney, or other appropriate professional of the meaning of these declarations,

1 the effects of a continuing contact agreement, and the opportunity to have our own  
2 respective counsel review this Agreement.

3 We recognize that any dispute or litigation regarding the terms of this  
4 Agreement shall not affect the validity of any surrender or termination of parental  
5 rights, adoption, or custody of (NAME OF CHILD).

6 We also recognize that upon approval of the court, this Agreement becomes  
7 legally binding and any party to it may seek enforcement of its terms.

8 We also agree that (NAME OF DEPARTMENT REPRESENTATIVE or  
9 NAME OF COUNSEL FOR ADOPTIVE PARENT) shall file this Agreement with  
10 the proper court of jurisdiction by (DATE NO LATER THAN 10 DAYS FROM  
11 EXECUTION OF THE AGREEMENT) requesting the court's approval of this  
12 Agreement in accordance with Louisiana Children's Code Article 1269.5.

13 We agree to the following enforceable post-adoption continuing contact:  
14 (INSERT PROVISIONS NEGOTIATED BY PARTIES.)

15 This Agreement reflects our minimum expectations regarding continuing  
16 contact for the duration of the minority of (NAME OF CHILD). We understand that  
17 we can agree upon other continuing contact arrangements in the future through  
18 informal or formal means. However, we recognize that these minimum expectations  
19 must be preserved until such time as we modify them by mutual written agreement  
20 or the court modifies or terminates this Agreement in accordance with Louisiana  
21 Children's Code Article 1269.8.

22 We certify that we enter this Agreement in good faith and intend that it  
23 always be interpreted to serve (NAME OF CHILD)'s best interest. We agree that we  
24 will always attempt to resolve any disagreement that may arise in (HIS/HER) best  
25 interest and acknowledge that court modification or enforcement is to be used only  
26 as a last resort when all informal means of resolution have been exhausted. We  
27 acknowledge that Louisiana Children's Code Article 1269.8 authorizes the court to  
28 hear a motion to enforce, modify, or terminate this Agreement only after we have  
29 attempted in good faith to mediate the issues underlying our disagreement. Should  
30 mediation fail to resolve our differences, the court may modify or terminate this

1 Agreement upon finding a change of circumstances and the Agreement no longer  
2 serves the best interest of (NAME OF CHILD).

3 This instrument reflects the entire agreement between us regarding post-  
4 adoption continuing contact. There are no promises, terms, conditions, or  
5 obligations other than those stated in this written Agreement.

6 We acknowledge that unless it is the legal custodian of a minor sibling named  
7 in this Agreement, the Department of Children and Family Services, office of  
8 ~~children and family services~~, child welfare is not a party to this Agreement and has  
9 no responsibility for enforcement of it.

10 This Agreement becomes effective upon approval of the court in accordance  
11 with Louisiana Children's Code Article 1269.5.

12 THIS DONE, READ, AND SIGNED this day of \_\_\_\_\_,  
13 20\_\_\_\_, Parish of (NAME OF PARISH), State of Louisiana.

14 \_\_\_\_\_

15 ADOPTING PARENT

16 \_\_\_\_\_

17 OTHER ADOPTING PARENT, IF ANY

18 \_\_\_\_\_

19 ADULT PERSON PERMITTED CONTACT

20 \_\_\_\_\_

21 ADULT PARENT, GUARDIAN OR LEGAL CUSTODIAN OF MINOR SIBLING

22 \_\_\_\_\_

23 WITNESS

24 \_\_\_\_\_

25 WITNESS

26 \_\_\_\_\_

27 NOTARY

28 \* \* \*

29 Art. 1270. Legislative findings; purpose; release of information

30 \* \* \*

1           B. There is hereby created within the office of ~~children and family services~~  
2           child welfare, of the Department of Children and Family Services a voluntary  
3           registry for the matching of adopted persons, or an adoptive parent of a minor or  
4           deceased adopted person, or a descendant of a deceased adopted person, or his parent  
5           if a minor, and biological parents or siblings, or both, or a parent, sibling, or  
6           descendant, or his parent if a minor, of a deceased biological parent. The purpose  
7           of this registry shall be to facilitate voluntary contact between the adopted person,  
8           or an adoptive parent of a minor or deceased adopted person, or the descendant of  
9           a deceased adopted person, or his parent if a minor, and a biological parent or  
10          biological sibling, or both, or a parent, sibling, or descendant, or his parent if a  
11          minor, of a deceased biological parent.

12                                   \*       \*       \*

13          E. The office of ~~children and family services~~ child welfare shall not release  
14          any registry information in violation of this Chapter.

15          F. The office of ~~children and family services~~ child welfare shall confirm for  
16          an adopted person the fact of his adoption and identify the court in which the  
17          adoption was finalized and the agency, firm, or lawyer facilitating the adoption when  
18          that information is known. To receive this information, the adopted person shall be  
19          eighteen years of age or older, provide proof of identity, and submit a written  
20          request.

21          Art. 1271. Registration

22                A. Registration shall be by affidavit filed with the office of ~~children and~~  
23                ~~family services.~~ child welfare. That office shall develop and furnish standardized  
24                affidavit forms appropriate for effecting the purpose of this Chapter.

25                                   \*       \*       \*

26          Art. 1273. Confidentiality

27                Documents filed with the office of ~~children and family services,~~ child  
28                welfare, pursuant to this Chapter, shall be confidential and shall not be available for  
29                inspection, except under the procedures set forth in this Chapter.

30                                   \*       \*       \*

1 Art. 1283.2. Permissible reimbursement of expenses

2 \* \* \*

3 H. A copy of the Adoption Disclosure Affidavit and all orders of the court  
4 pursuant to this Article shall be mailed to the office of ~~children and family services,~~  
5 child welfare, Department of Children and Family Services.

6 \* \* \*

7 Art. 1285.2. Permissible reimbursement of expenses

8 \* \* \*

9 H. A copy of the Adoption Disclosure Affidavit and all orders of the court  
10 pursuant to this Article shall be mailed to the office of ~~children and family services,~~  
11 child welfare, Department of Children and Family Services.

12 \* \* \*

13 Art. 1519. Hearing

14 The petition shall be set for hearing on the record unless specifically waived  
15 by the court. If the Department of Children and Family Services, office of ~~children~~  
16 ~~and family services,~~ child welfare, has recommended that the petition for voluntary  
17 transfer of custody be filed, a representative for the department shall testify at the  
18 hearing with particularity the reasons for the recommendation. Further, the  
19 department representative shall specify why a child in need of care petition should  
20 not be filed and shall testify regarding the preventative services offered by the  
21 department to the petitioner to prevent the transfer of custody.

22 Section 2. Code of Evidence Article 902(10) is hereby amended and reenacted to  
23 read as follows:

24 Art. 902. Self-authentication

25 Extrinsic evidence of authenticity as a condition precedent to admissibility  
26 is not required with respect to the following:

27 \* \* \*

28 (10) Labor reports. A copy of a report from the Louisiana Workforce  
29 Commission, or from any state or federal reporting agency, which is in the  
30 possession of a field officer of the ~~support enforcement services program,~~ office of

~~children and family~~, office of child support, Department of Children and Family Services, introduced as evidence in any child or spousal support proceeding. "Field officer" means any person designated or authorized as a field officer pursuant to the provisions of R.S. 46:236.1.8.

Section 3. R.S. 6:333(F)(14) is hereby amended and reenacted to read as follows:

§333. Disclosure of financial records; reimbursement of costs

\* \* \*

F. The following disclosures by a bank or any affiliate are hereby specifically authorized and, except as otherwise provided in this Subsection, nothing in this Section shall prohibit, restrict, or otherwise apply to:

\* \* \*

(14) The disclosure by a bank or any affiliate of data match information on an individual to the secretary of the Department of Children and Family Services; or his designee in the office of ~~children and family services~~, child support ~~enforcement section~~, for use in attempting to establish, modify, or enforce a child support obligation of such individual. Such disclosure to the department shall be limited to the name, record address, social security or taxpayer identification number, and an average daily account balance for the most recent thirty-day period, of a noncustodial parent who maintains an account at such institution and who owes past-due support as identified by the state by name and social security or taxpayer identification number. The disclosure authorization provided for in this Paragraph shall apply to all co-owners listed on the applicable account.

\* \* \*

Section 4. R.S. 9:315.16(A), 315.40(1) and (3), 399.1(A) and (F)(3) and (4), and 406(B)(2) and (C)(2) are hereby amended and reenacted to read as follows:

§315.16. Review of guidelines

A. The guidelines set forth in this Part shall be reviewed by the legislature not less than once every four years. A review of the guidelines shall take place in 2012 and every four years thereafter, and it shall be the responsibility of the office of ~~children and family services~~, child support, ~~enforcement section~~ of the

1 Department of Children and Family Services, and the Louisiana District Attorneys  
2 Association, in consultation with the child support review committee provided in  
3 Subsection B of this Section, to obtain all information required to comply with the  
4 provisions of 42 U.S.C. 667(a) and present the same to the legislature sixty days  
5 prior to the beginning of the 2008 Regular Session of the Legislature and every four  
6 years thereafter.

7 \* \* \*

8 §315.40. Definitions

9 As used in this Subpart:

10 (1) "Administrator" means the ~~administrator~~ assistant secretary of the ~~child~~  
11 ~~support enforcement section, office of children and family services, office of child~~  
12 ~~support,~~ Department of Children and Family Services.

13 \* \* \*

14 (3) "Department" means the Department of Children and Family Services,  
15 office of ~~children and family services~~ child support.

16 \* \* \*

17 §399.1. Dismissal of final order following judgment of paternity; time periods;  
18 procedure; effects

19 A. Notwithstanding any other provision of law, a judgment establishing  
20 paternity may be set aside or vacated by the adjudicated father of a child, the child,  
21 the mother of the child, or the legal representative of any of these persons. The  
22 proceeding shall be instituted by ordinary process in a court of competent  
23 jurisdiction and service shall be made upon the office of ~~children and family~~  
24 ~~services,~~ child support, ~~enforcement section of the~~ Department of Children and  
25 Family Services, if services are being provided by the department. The burden of  
26 proof shall be upon the party seeking to set aside or vacate the judgment of paternity.  
27 The proceeding shall be brought within a two-year period commencing with the date  
28 on which the adjudicated father knew or should have known of a judgment that  
29 established him as the father of the child or commencing with the date the

1 adjudicated father knew or should have known of the existence of an action to  
2 adjudicate the issue of paternity, whichever is first.

3 \* \* \*

4 F.

5 \* \* \*

6 (3) The judgment dismissing an established order of support shall be served  
7 upon the office of ~~children and family services~~, child support, ~~enforcement section~~  
8 of the Department of Children and Family Services, if services are being provided  
9 by the department.

10 (4) Neither the state of Louisiana, its officers, employees, agents,  
11 contractors, nor the office of ~~children and family services~~, child support,  
12 ~~enforcement section of the~~ Department of Children and Family Services shall be  
13 liable in any case to compensate any person for child support paid or for any other  
14 costs as a result of the judgment setting aside or vacating the judgment of paternity  
15 or support entered in accordance with this Section.

16 \* \* \*

17 §406. Revocation of authentic act; with and without cause; procedure

18 \* \* \*

19 B.

20 \* \* \*

21 (2) The petitioner shall institute the annulment proceeding by ordinary  
22 process in a court of competent jurisdiction upon notice to the other party who  
23 executed the notarial act of acknowledgment and other necessary parties including  
24 the office of ~~children and family services~~, child support, ~~enforcement section of the~~  
25 Department of Children and Family Services.

26 \* \* \*

27 C.

28 \* \* \*

29 (2) Neither the state of Louisiana, its officers, employees, agents,  
30 contractors, nor the office of ~~children and family services~~, child support,

~~enforcement section of the~~ Department of Children and Family Services shall be liable to compensate any person for child support paid or any other costs as a result of the revocation of any authentic act of acknowledgment or the annulment of any judgment of paternity or support in accordance with this Section.

\* \* \*

Section 5. R.S. 11:441.1(F) is hereby amended and reenacted to read as follows:

§441.1. Early Retirement and Payroll Reduction Act of 2006

\* \* \*

F. Notwithstanding any other provision of law or of this Section to the contrary, the provisions of this Section which eliminate vacated positions shall not be applicable to any positions of the Department of Children and Family Services, office of ~~children and family services~~, child support ~~enforcement section~~; or to Department of Public Safety and Corrections security officers or probation and parole officers; or to any positions of the LSU health care services division.

\* \* \*

Section 6. R.S. 13:998(B) and(E)(1) and (3), 1141(B) and (E)(1) and (3), 1414(B) and (E)(1) and (3), 4291(B)(1), and 5108.2 are hereby amended and reenacted to read as follows:

§998. Nonrefundable fee; assessment and disposition

\* \* \*

B. The clerks of the respective district courts, within thirty days of the close of each fiscal year, shall remit all funds collected pursuant to this Section to be deposited in the state treasurer's account for credit to a special statutorily dedicated fund account after meeting the requirements of Article VII, Section 9 of the Constitution of Louisiana. The monies in this account shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the account following compliance with the requirement of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund. Disbursement of funds shall be made by the ~~office of children and family services in the~~ Department

of Children and Family Services, or its successor, in accordance with Paragraph (E)(2) of this Section and only in amounts appropriated by the legislature. Monies deposited into this account shall be categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive budget, supporting documents, and general appropriations bills and shall be available for annual appropriations by the legislature.

\* \* \*

E.(1) Within thirty days of receipt of such funds, ~~the office of children and family services~~ the Department of Children and Family Services shall distribute the funds among those qualifying organizations. A qualifying organization ~~must~~ shall be recognized as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code and be located and operated within Caddo, Calcasieu, Caldwell, East Carroll, West Carroll, Franklin, Jackson, St. Landry, Lincoln, Madison, Morehouse, St. Bernard, Ouachita, Union, Richland, Tensas, Sabine, DeSoto, Vermilion, or Lafayette Parish and shall provide:

\* \* \*

(3) Organizations seeking to be qualified shall apply on an annual basis to ~~the office of children and family services~~ Department of Children and Family Services within the time and in the manner designated by the ~~office of children and family services~~ department and afford such reasonable proof as is required to establish its entitlement to funds.

\* \* \*

§1141. Domestic Relations Section; nonrefundable fee; assessment and disposition

\* \* \*

B. The clerk of the civil district court, within thirty days of the close of each fiscal year, shall remit all costs collected pursuant to this Section to be deposited in the state treasurer's account for credit to a special statutorily dedicated fund account after meeting the requirements of Article VII, Section 9 of the Constitution of Louisiana. The monies in this account shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the

investment of these monies shall be credited to the account following compliance with the requirement of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund. Disbursement of funds shall be made by ~~the office of children and family services in~~ the Department of Children and Family Services, or its successor, in accordance with Paragraph (E)(2) of this Section and only in amounts appropriated by the legislature. Monies deposited into this account shall be categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive budget, supporting documents, and general appropriations bills and shall be available for annual appropriation by the legislature.

\* \* \*

E.(1) Within thirty days of the receipt of such funds, the ~~office of children and family services~~ department shall distribute the funds among those qualifying organizations. A qualifying organization ~~must~~ shall be recognized as a non-profit organization under Section 501(c)(3) of the Internal Revenue Code and be located within the parish of Orleans, and shall provide:

\* \* \*

(3) Organizations seeking to be qualified shall apply on an annual basis to the ~~office of community services~~ department within the time and in the manner designated by the ~~office of community services~~ department and afford such reasonable proof as is required to establish its entitlement to funds.

\* \* \*

§1414. Nonrefundable fee; assessment and disposition

\* \* \*

B. The clerk of the 19th Judicial District Court, within thirty days of the close of each fiscal year, shall remit all costs collected pursuant to this Section to be deposited in the state treasurer's account for credit to a special statutorily dedicated fund account after meeting the requirements of Article VII, Section 9 of the Constitution of Louisiana. The monies in this account shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the account following

1 compliance with the requirement of Article VII, Section 9(B) of the Constitution of  
2 Louisiana relative to the Bond Security and Redemption Fund. Disbursement of  
3 funds shall be made by ~~the office of children and family services~~ in the Department  
4 of Children and Family Services, or its successor, in accordance with Paragraph  
5 (E)(2) of this Section and only in amounts appropriated by the legislature. Monies  
6 deposited into this account shall be categorized as fees and self-generated revenue  
7 for the sole purpose of reporting related to the executive budget, supporting  
8 documents, and general appropriations bills and shall be available for annual  
9 appropriations by the legislature.

10 \* \* \*

11 E.(1) Within thirty days of the receipt of such funds, the ~~office of children~~  
12 ~~and family services~~ Department of Children and Family Services shall distribute the  
13 funds among those qualifying organizations. A qualifying organization ~~must~~ shall  
14 be recognized as a nonprofit organization under Section 501(c)(3) of the Internal  
15 Revenue Code and be located within the parish of East Baton Rouge, and shall  
16 provide:

17 \* \* \*

18 (3) Organizations seeking to be qualified shall apply on an annual basis to  
19 the ~~office of children and family services~~ Department of Children and Family  
20 Services within the time and in the manner designated by the ~~office of children and~~  
21 ~~family services~~ Department of Children and Family Services and afford such  
22 reasonable proof as is required to establish its entitlement to funds.

23 \* \* \*

24 §4291. Effect of child support payments; judicial mortgage and privilege; affidavit  
25 of support owed; prescription

26 \* \* \*

27 B.(1) In all cases where the Department of Children and Family Services is  
28 enforcing child support services, a judgment created by operation of law pursuant to  
29 Subsection A of this Section shall be executory in all respects, without the necessity  
30 of a judicial proceeding to determine the amount actually owed. The director of the

~~office of child support, child support enforcement section, office of children and family services, Department of Children and Family Services, or his designee shall certify the actual amount in an affidavit entitled "Child Support Mortgage and Privilege by Affidavit of DCFS". Such affidavit shall have the effect of a judgment. Notwithstanding any other law to the contrary, prescription shall not begin to run against any such judgment until the child reaches the age of majority or the obligation to provide child support ceases.~~

\* \* \*

§5108.2. Child protective services workers; legal defense

The Department of Justice shall provide any worker of the ~~child protection services division of the office of children and family services~~ office of child welfare, of the Department of Children and Family Services with a legal defense in any civil action arising from any activity within the course and scope of the worker's employment.

\* \* \*

Section 7. R.S. 15:587(A)(2)(a) and (b), 587.1(I), and 587.5(A)(4) are hereby amended and reenacted to read as follows:

§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal

## Identification and Information

A.

\* \* \*

(2)(a) The bureau, in accordance with its powers to regulate and to enforce provisions herein, may further restrict those agencies eligible to receive information. However, the bureau shall make available to the Department of Children and Family Services all criminal history record information as defined in R.S. 15:576 related to 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

1 office of ~~children and family services~~ child welfare; potential employees of the  
2 department whose duties include the investigation of child abuse or neglect, the  
3 supervisory or disciplinary authority over children, direct care of a child, or  
4 performance of licensing surveys; and individuals employed directly or indirectly by  
5 institutions or facilities providing, or with the potential of providing, daily care or  
6 supervision to any child or youth in the custody of or under the supervision of any  
7 Louisiana state government agency. For the purposes of this Section, the bureau  
8 shall employ such methods and procedures and shall observe such duty hours as to  
9 provide information upon request within forty-eight hours from its receipt.

10 (b) The bureau shall facilitate national criminal history record checks of  
11 prospective foster and adoptive parent applicants and adult members of foster and  
12 adoptive parent households; parents whose children have been removed from their  
13 custody; parents or caretakers involved in investigations of abuse or neglect;  
14 potential caretakers of a child who is either in the custody of the department, is the  
15 subject of an investigation of abuse or neglect, or is or has been receiving services  
16 through the office of ~~children and family services~~ child welfare; potential employees  
17 of the department whose duties include the investigation of child abuse or neglect,  
18 the supervisory or disciplinary authority over children, direct care of a child, or  
19 performance of licensing surveys; and individuals employed directly or indirectly by  
20 institutions or facilities providing, or with the potential of providing, daily care or  
21 supervision to any child or youth in the custody of or under the supervision of any  
22 Louisiana state government agency by receiving and forwarding fingerprint cards to  
23 the Federal Bureau of Investigation. The Department of Children and Family  
24 Services is authorized to receive and screen the results of the state and national  
25 criminal history record checks in order to determine foster or adoptive parent  
26 applicants' eligibility for certification or recertification as a placement resource for  
27 children; to assist in the determination of the appropriateness of a parent or potential  
28 caregiver as a placement resource for a child; to assess the situation for safety issues  
29 and risks to the child and worker; to assess the qualifications of a potential  
30 department employee; and to assess the qualifications of individuals employed,

1 directly or indirectly, by institutions or facilities providing, or with the potential of  
2 providing, daily care or supervision to any child or youth in the custody of or under  
3 the supervision of any Louisiana state government agency. The department shall  
4 maintain the confidentiality of criminal history information received in accordance  
5 with applicable federal or state law.

6 \* \* \*

7 §587.1. Provision of information to protect children

8 \* \* \*

9 I. Notwithstanding any other provision of law to the contrary, the  
10 Department of Children and Family Services ~~Services, office of children and family~~  
11 ~~services~~, may utilize the National Crime Information Center to conduct background  
12 checks authorized in R.S. 15:587 when investigating or responding to reports of  
13 abuse or neglect as provided for in Section 151 of Public Law 109-248.

14 \* \* \*

15 §587.5. Agencies with access to federal tax information; criminal history  
16 information

17 A. For purposes of this Section, "agency" means any agency that has an  
18 agreement with the Internal Revenue Service to access federal tax information or is  
19 authorized by law to audit the records of an agency that has access to federal tax  
20 information. "Agency" shall include all of the following:

21 \* \* \*

22 (4) Department of Children and Family Services, ~~child support enforcement~~  
23 ~~and family support~~ Services, office of child support.

24 \* \* \*

25 Section 8. R.S. 17:192.1(A)(1)(a) and (3) are hereby amended and reenacted to read  
26 as follows:

27 §192.1. Meals; denial to students; procedures

28 A. If the governing authority of a public elementary school, for any reason,  
29 adopts a policy of denying a scheduled meal to a child who is an elementary school

1 student, it shall implement the following procedures to provide for safeguards to the  
2 child's health and the child's ability to learn:

3 (1) Prior to withholding a meal from the child, the school shall do each of  
4 the following:

5 (a) Provide actual notification to the child's parent or legal guardian as to the  
6 date and time after which meals may be denied, the reason for such denial, any  
7 action that may be taken by the parent or legal guardian to prevent further denial of  
8 meals, and the consequences of the failure to take appropriate actions to prevent such  
9 denial, including that the school governing authority shall contact the office of  
10 ~~children and family services~~ child welfare, ~~within the~~ Department of Children and  
11 Family Services upon the third instance of such denial during a single school year  
12 as provided in Paragraph (3) of this Subsection.

13 \* \* \*

14 (3) Upon the third instance during a single school year of the same  
15 elementary school child being denied a meal during school hours, the school  
16 governing authority shall contact the office of ~~children and family services~~ child  
17 welfare, ~~within the~~ Department of Children and Family Services to report the failure  
18 of the parent or guardian to pay for meals which has resulted in repeated denials of  
19 meals during school hours.

20 Section 9. R.S. 23:1605(A)(4) is hereby amended and reenacted to read as follows:

21 §1605. Unemployment insurance integrity program

22 A. For the purposes of this Section, the following terms have the meanings  
23 ascribed to them:

24 \* \* \*

25 (4) "New hire records" means the directory of newly hired and re-hired  
26 employees reported under state and federal law and managed by the ~~child support~~  
27 ~~enforcement section, division of family support, office of children and family~~  
28 ~~services~~, office of child support, Department of Children and Family Services.

29 \* \* \*

Section 10. R.S. 36:477(B)(1) is hereby amended and reenacted to read as follows:

§477. Office; purposes and functions

\* \* \*

B.(1) The office of children and family services shall perform the services of the state relating to public assistance programs to provide aid to dependent children and to adults, who due to age, disability, or infirmity, are unable to adequately meet their basic needs. It shall also administer ~~the food stamp program or its successor~~, child support programs, establishment of paternity programs, disaster relief grant programs for individuals and families, and such other programs as assigned by the secretary. ~~It shall also conduct disability and other client eligibility determinations, and may conduct medical assistance client eligibility determinations.~~ The office is authorized to enter into interagency agreements with other state agencies to conduct eligibility determinations. The office shall provide for the public child welfare functions of the state including but not limited to prevention services that promote, facilitate, and support activities to prevent child abuse and neglect; child protective services; voluntary family strengthening and support services; making permanent plans for foster children and meeting their daily maintenance needs of food, shelter, clothing, necessary physical medical services, school supplies, and incidental personal needs; and adoption placement services for foster children freed for adoption. It shall also perform the functions of the state relating to the licensing of facilities regulated under Chapter 14 of Title 46 of the Louisiana Revised Statutes of 1950. The office shall issue and monitor domestic violence services contracts.

\* \* \*

Section 11. R.S. 36:3(7), 8(E)(2)(d), 9(C), 471(B) and (C)(1), 472(A), 475.1(B) and (C), 476, and 477 are hereby amended and reenacted to read as follows:

§3. Definitions

As used in this Title, the following terms have the following meanings unless the context clearly indicates otherwise:

\* \* \*

(7) "Undersecretary" means the officer designated to direct and be responsible for the functions of the office of management and finance of certain departments. ~~For the Department of Children and Family Services, "undersecretary" means the officer designated to direct and be responsible for the functions of the division of management and finance within the office of children and family services.~~

\* \* \*

§8. Fiscal oversight and program evaluation

\* \* \*

E. As used in this Section, the following words shall have the following meanings unless the context clearly indicates otherwise:

\* \* \*

(2) "Undersecretary" means the undersecretary of each department in the executive branch of state government, except "undersecretary" means the following in the case of the listed departments:

\* \* \*

(d) For the Department of Children and Family Services, the secretary; however, for the purposes of Paragraph (A)(2) and Subsection D of this Section, "undersecretary" shall mean the undersecretary for the ~~division~~ office of management and finance for the department. In addition, for purposes of Paragraph (A)(5) of this Section, reports of problems related to budget, finances, or administration shall be the responsibility of the undersecretary as provided in Paragraph (A)(5) of this Section, and reports of problems related to programs and policy shall be the direct responsibility of the secretary. Any provision of this Section that requires the undersecretary to report to or inform the secretary shall not be applicable to the Department of Children and Family Services for any function or responsibility exercised by the secretary pursuant to this Subparagraph.

\* \* \*

§9. Designation of certain organizational units; uniform terminology

\* \* \*

1 C.(1) Each organizational unit which reports to the secretary, which is not  
2 an agency and is not within an office, shall be in the executive office of the secretary  
3 and shall be designated as follows:

4 (a) (1) A unit which reports directly to the secretary shall be designated as  
5 a bureau.

6 (b) (2) A subunit of a bureau shall be designated as a section.

7 (c) (3) A subunit of a section shall be designated as a unit.

8 ~~(2) For the Department of Children and Family Services, each organizational~~  
9 ~~unit which reports to the secretary, which is not an agency and is not within the~~  
10 ~~division of management and finance, the division of child welfare, or the division of~~  
11 ~~family support, shall be in the executive division, and shall be designated as follows:~~

12 ~~(a) A unit which reports directly to the secretary shall be designated as a~~  
13 ~~bureau.~~

14 ~~(b) A subunit of a bureau shall be designated as a section.~~

15 ~~(c) A subunit of a section shall be designated as a unit.~~

16 \* \* \*

17 §471. Department of Children and Family Services; creation; domicile;  
18 composition; purpose and functions

19 B.(1) ~~The Department of Children and Family Services, through its office~~  
20 ~~and officers, shall be responsible for the development and providing of social~~  
21 ~~services and the improvement of social conditions for the citizens of Louisiana. The~~  
22 ~~department declares that every child deserves to be safe, stability is the foundation~~  
23 ~~for success, and strong families create strong communities.~~

24 (2) It is the mission of the department to protect children, empower families,  
25 and strengthen communities so every child grows up safe, stable, and strong. The  
26 department envisions a future where every child thrives in a safe, stable, and loving  
27 environment, supported by empowered families and resilient communities.

28 (3) To accomplish the mission and vision set forth, the department declares  
29 the following:

(a) It will take accountability and be committed to transparency, action and results.

(b) It will prioritize connections to bridge gaps between services, agencies,  
and in communities to bring the right people together for real solutions.

(c) It will develop every employee by ensuring they have the tools and support required to reach their highest potential.

C.(1) The Department of Children and Family Services shall be composed of the executive office of children and family services, the secretary, office of management and finance, office of child welfare, office of child support, and such other offices as shall be created by law.

\* \* \*

§472. Officers of the department; compensation for one office only

A. The officers of the department shall be the secretary, the deputy secretary, the undersecretary, ~~the assistant secretary of child welfare, and the assistant secretary of family support,~~ secretaries, each of whom shall be selected and shall perform functions as provided in this Title.

\* \* \*

§475.1. Undersecretary; functions; ~~division~~ office of management and finance

\* \* \*

B. The undersecretary shall direct and be responsible for the functions of the ~~division office of management and finance, within the office of children and family services~~ finance, within the Department of Children and Family Services. In such capacity, he shall be responsible for accounting and budget control, procurement and contract management, data processing, personnel management, grants management, and facility construction and consulting services for the department and all of its offices, including all agencies transferred to the Department of Children and Family Services, except as otherwise specifically provided in this Title. The undersecretary shall exercise all powers and authority granted to him in this Title subject to the overall direction and control of the secretary.

1 C. The duties and functions of the ~~division~~ office of management and finance  
2 ~~finance, within the office of children and family services~~ and of the undersecretary  
3 shall be as provided in this Section and these duties and functions shall not be subject  
4 to change by the secretary, except that the undersecretary shall perform such  
5 additional duties and functions as are assigned by the secretary.

6 \* \* \*

7 §476. Assistant secretaries

8 A. ~~There shall be an assistant secretary of child welfare and an assistant~~  
9 ~~secretary of family support, who shall be appointed by the governor with consent of~~  
10 ~~the Senate and who shall serve at the pleasure of the governor at a salary fixed by the~~  
11 ~~governor, which salary shall not exceed the amount approved for such position by~~  
12 ~~the legislature while in session.~~ Each office within the Department of Children and  
13 Family Services, except the executive office of the secretary and the office of  
14 management and finance, shall be under the immediate supervision and direction of  
15 an assistant secretary who shall be appointed by the governor with the consent of the  
16 Senate. Each shall serve at the pleasure of the governor and shall be paid a salary  
17 which shall be fixed by the governor, which salary shall not exceed the amount  
18 approved for such a position by the legislature while in session.

19 B. ~~The assistant secretary of child welfare shall manage the division of child~~  
20 ~~welfare and perform the duties and functions of the division related to program~~  
21 ~~development and administration, program service delivery, and development of rules~~  
22 ~~and policy to govern the various programs of the division.~~ Except as otherwise  
23 expressly provided in this Title, the duties and functions of each office and its  
24 assistant secretary shall be determined by the secretary, and all such duties and  
25 functions shall be exercised under the direct supervision and control of the secretary.

26 C. ~~The assistant secretary of family support shall manage the division of~~  
27 ~~family support and perform the duties and functions of the division related to~~  
28 ~~program development and administration, program service delivery, and~~  
29 ~~development of rules and policy to govern the various programs of the division.~~  
30 Except as otherwise provided in R.S. 36:801, each assistant secretary shall employ,

1 appoint, remove, assign, and promote such personnel as is necessary for the efficient  
2 administration of his office and its programs and the performance of its powers,  
3 duties, functions, and responsibilities in accordance with applicable civil service  
4 laws, rules, and regulations and with regard to policies and rules of the department,  
5 all subject to budgetary control and applicable laws.

6 §477. ~~Office~~ Offices; purposes and functions

7 A. The purposes for which the ~~office of children and family services~~ offices  
8 of the Department of Children and Family Services is created shall be set forth in this  
9 Section.

10 B.(1) ~~The office of children and family services shall perform the services~~  
11 ~~of the state relating to public assistance programs to provide aid to dependent~~  
12 ~~children and to adults, who due to age, disability, or infirmity, are unable to~~  
13 ~~adequately meet their basic needs. It shall also administer the food stamp program~~  
14 ~~or its successor, child support programs, establishment of paternity programs,~~  
15 ~~disaster relief grant programs for individuals and families, and such other programs~~  
16 ~~as assigned by the secretary. It shall also conduct disability and other client~~  
17 ~~eligibility determinations, and may conduct medical assistance client eligibility~~  
18 ~~determinations. The office is authorized to enter into interagency agreements with~~  
19 ~~other state agencies to conduct eligibility determinations. The office shall provide~~  
20 ~~for the public child welfare functions of the state including but not limited to~~  
21 ~~prevention services that promote, facilitate, and support activities to prevent child~~  
22 ~~abuse and neglect, child protective services, voluntary family strengthening and~~  
23 ~~support services, making permanent plans for foster children and meeting their daily~~  
24 ~~maintenance needs of food, shelter, clothing, necessary physical medical services,~~  
25 ~~school supplies, and incidental personal needs; and adoption placement services for~~  
26 ~~foster children freed for adoption. It shall also perform the functions of the state~~  
27 ~~relating to the licensing of facilities regulated under Chapter 14 of Title 46 of the~~  
28 ~~Louisiana Revised Statutes of 1950. The office shall issue and monitor domestic~~  
29 ~~violence services contracts. The executive office of the secretary shall provide for~~  
30 the general oversight and supervision of the department. The executive office of the

secretary includes a bureau of audit, bureau of general counsel, and a bureau of communications and governmental affairs.

C. The office of child welfare shall provide for the public child welfare functions of the state including but not limited to centralized intake; child protective services; human trafficking programs; making permanent plans for foster children and meeting their daily maintenance needs for food, shelter, clothing, necessary physical medical services, school supplies, and incidental personal needs; adoption placement services for foster children freed for adoption; prevention services that promote, facilitate, and support activities to prevent child abuse and neglect, including but not limited to voluntary family strengthening and support services; and such other programs as assigned by the secretary. The office shall also issue and monitor domestic violence services contracts.

D. The office of child support shall provide for the administration of child support programs pursuant to Title IV-D of the Social Security Act, including but not limited to enforcing, collecting, and distributing support obligations; establishing paternity; obtaining and modifying child and medical support orders; and such other programs as assigned by the secretary.

Section 12. R.S. 40:34.5(E), 46.12(D) and (F), and 1061.14(B)(3)(b)(i) are hereby amended and reenacted to read as follows:

§34.5. Original birth certificate; required contents; name of father

\* \* \*

E. Nothing in this Section shall preclude the Department of Children and Family Services, office of ~~children and family services~~, child support enforcement ~~section~~ from obtaining an admission of paternity from the biological father for submission in a judicial proceeding, or prohibit the issuance of an order in a judicial proceeding which bases a legal finding of paternity on an admission of paternity by the biological father and on any other additional showing required by state law.

\* \* \*

1           §46.12. Hospital-based paternity program

2                                   \*       \*       \*

3                   D. Hospital personnel shall forward an acknowledgment of paternity to the  
4                   state registrar who shall forward copies of same to the Department of Children and  
5                   Family Services, office of ~~children and family services~~, child support ~~enforcement~~  
6                   ~~section~~. A statewide database shall be maintained by the Department of Children  
7                   and Family Services in accordance with federal regulations.

8                                   \*       \*       \*

9                   F. The Department of Children and Family Services, office of ~~children and~~  
10                  ~~family services~~, child support ~~enforcement section~~ shall provide to all birthing  
11                  hospitals in the state:

12                                  \*       \*       \*

13           §1061.14. Minors

14                                  \*       \*       \*

15                  B. The following provisions shall apply to all applications for court orders  
16                  by minors seeking abortions and appeals from denials of applications:

17                                  \*       \*       \*

18                   (3)

19                                  \*       \*       \*

20                  (b)(i) Prior to such ex parte hearing, the court may require the minor to  
21                  participate in an evaluation and counseling session with a mental health professional  
22                  from the Louisiana Department of Health, office of behavioral health, or a staff  
23                  member from the Department of Children and Family Services, office of ~~children~~  
24                  ~~and family services~~, child welfare, or both. The court may refer the petitioner, if  
25                  necessary, to the appropriate Louisiana Department of Health, office of behavioral  
26                  health regional office to arrange the evaluation and counseling session within the  
27                  four-day period prior to the ex parte hearing, as provided in this Paragraph. This  
28                  referral may be made by the clerk upon the minor's filing the application when the

1 court has issued a standing order authorizing same and the circumstances fit the  
2 criteria of the standing order therefor.

3 \* \* \*

4 Section 13. R.S. 43:111(A)(8) is hereby amended and reenacted to read as follows:

5 §111. Advertising; when prohibited and when authorized

6 A. The state, or any department, officer, board, or commission shall not  
7 expend any public funds for advertising in any newspaper, book, pamphlet,  
8 periodical, or radio and television stations except as follows:

9 \* \* \*

10 (8) Advertising by the ~~office of children and family services in the~~  
11 Department of Children and Family Services for the recruitment of foster or adoptive  
12 parents.

13 \* \* \*

14 Section 14. R.S. 44:38 is hereby amended and reenacted to read as follows:

15 §38. Access to records involved in legislative studies

16 Notwithstanding any other law to the contrary, the custodian of records of the  
17 Department of Children and Family Services ~~Services, office of children and family~~  
18 ~~services~~, and the custodian of records of each juvenile court or any court which hears  
19 and decides juvenile matters shall grant access to a percentage, as specified by the  
20 legislative committee, of the total records of defined classes of children in state  
21 custody or in foster care to any committee of the legislature acting pursuant to an  
22 appropriate legislative instrument directing the committee to study procedures or  
23 outcomes of cases involving children in state custody or in foster care. The size of  
24 the specific group to be studied shall be large enough to preserve the anonymity of  
25 individual children. Such access shall be limited to that purpose, and all information  
26 regarding names or other identifiers shall be removed. Information pertaining to  
27 children who have been adopted shall be strictly confidential and shall be released  
28 only in accordance with existing laws.

29 Section 15. R.S. 46:51(introductory paragraph), 51.3, 236.1.1(3),  
30 233.1(C)(introductory paragraph) and (D)(introductory paragraph), 236.1.4(E), 236.1.8(D),

236.3(A)(2), 236.10(A), 236.11(C), 236.12(B)(1), 236.14(D)(1)(introductory paragraph),  
236.15(A)(1), 236.16, 238(B), (C), (D), (E)(introductory paragraph) and (7), and (F), 281,  
1002(A), (B)(introductory paragraph), and (C), and 2136.2(F) are hereby amended and  
reenacted to read as follows:

§51. Duties of the department

The Department of Children and Family Services, through its secretary, shall  
administer ~~the public assistance and~~ welfare laws of the state as follows:

\* \* \*

§51.3. Criminal history information; access to federal tax information

The Department of Children and Family Services ~~Services, office of child~~  
~~support enforcement and family support~~, is authorized to perform criminal history  
records checks of current and prospective employees, contractors, and subcontractors  
in accordance with the procedures provided in R.S. 15:587.5. Pursuant to this  
authorization and to implement the requirements of R.S. 15:587.5, the secretary shall  
promulgate rules and regulations with regard to this matter.

\* \* \*

§233.1. Recovery of overpayments

\* \* \*

C. The ~~department~~ Department of Children and Family Services shall  
promptly take all necessary steps to correct any overpayment, including collection,  
or underpayment of child support to individuals to whom the department is providing  
services pursuant to R.S. 46:236.1.1 et seq., and, in the case of:

\* \* \*

D. The ~~department~~ Department of Education will promptly take all necessary  
steps to correct any overpayment, including collection, or underpayment of child  
care assistance provided under the Child Care and Development Block Grant and in  
the case of:

\* \* \*

1           §236.1.1. Family and child support programs; definitions

2                   For the purposes of this Subpart, the following items shall mean:

3                                   \*           \*           \*

4                   (3) "CSE administrator" means the ~~program executive director~~ assistant  
5                   secretary of the office of child support, ~~support enforcement section, division of~~  
6                   ~~family support, office of children and family services~~, Department of Children and  
7                   Family Services.

8                                   \*           \*           \*

9           §236.1.4. Family and child support programs; financial institution duties;  
10                   responsibilities

11                                  \*           \*           \*

12                   E. The office of ~~children and family services~~, child support ~~enforcement~~  
13                   ~~section~~, which obtains data match information on an individual from a financial  
14                   institution pursuant to this Subpart may disclose such data match information only  
15                   for the purpose of, and to the extent necessary in, establishing, modifying, or  
16                   enforcing a child support obligation of such individual.

17                                  \*           \*           \*

18           §236.1.8. Family and child support programs; additional authorized employee  
19                   actions

20                                  \*           \*           \*

21                   D. The support services authorized by this Subpart shall be provided by the  
22                   office of ~~children and family services~~, ~~child support enforcement section~~. child  
23                   support. Field officers responsible for supplying these services shall be designated  
24                   by the secretary. Such officers shall have the power and authority to make arrests,  
25                   supervise the probation of offenders, serve notices, orders, subpoenas, summonses,  
26                   citations, motions, and writs, and to execute all warrants and orders and to perform  
27                   any other duties incident to their office. All such officers are hereby authorized to  
28                   carry weapons and arms, concealed or openly, while in the actual performance of any  
29                   duty or while under assignment to any duty, but under no circumstances shall

officers be authorized to carry weapons unless they have been trained in the proper carrying and use of firearms by a recognized firearm training program.

\* \* \*

### §236.3. Enforcement of support by income assignment

A. For purposes of this Section, the following words have the meaning ascribed to them by this Section unless the context clearly indicates a different meaning:

\* \* \*

(2) "Department" means the Department of Children and Family Services, office of ~~children and family services, child support enforcement section.~~ child support.

\* \* \*

### §236.10. State case registry of child support orders

A. The secretary of the Department of Children and Family Services shall create an automated state case registry of child support orders within the office of ~~children and family services, child support enforcement section.~~ child support.

\* \* \*

§236.11. Louisiana disbursement unit for child support payments

\* \* \*

C. The Department of Children and Family ~~Services support enforcement~~  
~~program; Services, office of children and family services; child support~~ shall  
administer the state disbursement unit. The support enforcement program may  
contract for the provision of these services in accordance with the applicable  
provisions of Chapter 17 of Subtitle III of Title 39 of the Louisiana Revised Statutes  
of 1950 and the Louisiana Procurement Code.

\* \* \*

§236.12. Plan for parental participation of support; required work activities

\* \* \*

1 B. For purposes of this Section:

2 (1) "Department" means the office of child support, ~~child support~~  
3 ~~enforcement section, office of children and family services~~, Department of Children  
4 and Family Services.

5 \* \* \*

6 §236.14. Employer reporting program

7 \* \* \*

8 D.(1) An employer shall report to the Department of Children and Family  
9 Services, ~~office of children and family services~~, ~~child support enforcement section~~  
10 any of the following:

11 \* \* \*

12 §236.15. Limited administrative authority for certain paternity and child support  
13 actions

14 A.

15 \* \* \*

16 (1) In cases in which the Department of Children and Family Services, office  
17 of ~~children and family services~~, ~~child support enforcement section~~, child support,  
18 referred to in this Section as "agency", is providing services, the agency may, in  
19 cases in which paternity is at issue, order all parties to submit to genetic testing.

20 \* \* \*

21 §236.16. Child support mortgage and privilege by affidavit; effect of filing

22 A. The program executive director of the office of child support, ~~child~~  
23 ~~support enforcement section, office of children and family services~~, Department of  
24 Children and Family Services may cause a "Child Support Mortgage and Privilege  
25 by Affidavit of DCFS", as provided in R.S. 13:4291(B), to be recorded in the  
26 mortgage records of any parish in which the support obligor owns movable or  
27 immovable property, and with the office of the secretary of state for inclusion in the  
28 master index authorized under R.S. 10:9-519. Such affidavit when filed shall operate  
29 as a first lien, privilege, and legal mortgage on all of the movable and immovable  
30 property of the support obligor only from the date of such filing, and shall not affect

1           liens, privileges, chattel mortgages, or security interests as provided in R.S. 10:9-101  
2           et seq. or mortgages already affecting or burdening such property at the date of such  
3           filing. Such filing shall apply to all unpaid support obligations that may accrue after  
4           such filing, and the property of the support obligor shall be subject to seizure and  
5           sale for the payment of such support obligation and arrearages according to the  
6           preference and rank of the lien, privilege, security interest, and mortgage securing  
7           their payment. Notwithstanding any provision of this Subsection, such affidavit shall  
8           not operate as a lien, privilege, or legal mortgage on any licensed or titled motor  
9           vehicle.

10           B. The ~~director~~ assistant secretary of the office of child support ~~child support~~  
11           ~~enforcement section, office of children and family services,~~ Department of Children  
12           and Family Services, or his designee, may release all or any portion of the property  
13           subject to any lien or judgment obtained pursuant to this Section from such lien or  
14           judgment, or may subordinate such lien or judgment to other liens and encumbrances  
15           if he determines that the support obligation and arrearages are sufficiently secured  
16           by a lien or judgment on other property or through other security, or that the release,  
17           partial release, or subordination of such lien or judgment will not endanger or  
18           jeopardize the collection of support obligations or arrearages.

19                           \*           \*           \*

20           §238. Unpaid child support, release of information

21                           \*           \*           \*

22           B. The Department of Children and Family Services, office of ~~children and~~  
23           ~~family services,~~ child support, may participate in cooperative endeavors with private  
24           attorneys to release information authorized by this Section for the purpose of  
25           collecting unpaid child support in accordance with the provisions of this Section.

26           C. When a private attorney retained by the obligee receives a certification  
27           from the office of ~~children and family services~~ child support that an obligor is in  
28           arrears in the payment of child support for more than six months or whose  
29           whereabouts have been unknown for more than six months, the private attorney  
30           retained by the obligee may apply to the district court for the parish where the order

1 is being enforced for an ex parte order on a motion to determine that the obligor is  
2 in arrears or is an absentee.

3 D. If the court finds that the obligor is in arrears for more than six months  
4 or whose whereabouts have been unknown for more than six months, the court may  
5 authorize the office of ~~children and family services~~ child support to enter into  
6 cooperative endeavors with a private attorney who has been retained by the obligee  
7 for the purpose of collecting the unpaid child support in the obligee's case.

8 E. Pursuant to a cooperative endeavor authorized by the provisions of this  
9 Section and to the extent allowed by state and federal laws and regulations, the office  
10 of ~~children and family services~~ child support shall provide to a private attorney who  
11 has been retained by the obligee for the purpose of collecting unpaid child support  
12 all of the following information that it may have regarding the obligor:

13 \* \* \*

14 (7) Any other information which the office of ~~children and family services~~  
15 child support reasonably believes will assist in the collection of child support.

16 \* \* \*

17 F. Nothing in this Section shall authorize the Department of Children and  
18 Family Services or the office of child support ~~enforcement section~~ to contract for  
19 hire with any private attorney or entity for the collection of child support or the  
20 provision of IV-D services.

21 \* \* \*

22 §281. Applicability

23 The provisions of this Subpart shall apply to persons who contract with ~~the~~  
24 ~~office of children and family services~~ of the Department of Children and Family  
25 Services to provide temporary or long-term foster care for not more than six  
26 children.

27 \* \* \*

1           §1002. Vocational testing and counseling; purpose; duties of ~~the office of children~~  
2                           Louisiana Works ~~and family services~~

3           A. ~~The Department of Children and Family Services, office of children and~~  
4           ~~family services;~~ Louisiana Works, shall provide, in each of its regional offices,  
5           vocational testing and counseling on the subjects of higher education and  
6           employment for those individuals in long-term foster care at the youngest age  
7           deemed appropriate to process the information.

8           B. Through vocational testing, ~~the office of children and family services~~  
9           Louisiana Works shall seek to identify areas of potential interest and potential  
10          employment that are specific to an individual in foster care and, to this end, the  
11          office shall:

12   \*           \*           \*

13          C. ~~The office of children and family services~~ Louisiana Works shall adopt  
14          all necessary rules and regulations to carry out the provisions of this Chapter.

15   \*           \*           \*

16          §2136.2. Louisiana Protective Order Registry

17   \*           \*           \*

18          F. The judicial administrator's office shall make the Louisiana Protective  
19          Order Registry available to state and local law enforcement agencies; ; district  
20          attorney offices; ; the Department of Children and Family Services, office of ~~children~~  
21          ~~and family services, child support enforcement section;~~ child support; the Louisiana  
22          Department of Health; ; bureau of protective services; ; the office of elderly affairs; ;  
23          elderly protective services; ; the office of the attorney general; ; and the courts.

24   \*           \*           \*

25          Section 16. R.S. 47:299.11(1), 299.41(B), 463.112(C), and 9027(C)(10)(introductory  
26          paragraph) and (c) are hereby amended and reenacted to read as follows:

27          §299.11. Ranking and priority of claims

28                  If two or more agencies file offset claims with the secretary against an  
29          individual's refund, the secretary shall remit the refund to the claimants if sufficient

1 funds exist in the following order with the first offset claim to be paid being  
2 completely satisfied before a second or subsequent offset claim is paid:

3 (1) Claims of ~~the division of support enforcement of the office of children~~  
4 ~~and family services~~ child support, ~~of the~~ Department of Children and Family  
5 Services.

6 \* \* \*

7 §299.41. Ranking and priority of claims

8 \* \* \*

9 B. If additional offset claims are filed with the secretary against an  
10 individual's refund, the secretary shall rank the claims for child support in the same  
11 priority as claims filed by the ~~division of support enforcement of the office of~~  
12 ~~children and family services~~ office of child support, ~~of the~~ Department of Children  
13 and Family Services pursuant to R.S. 47:299.11(1).

14 \* \* \*

15 §463.112. Special prestige license plates; foster and adoptive parenting

16 \* \* \*

17 C. The department shall collect an annual fee of twenty-five dollars for this  
18 special prestige license plate, which shall be dedicated to the Department of Children  
19 and Family Services ~~Services, office of children and family services~~, to be used  
20 solely for foster and adoptive parent recruitment activities. This fee shall be in  
21 addition to the regular motor vehicle license fee provided in R.S. 47:463, and a  
22 handling fee of three dollars and fifty cents to be retained by the department to offset  
23 a portion of administrative costs.

24 \* \* \*

25 §9027. Assignment of deferred lottery annuity prizes

26 \* \* \*

27 C. On the filing by the assignor or the assignee in the Nineteenth Judicial  
28 District Court of East Baton Rouge Parish of a petition seeking approval of a  
29 voluntary assignment, the court shall issue an order approving a voluntary

1 assignment and directing the corporation to make prize payments as a whole or in  
2 part to the assignee if the court finds all of the following:

3 \* \* \*

4 (10) The petition required by this Subsection, shall be accompanied by a  
5 certification from a representative of the Department of Children and Family  
6 Services, office of ~~children and family services~~, child support, stating any of the  
7 following:

8 \* \* \*

9 (c) That the assignor or assignee does currently have a child support  
10 arrearage, or the assignor or assignee does owe an obligation to repay any public  
11 assistance benefits or an overpayment of child support benefits to the Department of  
12 Children and Family Services. The certification from the Department of Children  
13 and Family Services, office of ~~children and family services~~, shall be provided to the  
14 assignor and the assignee promptly upon the request of the assignor or the assignee,  
15 and in no event more than ten business days after said request is received by the  
16 Department of Children and Family Services, office of ~~children and family services~~.  
17 child support.

18 \* \* \*

19 Section 17. R.S. 51:1442(4) is hereby amended and reenacted to read as follows:

20 §1442. Definitions

21 As used in this Chapter, the following words and phrases shall have the  
22 following meanings:

23 \* \* \*

24 (4) "Department" means the Department of Children and Family Services,  
25 office of ~~children and family services~~, ~~child support enforcement section~~. child  
26 support.

27 \* \* \*

28 Section 18. R.S. 36:474(A)(11) and (G) and 477(B)(2) and R.S. 46:51(2) and (14)  
29 and 233.1(A) and (B) are hereby repealed in their entirety.

1           Section 19. This Act shall become effective only if the Act which originated as  
2           House Bill No. 624 of this 2025 Regular Session of the Legislature is enacted. If House Bill  
3           No. 624 is enacted then:

4           (A) Sections 1 through 9 and 11 through 18 of this Act shall become effective on  
5           October 1, 2027.

6           (B) Section 10 of this Act shall become effective on October 1, 2025.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_